

State Medical Board of Ohio

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October 8, 2008

Jason R. Molder, M.T.
50 Baker Blvd., Suite 103
Akron, OH 44333

Case No. 08-CRF-004

Dear Mr. Molder:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 8, 2008, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

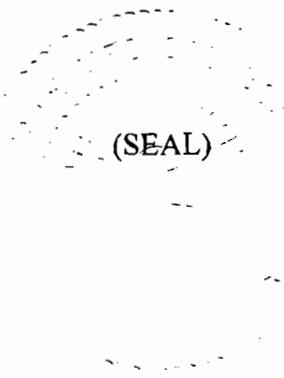
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RETURN RECEIPT REQUESTED

Mailed 10-30-08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 8, 2008, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Jason R. Molder, M.T., Case No. 08-CRF-004, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



A handwritten signature in black ink, which appears to read "Lance A. Talmage, M.D.", is written over a horizontal line.

Lance A. Talmage, M.D.
Secretary

October 8, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 08-CRF-004

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JASON R. MOLDER, M.T.

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 8, 2008.

Upon the Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is ORDERED that:

- A. **SUSPENSION; PROBATION:** The certificate of Jason R. Molder, M.T., to practice massage therapy in the State of Ohio shall be SUSPENDED for a period of 60 days and subject to PROBATIONARY terms, conditions, and limitations as follows for a period of at least three years.
- B. **INTERIM MONITORING:** During the period that Mr. Molder's certificate is suspended, he shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Mr. Molder shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Personal Appearances:** Mr. Molder shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order or as otherwise ordered by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 3. **Declarations:** Mr. Molder shall submit declarations every six months under penalty of Board disciplinary action and/or criminal prosecution, stating whether

there has been compliance with all the conditions of this Order. The first declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent declarations must be received in the Board's offices on or before the first day of every sixth month.

C. **PROBATION:** Upon restoration or reinstatement, Mr. Molder's training certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Mr. Molder shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
2. **Professional Ethics Course:** Before the end of the first year of probation, or as otherwise approved by the Board, Mr. Molder shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to prior approval of the Board or its designee.

In addition, at the time Mr. Molder submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of massage therapy in the future.

3. **Violation of Terms of Probation:** If Mr. Molder violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Mr. Molder's certificate will be fully restored.

E. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING**

1. **Required Reporting To Employers and Others:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Mr. Molder shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

For massage therapists, the term "health-care services" includes massage-therapy services, and the term "health-care center" includes but is not limited to entities that

may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Mr. Molder shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide health-care services, or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until either: (a) three years following the effective date of this order; or (b) Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:**

In the event that Mr. Molder provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Mr. Molder shall provide, within 30 days or as otherwise determined by the Board, a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Mr. Molder shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

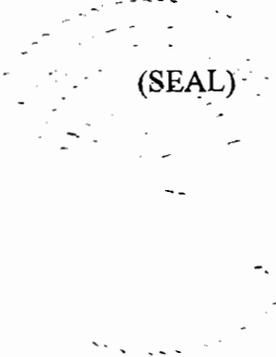
When Mr. Molder applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, he shall provide a copy of this Order to the proper licensing authority of that State or jurisdiction at the time of application. This requirement shall continue until either: a) Three years following the effective date of this Order; or b) when Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Mr. Molder shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification required above: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

In the matter of Jason R. Molder, M.T.

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This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

October 8, 2008

Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF JASON R. MOLDER, M.T.
Case No. 08-CRF-004**

The Matter of Jason R. Molder, M.T., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on July 15, 2008.

INTRODUCTION

Basis for Hearing

By letter dated January 9, 2008 [the Notice], the State Medical Board of Ohio [Board] notified Jason R. Molder, M.T., that the Board intended to determine whether or not to impose discipline against his certificate to practice massage therapy in Ohio. The Board alleged that Mr. Molder had been granted a certificate to practice massage therapy in 2004 but that, in his application, he had failed to disclose multiple misdemeanor convictions.

(St. Ex. 1A)

The Board charged that Mr. Molder had made a “false, fraudulent, deceptive, or misleading statement * * * in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that language is used in Ohio Revised Code Section [R.C.] 4731.22(B)(5). The Board further charged that Mr. Molder’s guilty plea and criminal conviction for theft constitutes a “plea of guilty to, a judicial finding of guilt of * * * a misdemeanor involving moral turpitude,” as that language is used in R.C. 4731.22(B)(13). (St. Ex. 1A)

On February 6, 2008, the Board received Mr. Molder’s request for a hearing. (St. Ex. 1B)

Appearances

Nancy Hardin Rogers, Attorney General, and Karen A. Unver, Assistant Attorney General, for the State.

The Respondent, Jason R. Molder, M.T., represented himself.

EVIDENCE EXAMINED

Testimony Heard

Jason R. Molder, M.T.
Kay Rieve
Lisa Stibi, M.T.

Exhibits Examined

A. State’s Exhibit 1: Procedural documents.

State’s Exhibit 2: Documents maintained by the Board regarding Mr. Molder.

State's Exhibit 3: This document was excluded, as set forth below under "Procedural Matter."

State's Exhibits 4 through 11: Arrest and conviction records for Mr. Molder.

State's Exhibit 12: Copies of local ordinances.

PROCEDURAL MATTER

Following the hearing, the Hearing Examiner notified both parties of an evidentiary issue that had not been addressed at the hearing, and both parties attended a teleconference on Monday, July 21, 2008. The Hearing Examiner explained during the teleconference that it appeared that evidence had been presented on an issue that was not raised in the notice of opportunity for hearing. Both parties agreed to the exclusion of State's Exhibit 3 and the testimony regarding the excluded exhibit. Upon receipt of the transcript, the Hearing Examiner redacted testimony from the transcript accordingly.

SUMMARY OF THE EVIDENCE

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. Jason R. Molder was born in 1976 and graduated from high school in 1995 in Canton, Ohio. He attended the University of Akron and Kent State University from 1996 through 1999, and returned to Kent State from January 2001 to August 2002, at which point he entered the National Institute of Massotherapy in Akron, Ohio. (St. Ex. 2 at 10, 14-15)
2. Mr. Molder testified that, in his younger years, he had been sick for a long time, prior to beginning a recovery process that resulted in his entering massage-therapy school and graduating in 2004. He explained that he had been ill physically, emotionally, and mentally, but that he had begun to get better when he started working with a life coach and that, since then, he had done a lot of mental and spiritual work, going back to the beginning of his problems and working through a lot of things. He stated that he had learned "certain ways, certain mind things to do" in order to release himself from feeling sick and to release himself from the negative emotions. (Tr. at 15-17, 76)
3. Mr. Molder explained further that he had been taken to many practitioners who had tried to help him, without success:

It [was] really frustrating * * * when I was younger, constantly going to hospitals, constantly going to doctors, constantly seeking help outside myself from all these people, and them always claiming they knew everything and * * * never ever providing me with anything that could help me ever. And they'd always just tell

me [things] that ended up being false and wrong and just screw me up more, give me more drugs.

(Tr. at 23-24)

4. Regarding this period of time, Mr. Molder stated further as follows:

* * * I will tell you that, no, I was not a model citizen. I was, instead, a very confused, very troubled person that had no direction in life. I will tell you that my life was a nightmare of negativity, a life in which I never felt good about anything, a life in which it seemed absolutely nothing positive could ever possibly come of it. I had a lot of issues, a lot of problems, a lot of problems that I did not want to face, a lot of issues that I just wanted to go away. Yet, they would not go away, these things that were bothering me. I had so much inside of me that I was so ashamed of, so many bad things that I thought about myself that I just could not let go of, so many fearful, negative thoughts inside of me. And I will tell you that as a result of all these things inside of me, I, as a person, became very negative, very lost, alone, and very sick.

From the ages of 15 [to] 24, I really experienced a complete overall decline. My mind got more and more messed up. My emotions became less and less apparent. My body got weaker and weaker. * * *

Needless to say, my track record as far as being a contributing member toward a functional society began to become very muddled. I could no longer do my studies in school. I could not, for the life of me, hold a job. I was always either the patient at hospitals or the criminal at police stations. I was prescribed many drugs and I took many illegal drugs. I began to drink alcohol heavily. All of these things, all of them combined just seemed to make my situation worse and worse.

(Tr. at 73-74)

5. With regard to his recovery, he testified:

At long last, in the year 2002, something came along that actually helped me, and that's a woman, a holistic practitioner who I finally confided in. A person who I finally felt I could just open up to and be honest with. This person helped me in so many ways. She taught me many wonderful things about spirituality. She taught me many wonderful things about myself, things that I had forgotten, things that, once relearned, brought the magic of childhood back to my life, things that, once remembered, served to spark in me a resurrection of sorts. For I was truthfully a lost cause upon meeting this person.

And the work I did with her returned to me in my love for myself. The work I did with her brought back to me my love for other people, so I was taught that the two were linked, and if I were to be happy and have a successful life, it would be in the

role of serving others. And it was determined that my role in life, my purpose was one in which I was to heal myself and help others

I entered massage school and instantly fell in love with the way it felt to touch other people and to have them feel better as a result of me touching them. I had lived most of my life in a somewhat isolated, closed off, non-feeling, non-touching manner. Upon being massaged and giving massages, I experienced barriers, walls that were still erected up around me, just dissolve beneath the wells of person-to-person contact. There is nothing that compares to the experience of connecting with another human being. It is by far the most magical thing I have experienced to this day.

(Tr. at 75-76)

6. Mr. Molder graduated from massage-therapy school in 2004, and the Board granted him a certificate to practice massage therapy in Ohio in 2004. (Tr. at 11; St. Ex. 2 at 9) He testified that he and his business partner, Lisa Stibi, run a business called Body Follows Mind Massage Center, in Akron, Ohio. He further stated that Ms. Stibi is also his personal partner and best friend. (Tr. at 10, 27, 62; St. Ex. 2 at 6-7; Ohio eLicense Center, <<https://license.ohio.gov/lookup/default.asp?division=78>, query for “Jason Robert Molder,” August 13, 2008)
7. Mr. Molder stated that his memory is poor regarding the events during the period in his life when he was sick all the time: “I was messed up back then. You know what’s it’s like to be one person and then completely step into a new life and a new way of being and completely step out of old ways?” With regard to events during the prior period, Mr. Molder readily admitted that he had multiple misdemeanors during the period at issue, based on the court documents that were shown to him during the hearing, but he testified that he did not actually remember all of them, and that the Board proceedings had actually taught him a lot about his past. (Tr. at 22, 73-77)
8. He testified that it is really confusing to explain his past to people, because all his spiritual and mental work and his “whole learning” have taught him “to let go of the past in order to bring myself into the present moment.” He stated that he is “constantly trying to do that.” (Tr. at 14-15)

Testimony of Ms. Stibi Regarding the Period Prior to 2004

9. Lisa Stibi, M.T., testified that she holds an Ohio certificate to practice massage therapy, which she received in July 2004, at the same time that Jason Molder received his certificate. She described him as her best friend, business partner, and personal-relationship partner, and testified that she has known him well for more than six years, and that she is also very close to Mr. Molder’s family, especially his mother, and that she was familiar with his history before she met him. (Tr. at 50-52)
10. Ms. Stibi testified that, during his high school years, Jason had gone into a downward spiral and that it had been “kind of like he got lost.” She said that, one day he had friends and was doing sports, and the next day, it “was like he was gone.” She noted that all his misdemeanors were within the period of 1995 to 1997, with one mishap in 2000. (Tr. at 52, 54-55)

11. Ms. Stibi testified that Jason and his parents had tried to find help for him, visiting different doctors, seeing a homeopath, seeing a psychiatrist, trying a different diet, and “trying anything he possibly could because * * * he just felt so much pain in so many different ways.” However, she said that he had experienced a turnaround in about 2001 when he met a life coach named Kathy Haverkamp, who had helped him substantially. Ms. Stibi testified that Jason had changed by coming to terms with what had happened to him and by releasing himself from his negative past. She opined that, if Ms. Haverkamp had not died in 2006, she would have come to the hearing to provide strong support to Mr. Molder. (Tr. at 56-59)
12. Ms. Stibi explained that she had attended massage-therapy school with Jason and that he had appeared very unsure of himself and very quiet, although it was clear when he spoke that he was very intelligent. She stated that he had ranked at the top of his class in the two-year program and had then switched to the one-year program. She testified that he usually received scores of 100% on tests, which was not typical for students at the school. (Tr. at 52-53)

2004 Application for Massage-Therapy Certificate

13. In February 2004, Mr. Molder submitted his application for a certificate to practice massage therapy in Ohio. By signing the application, he certified that the information provided in it was true. (St. Ex. 2) In the “Additional Information” section of the application, Mr. Molder answered “NO” when asked the following questions:
 11. Have you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?
 12. Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?(St. Ex. 2 at 17)
14. At the hearing, Mr. Molder admitted that, from June 1995 to November 1997, he had been convicted of multiple misdemeanors as shown in the court documents admitted as State’s Exhibits 4 through 10. Further, Mr. Molder admitted that he had failed to disclose these misdemeanors on his application. (Tr. at 13-16, 18-21, 73-77)
15. In addition, he admitted that, on November 1, 2000, he had been found guilty in the Akron Municipal Court of reckless operation of a vehicle in violation of R.C. 4511.20, a fourth-degree misdemeanor. In regard to this incident, Mr. Molder explained that, around that time, he had been suffering from extreme anxiety, and his psychiatrist had prescribed an anti-anxiety medication to help alleviate it. He stated that he had attended a concert at which he had begun to feel terribly anxious. He stated that he had taken one of the pills, but the anxiety had persisted, and that he had taken more and more of them. He subsequently attempted to drive home from the concert, but his ability to function had been dramatically reduced. He

stated that not only did the police stop him for erratic driving, but that he had passed out, had heart problems, and that an ambulance had taken him to the hospital. (St. Ex. 11; Tr. at 21, 80-81)

Mr. Molder's Testimony Regarding His Answers on the Application

16. Mr. Molder testified regarding why he had failed to disclose his misdemeanors on his application:

* * * I do not presume to be innocent of the charges that have been brought against me [by the Board]. In the year 2004, when asked if I had ever been in trouble with the law, I answered in a way that would be misleading saying that no, I had never been in trouble with the law. * * * * I will tell you that I was going through a lot of changes in these times back in 2004, changes on many levels due to my own spiritual work. Upon being confronted with the questions about my past, I had started up a course study in spirituality that teaches about living in the present moment. I learned that in order to bring yourself entirely into the present moment, your mind must completely let go of all past thoughts. My mind was very confused as to how to respond to the questions concerning my past legal issues.

Yes, there was a part of me that was afraid that if I were to admit to having had past legal affairs that I would be punished and refused to be allowed to partake legally in doing massage.

At long last in my life, I had found something in my life that I loved. I did not want any past to rise up and prevent something good from happening in my present life. So in that moment back in 2004, I chose incorrectly. I was dishonest. I should have had more faith in the people representing the Ohio Medical Board. I should have trusted back then that I could have just been honest about my past, and they would have allowed my past mistakes to be forgiven, but I was confused and I did what I did. So now in 2008, my past is rising up and threatening me, for I chose incorrectly by being dishonest. I should have known better than that. I definitely know better now.

(Tr. at 76-77)

17. Mr. Molder testified that he was glad that his error had been discovered and that he was given "the opportunity to clear the air and to finally be honest about my past." He stated that, since 2004, he had experienced difficulties in fully committing to his career as a licensed massage therapist and that he truly believes that the main reason he had such difficulties was that he had not, in the past, "fully appreciated and respected the relationship" between the Medical Board and himself, and between the medical field and himself. He explained that a part of him had had negative feelings toward the medical profession and that he had experienced resistance to authority figures, and that he intends to change negative thoughts that he has had in such relationships. He further stated:

These are now relationships that I'm looking to have healed so that I can step out of my dark experiences with all these figures from my past and have brand new present-moment experiences with these people.”

(Tr. at 78-79) Mr. Molder thanked the Board for granting him the hearing and for hearing his side of the story.

18. When asked whether he had felt guilty when he did not disclose his history of misdemeanors to the Board on his application, Mr. Molder answered that a part of him did, “but another part felt confused,” and almost “uplifted.” He explained that he had gone through a process where he was very sick and then started healing, when all of a sudden, something was brought back to him “from the sick things” and he was afraid that it was going to drag him back into the negative things, and so he was afraid of it and had tried to protect himself by refusing to acknowledge the past.” (Tr. at 15-16)
19. Mr. Molder also testified that, although he had been experiencing fear when he did not disclose his misdemeanors on the application, he is no longer afraid: “[I was] probably just running away from it instead of – I think I’ve been really, really, really afraid of owning up to it, to other people about my past, ‘cause I was afraid that it would hurt me, but I’m not afraid anymore.” (Tr. at 18)

Additional Testimony – Request for a New Wall Certificate

20. Mr. Molder stated that he had experienced conflict regarding licensure by the Board because he was not sure that he wanted to be associated with the medical field and licensed by a medical board, based on his experiences with medical care in his youth. Mr. Molder explained that it had “taken a long time to be able to come around and, like, appreciate what the medical field is about and what it can do.” He admitted that he and Ms. Stibi had burned their massage-therapy certificates to “get some form of clarity with the situation.” He wanted to “see how I felt without it.” He explained that the certificates were a symbol that they burned in a ritual sort of way to “destroy the form and then see how you feel, you know.” However, they both requested the Board to provide them with a replacement certificate, for which they paid a fee. (Tr. at 23-29, 34)
21. With regard to whether he still has conflicts about being licensed by the Board, he stated that he is waiting to see how the present proceedings worked out, and that the outcome will show him the path on which he is meant to proceed: “[I]f it goes one way, I’ll be shown to go that way. And if it goes another way, okay, I can go that way. I guess I am kind of conflicted mentally about it. I don’t really know exactly.” (Tr. at 26)
22. However, Mr. Molder said he had no conflict about wanting to be a massage therapist: “Oh, I love helping people. I will help people regardless of if I’m a massage therapist or not. That’s what I do.” He stated that he is currently practicing massage therapy as well as “other means of helping people out.” He stated that he also seeks to help people with “all the spiritual, emotional, mental levels.” He stated that, from his own experiences, he was very familiar with these processes and is very good at helping people in these ways. (Tr. at 26-27)

23. With regard to burning their certificates, Ms. Stibi explained that they had been unsure whether they wanted to “still do body work but approach it from a different angle.” They had not been certain they wanted to be “represented by a medical field” and whether that was doing what was right for them. She said they had done it to “see what it would be like to not be massage therapists and what would we do instead,” and to examine whether they could make it work. However, she said that they had ultimately concluded that they would “still join with it” and had accordingly requested new certificates. (Tr. at 69)

Ms. Stibi stated that she really loved massage and had never really looked into other alternatives offered in the State of Ohio. With regard to their massage center, she stated: “* * * I love what Jason and I do. I love our establishment in Akron. I love that the people love it. I love that it’s creative. I love the way we set it up, and I love that massage is the only thing – is one thing that has really, really helped me. And I feel like I’m giving something back that’s helping a lot of other people. * * *” (Tr. at 70-71)

Current Circumstances

24. Mr. Molder stated that he and Ms. Stibi recently moved back to Akron and opened their business, where he practices massage therapy. He testified that he also works part-time in a pizza restaurant. (Tr. at 10, 27)
25. Ms. Stibi testified that Mr. Molder has had no problems of any kind with law enforcement since 2000 and that he is a clean and healthy person. She noted that he “takes care of himself day after day so that he can feel good about being in the world * * * and has more of a rich and full life.” Ms. Stibi testified that he has a “schedule of things that he does that he’s passionately involved with, and they all involve keeping his mind healthy, his body healthy. He’s on a very good track with himself.” (Tr. at 61)
26. Ms. Stibi stated that their business, Body Follows Mind Massage Center, was inspired by what they have learned over the years. She explained that they try to provide “something really thorough” for their clients. She stated that, when someone has been helped to relax through massage therapy, their stress and their fears are relieved. She stated that, in their center, their “purpose is to work together with people” to help them feel better. She stated that another important purpose of their center is “public affordability.” She explained that they try to keep the cost very low so that anybody will be able to come and receive the benefits of massage therapy. She stated that each of them maintains a part-time job to keep the business going. In addition, Ms. Stibi stated that massage therapy had helped her tremendously, and keeping prices very low is their way of “giving something back.” (Tr. at 62)
27. Ms. Stibi stated that she is with Jason every day, as they reside together, and that “he is an honest person and a good person.” She stated that “his intentions are to help people, they’re not to hurt people,” and that “his intentions are to just do and be what he thinks is right and continue in a good way in life.” She expressed the belief that Jason has a “calling to be some kind of a body worker, massage therapist” and that he “has helped a lot of people.” (Tr. at 63, 69)

FINDINGS OF FACT

1. On February 2, 2004, Jason R. Molder caused to be submitted to the Board an application for a certificate to practice massage therapy in Ohio. By signing the application, he certified that the information provided in it was true.
2. In the “Additional Information” section of his application, Mr. Molder answered “NO” when asked the following questions:

Have you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

3. However, Mr. Molder had been convicted of multiple misdemeanors from June 1995 to November 2000:
 - a. On June 21, 1995, in the Municipal Court in Massillon, Ohio, Mr. Molder was found guilty of one misdemeanor count of disorderly conduct and one misdemeanor count of assault.
 - b. On August 21, 1995, in the Massillon Municipal Court, Mr. Molder was found guilty of three misdemeanor counts of theft.
 - c. On February 20, 1996, in the Municipal Court in Canton, Ohio, Mr. Molder was found guilty of one misdemeanor count of disorderly conduct, one misdemeanor count of resisting arrest, and one misdemeanor count of assault.
 - d. On May 8, 1996, in the Canton Municipal Court, he was found guilty of one first-degree misdemeanor count of carrying a concealed weapon.
 - e. On January 16, 1997, in the Canton Municipal Court, Mr. Molder was found guilty of one first-degree misdemeanor count of underage drinking and one “minor misdemeanor count” of disorderly conduct/intoxication. Among other things, the judge ordered Mr. Molder to submit a ten-page essay and meet with the judge, and to obey the house rules of his mother.
 - f. On January 31, 1997, in the Municipal Court in Cuyahoga Falls, Ohio, he was found guilty of one first-degree misdemeanor count of driving while under the influence in violation of Section 333.01(a)(2), Codified Ordinances of the City of Tallmadge, and one second-degree misdemeanor count of criminal damaging or

endangering in violation of § 541.03(a)(1) of the Tallmadge Ordinances. He was ordered, among other things, to make restitution for a window.

- g. On August 22, 1997, in the Canton Municipal Court, Mr. Molder was found guilty of first-degree misdemeanor counts of possession of fireworks and attempt to commit vandalism. In addition, he was found guilty of additional misdemeanors, including resisting arrest and aggravated menacing. The court ordered him, among other things, to pay restitution in the amount of \$360.94 and to destroy the fireworks.
- h. On November 1, 2000, Mr. Molder was found guilty in the Akron Municipal Court of reckless operation of a vehicle in violation of R.C. 4511.20, a fourth-degree misdemeanor.

CONCLUSIONS OF LAW

1. Revised Code Section [R.C.] 4731.22(B) provides, in pertinent part:

The board * * * shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

* * *

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.

* * *

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude.

* * *

2. The guilty plea entered by Jason R. Molder, M.T., and/or the judicial finding of guilt of misdemeanor theft, as set forth above in Finding of Fact 3b, constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude," as that language is used in R.C. 4731.22(B)(13).
3. Mr. Molder's acts, conduct, and/or omissions as set forth above in Findings of Fact 1 through 3, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement * * * in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that language is used in R.C. 4731.22(B)(5).

* * * * *

The Hearing Examiner's impression was that Mr. Molder was fully truthful at the hearing. His reasons for the nondisclosure on his application were sincere, albeit very misguided.

The Hearing Examiner believes that this is a case where leniency should be shown. Following a very troubled youth, Mr. Molder has worked hard to pull his life together and become a productive citizen. He readily admitted that he had failed to disclose his misdemeanors on his application, and he appeared remorseful and humble at the hearing. He has had no trouble with the law in eight years, and there is no evidence of a felony at any time. His philosophical struggles with whether to maintain licensure with the Board appear to have been resolved.

Although punishment is warranted for the dishonesty, the Hearing Examiner believes that revoking the certificate is not necessary in this case. A full year of suspension is also not viewed as necessary under the circumstances. The public would be best served by allowing him to continue practicing massage therapy with monitoring by the Board.

PROPOSED ORDER

It is ORDERED, that:

A. **PERMANENT REVOCATION, STAYED; SUSPENSION; PROBATION.**

The certificate of Jason R. Molder, M.T., to practice massage therapy in the State of Ohio is hereby PERMANENTLY REVOKED. Such permanent revocation is STAYED, subject to a SUSPENSION of his certificate for 60 days and subject to PROBATIONARY terms, conditions, and limitations as follows for a period of at least five years.

B. **INTERIM MONITORING:** During the period that Mr. Molder's certificate is suspended, he shall comply with the following terms, conditions, and limitations:

1. **Obey the Law:** Mr. Molder shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
2. **Personal Appearances:** Mr. Molder shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order or as otherwise ordered by the Board. Subsequent personal appearances must occur every *six* months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
3. **Declarations:** Mr. Molder shall submit declarations every *six* months under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first declaration must be received in the Board's offices on or before the first day of the third month following the month in

which this Order becomes effective. Subsequent declarations must be received in the Board's offices on or before the first day of every third month.

- C. **PROBATION:** Upon restoration or reinstatement, Mr. Molder's training certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Mr. Molder shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
 2. **Violation of Terms of Probation:** If Mr. Molder violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Mr. Molder's certificate will be fully restored.
- E. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING**
1. **Required Reporting To Employers and Others:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Mr. Molder shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

For massage therapists, the term "health-care services" includes massage-therapy services, and the term "health-care center" includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Mr. Molder shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide health-care services, or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until either: (a) three years following the effective date of this order; or (b) Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D above.
 2. **Required Reporting To Emergency Medical Services Organization or Provider:**
In the event that Mr. Molder provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Mr. Molder shall provide, within 30 days or as otherwise determined by the Board, a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Mr. Molder shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

When Mr. Molder applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, he shall provide a copy of this Order to the proper licensing authority of that State or jurisdiction at the time of application. This requirement shall continue until either: a) Three years following the effective date of this Order; or b) when Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Mr. Molder shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification required above: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.


Patricia A. Davidson
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 8, 2008

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Varyani announced that the Board would now consider the Proposed Findings and Proposed Orders appearing on its agenda. He asked whether each member of the Board had received, read and considered the hearing record; the findings of fact, conclusions of law and proposed orders; and any objections filed in the matters of: Lee C. D. Hang-Fu, M.D.; Jason R. Molder, M.T.; Carolyn Johnson, M.D.; Ravi Kumar Jonnalagadda, M.D.; Mehrdad Nikfarjam, M.D.; Steven M. Oppenheimer, M.D.; Robert Rowan Summers, D.O.; Jennifer Marie Tucker, M.T.; and Mani A. Vannan, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matters of Drs. Nikfarjam, Oppenheimer, and Vannan, as those cases are not disciplinary in nature and concerns only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Proposed Findings and Proposed Orders shall be maintained in the exhibits section of this Journal.

.....

JASON R. MOLDER, M.T.

Dr. Varyani directed the Board's attention to the matter of Jason R. Molder, M.T. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation.

DR. MADIA MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF JASON R. MOLDER, M.T. DR. STEINBERGH SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Steinbergh noted that the Proposed Order is for a stayed revocation, suspension of license and probation for at least five years. She stated that Mr. Molder had been convicted of multiple misdemeanors between June 1995 and November 2000. When he completed his application, he answered, "no," to questions asking whether he'd ever been convicted or found guilty of a violation of any law, and so forth. Dr. Steinbergh stated that, subsequently, the Board learned of a list of multiple misdemeanors. The Hearing Examiner's Conclusions of Law were that Mr. Molder did make a false, fraudulent, deceptive and misleading statement as he applied for his license. He had pled guilty to a judicial finding of guilt for intervention in lieu of conviction of a misdemeanor involving moral turpitude. Dr. Steinbergh stated that the Hearing Examiner felt that Mr. Molder was very truthful at the time of his hearing. There was discussion as to why he did what he did, and he did, obviously, use misguided judgment at that point. The Hearing Examiner felt that the Board should be lenient with this young man, noting that he's had no trouble with the law for the eight years leading up to this date, and there was no evidence of a felony conviction.

Dr. Steinbergh stated that the Proposed Order suspends Mr. Molder's license for 60 days and places him under probationary terms for the next five years. Terms include personal appearances, declarations of compliance and the Board's usual terms.

Dr. Steinbergh stated that she has an alternative Order to propose. Copies of that alternative were distributed to Board members, and Dr. Steinbergh reviewed the differences between her proposal and the Hearing Examiner's Proposed Order.

It is ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION; PROBATION.** The certificate of Jason R. Molder, M.T., to practice massage therapy in the State of Ohio is hereby PERMANENTLY REVOKED. Such permanent revocation is STAYED, subject to a SUSPENSION of his certificate for 60 days and subject to PROBATIONARY terms, conditions, and limitations as follows for a period of at least five years.
- B. **INTERIM MONITORING:** During the period that Mr. Molder's certificate is suspended, he shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Mr. Molder shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Personal Appearances:** Mr. Molder shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order or as otherwise ordered by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 3. **Declarations:** Mr. Molder shall submit declarations every six months under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent declarations must be received in the Board's offices on or before the first day of every third month.
- C. **PROBATION:** Upon restoration or reinstatement, Mr. Molder's training certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
 1. **Terms, Conditions, and Limitations Continued from Suspension Period:**

Mr. Molder shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.

2. **Professional Ethics Course:** Before the end of the first year of probation, or as otherwise approved by the Board, Mr. Molder shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee.

In addition, at the time Mr. Molder submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of massage therapy in the future.

3. **Violation of Terms of Probation:** If Mr. Molder violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Mr. Molder's certificate will be fully restored.
- E. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING**
1. **Required Reporting To Employers and Others:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Mr. Molder shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

For massage therapists, the term "health-care services" includes massage-therapy services, and the term "health-care center" includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Mr. Molder shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide health-care services, or

applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:** In the event that Mr. Molder provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Mr. Molder shall provide, within 30 days or as otherwise determined by the Board, a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.
3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Mr. Molder shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

When Mr. Molder applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, he shall provide a copy of this Order to the proper licensing authority of that State or jurisdiction at the time of application. This requirement shall continue until Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Mr. Molder shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification required above: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

Dr. Egner spoke against the proposed amendment, but added that she didn't like the Report & Recommendation's Proposed Order, either. Dr. Egner stated that she gets a sense that Mr. Molder is a New Age massage therapist who didn't disclose his misdemeanor convictions, but who then was "born again," not in the Christian sense, but in under a new enlightenment to his life. Dr. Egner stated that she gets a sense from the hearing record that Mr. Molder was allowed to go on a little too much about all this new philosophy and life enlightening; however, there's one thing he said that really strikes her. Dr. Egner referred to the following statement of Mr. Molder's:

At long last in my life, I had found something in my life that I loved. I did not want any past to rise up and prevent something good from happening in my present life. So in that moment back in 2004, I chose incorrectly. I was dishonest. I should have had more faith in the people representing the Ohio Medical Board. I should have trusted back then that I could have just been honest about my past, and they would have allowed my past mistakes to be forgiven, but I was confused and I did what I did. So now in 2008, my past is rising up and threatening me, for I chose incorrectly by being dishonest. I should have known better than that. I definitely know better now.

Dr. Egner stated that she takes that statement as Mr. Molder's word, and she believes that it is true. Dr. Egner stated that she feels that both the Proposed Order and the proposed amendment are both way too harsh in this case. She stated that she would like to remove the stayed permanent revocation language. Dr. Egner added that she would like to see some suspension period, but she also thinks that a five-year probationary period is excessive. She stated that five years is the longest probationary period that the Board usually gives to physicians who have real issues that need to be watched. She added that she's not saying that Mr. Molder doesn't need to be watched, but questioned the need to watch him for five years.

Dr. Steinbergh agreed, adding that she'd meant to change the alternative to a three-year probation.

Dr. Egner stated that she takes into account that Mr. Molder is a massage therapist, and she does believe that his life is different today. Dr. Egner stated that she would prefer a two-year suspension to a three-year suspension.

Dr. Madia stated that he agrees with Dr. Egner that five years is too long. He added that two or three years is more appropriate.

Mr. Hairston spoke in support of a three-year probation. He added that he definitely agrees with adding the ethics course requirement. He stated that he feels that that is very important.

Dr. Varyani asked whether everyone is comfortable with the proposed amendment.

Dr. Steinbergh noted that Dr. Egner has indicated that she's not comfortable with the permanent revocation language. She stated that the one thing that she really feels about massage therapists is that this is a group of professionals who want to be considered as professional. They are very proud to have a license from the Medical Board, and they want their profession to be reputable. Dr. Steinbergh stated that she doesn't make a difference in her mind between what a massage therapist does and how that massage therapist should act, professionally, when he or she is licensed by this Board. Dr. Steinbergh stated that although she understands some of the background issues that come with massage therapists, and she would absolutely agree that this young man has made a change in his life and ought to go on, there is a responsibility that comes when you answer questions for a license. There is a responsibility that you have to the potential physicians writing a prescription for massage therapy. The physician must be able to believe that the massage therapist is going to be professional and behave appropriately.

Dr. Steinbergh stated that she holds massage therapists to the same standard. She tries to appreciate the differences in human beings, where they came from and where they're going, and it appears that Mr. Molder has changed his life around. Dr. Steinbergh stated that she respects Mr. Molder for that, but added that he did make decisions to answer the way he answered for his own reasons.

Dr. Varyani stated that he thinks that the consensus is for a three-year probation. He asked Board members to discuss the issue of revocation.

Dr. Suppan stated that she thinks that two years of probation is sufficient. She added that she also would like to stay away from the whole revocation piece.

Dr. Steinbergh agreed to remove the revocation language from her proposed amendment, to suspend Mr. Molder's license for a period of not less than 60 days, and to place him on probation for at least three years.

Dr. Suppan asked whether the probation would be for three years or two years.

Dr. Egner stated that she would prefer two years, but would agree to three as a compromise.

Dr. Steinbergh asked for other Board members' opinions.

Mr. Hairston and Dr. Amato both indicated that they would want a three-year probation.

Dr. Steinbergh stated that she would leave her amended motion at three years, noting that the Board does have consumer representation and the Board is talking about patients.

**DR. STEINBERGH MOVED TO AMEND HER AMENDMENT TO REMOVE THE
REVOCATION LANGUAGE, TO PLACE MR. MOLDER'S CERTIFICATE TO PRACTICE**

MESSAGE UNDER SUSPENSION FOR A PERIOD OF NOT LESS THAN SIXTY DAYS, AND TO CHANGE THE LENGTH OF THE PROBATIONARY PERIOD FROM FIVE YEARS TO THREE YEARS. DR. MADIA SECONDED THE AMENDED MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF JASON R. MOLDER, M.T. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

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January 9, 2008

Case number: 08-CRF- 004

Jason Robert Molder, M.T.
1596 Felton Road
South Euclid, OH 44121

Dear Mr. Molder:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about February 2, 2004, you caused to be submitted to the Board an Application for Certificate to Practice a Limited Branch Massage Therapy [2004 Application]. By signing the 2004 Application, you certified that the information provided therein was true.

In the "Additional Information" section of your 2004 Application you answered "NO" to questions numbered 11 and 12 which respectively ask, in part, the following:

Have you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

In fact, as described in paragraphs 2 through 9 below, you were convicted of eighteen different misdemeanors from in or about 1995 to 2000.

Mailed 1-10-08

- (2) On or about June 21, 1995, in the Massillon Municipal Court [Massillon Court], located in Massillon, Ohio, you were found guilty of one first degree misdemeanor count of Assault in violation of Section 2903.13, Ohio Revised Code, and one fourth degree misdemeanor count of Disorderly Conduct in violation of Section 2917.11, Ohio Revised Code.
- (3) On or about August 21, 1995, in the Massillon Court, you were found guilty of three first degree misdemeanor counts of Theft in violation of Section 2913.02, Ohio Revised Code.
- (4) On or about February 20, 1996, in the Canton Municipal Court [Canton Court], you were found guilty of one first degree misdemeanor count of Assault in violation of Section 2903.13, Ohio Revised Code; one misdemeanor count of Resisting Arrest in violation of Section 2921.33, Ohio Revised Code; and one misdemeanor count of Disorderly Conduct in violation of Section 2917.11(A), Ohio Revised Code.
- (5) On or about May 8, 1996, in the Canton Court, you were found guilty of one first degree misdemeanor count of Carrying Concealed Weapons in violation of Section 2923.12, Ohio Revised Code.
- (6) On or about January 16, 1997, in the Canton Court, you were found guilty of one first degree misdemeanor count of Prohibitions; Minors under 21 Years in violation of Section 4301.632, Ohio Revised Code, and one minor misdemeanor count of Disorderly Conduct in violation of Section 2917.11(B), Ohio Revised Code.
- (7) On or about January 31, 1997, in the Cuyahoga Falls Municipal Court, located in Cuyahoga Falls, Ohio, you were found guilty of one first degree misdemeanor count of Driving or Physical Control While Under the Influence in violation of Section 333.01(a)(2), Codified Ordinances of the City of Tallmadge, and one second degree misdemeanor count of Criminal Damaging or Endangering in violation of Section 541.03(a)(1), Codified Ordinances of the City of Tallmadge.
- (8) On or about August 22, 1997, in the Canton Court, you were found guilty of one first degree misdemeanor count of Possession, Sale or Discharge [Fireworks] Prohibited; Exceptions in violation of Section 1519.04, Codified Ordinances of North Canton; one first degree misdemeanor count of Aggravated Menacing in violation of Section 2903.21, Ohio Revised Code; one first degree misdemeanor count of Attempt to Commit an Offense in violation of Section 2923.02, Ohio Revised Code; to wit: Vandalism in violation of Section 2909.05, Ohio Revised Code; and one second degree misdemeanor count of Resisting Arrest in violation of Section 2921.33, Ohio Revised Code

- (9) On or about November 1, 2000, in the Akron Municipal Court, located in Akron, Ohio, you were found guilty of one fourth degree misdemeanor count of Reckless Operation in violation of Section 4511.20, Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (9) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your plea of guilty or the judicial finding of guilt as alleged in paragraph (3) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Jason Robert Molder, M.T.
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Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lance A. Talmage, M.D.", written in black ink.

Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3873 6317
RETURN RECEIPT REQUESTED