

State Medical Board of Ohio

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



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

June 10, 2009

Abby R. Uridel, M.T.
7529 Maddock Road
North Ridgeville, OH 40439

RE: Case No. 08-CRF-107

Dear Ms. Uridel:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Siobhan R. Clovis, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 10, 2009, 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

A handwritten signature in black ink that reads "Lance A. Talmage MD". The signature is fluid and cursive.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3160 5793
RETURN RECEIPT REQUESTED

Mailed 7-7-09

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Siobhan R. Clovis, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 10, 2009, 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 Abby R. Uridel, M.T., Case No. 08-CRF-107, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

June 10, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 08-CRF-107

ABBY R. URIDEL, M.T.

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ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 10, 2009.

Upon the Report and Recommendation of Sibhan R. Clovis, 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 hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE; STAYED; PROBATION:** The certificate of Abby R. Uridel, M.T., to practice massage therapy in the State of Ohio shall be **SUSPENDED** for a period of thirty days. Such suspension is **STAYED**, subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least one year.
1. **Obey the Law:** Ms. Uridel shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Personal Appearances:** Ms. Uridel shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Ms. Uridel's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every three 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 of Compliance:** Ms. Uridel shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Ms. Uridel's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
4. **Personal Ethics Course:** Before the end of the first six months of probation, or as otherwise approved by the Board, Ms. Uridel shall provide acceptable documentation of successful completion of a course or courses dealing with personal 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 Ms. Uridel submits the documentation of successful completion of the course or courses dealing with personal ethics, she shall also submit to the Board a written report describing the course, setting forth what she learned from the course, and identifying with specificity how she will apply what she has learned to her practice of massage therapy in the future.

- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Uridel's certificate will be fully restored.
- C. **VIOLATION OF THE TERMS OF THIS ORDER:** If Ms. Uridel violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- D. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**
 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Ms. Uridel shall provide a copy of this Order to all employers or entities with which she is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where she 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.

In the event that Ms. Uridel provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, Ms. Uridel shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Ms. Uridel received from the Board written notification of the successful completion of her probation.

2. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, Ms. Uridel shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate.

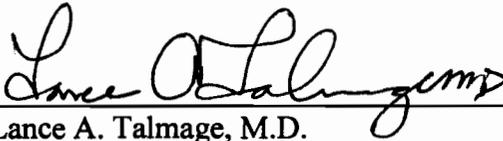
Ms. Uridel further shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which she applies for any professional license or reinstatement/restoration of any professional license.

This requirement shall continue until Ms. Uridel received from the Board written notification of the successful completion of her probation.

3. **Required Documentation of the Reporting Required by Paragraph H:** Ms. Uridel shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (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 the notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

June 10, 2009

Date

2009 MAY 12 P 12:44

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 08-CRF-107

Abby R. Uridel, M.T.,

*

Hearing Examiner Clovis

Respondent.

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REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated September 10, 2008, the State Medical Board of Ohio [Board] notified Abby R. Uridel, M.T., that it proposed to determine whether to take disciplinary action against her certificate to practice massage therapy in Ohio, based on the allegation that Ms. Uridel had failed to report a conviction on her July 5, 2007, application for renewal of her certificate. The Board alleged that Ms. Uridel's conduct and/or omission constitutes a violation of Section 4731.22(B)(5), Ohio Revised Code. The Board advised Ms. Uridel of her right to request a hearing, and received her request on October 8, 2008. (State's Exhibit [St. Ex.] 1A; St. Ex. 1B)

Appearances

Richard Cordray, Attorney General, by Barbara J. Pfeiffer, Assistant Attorney General, on behalf of the State of Ohio.

Ms. Uridel represented herself.

Hearing Date: March 30, 2009

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.

1. On July 5, 2007, Abby R. Uridel, M.T., submitted an online application to the Board for the renewal of her certificate to practice massage therapy in Ohio. (St. Ex. 3)
2. Kay Rieve, administrative officer for the Board, testified that she supervises the Board's license renewal department. She explained the online application process. She testified about what would be seen on the computer screen by an applicant renewing a massage therapy certificate online. (St. Ex. 5; Hearing Transcript [Tr.] at 10-18)

3. Ms. Rieve advised that the following would be displayed:

Please answer all of the following questions. If you answer yes to any of the questions, you may proceed with your renewal, but you will receive a letter from the Board requesting further information. At any time since signing your last application for renewal of your certificate:

Question 1: Have you been found guilty of or pled guilty or no contest to, or received treatment or intervention in lieu of a conviction of, a misdemeanor or felony?

(St. Ex. 5 at 6; Tr. at 13-14)

4. Ms. Rieve testified that, before submitting the online application, an applicant must agree to the following:

I understand that submitting a false, fraudulent or forged statement or document or omitting a material fact in obtaining licensure may be grounds for disciplinary action against my license. Under penalty of law, I hereby swear or affirm that the information I have provided in this application is complete and correct, and that I have complied with all criteria for applying online.

(St. Ex. 3; Tr. at 15-16)

5. Ms. Uridel testified that she had completed her online July 5, 2007, renewal application with her mother's assistance, because Ms. Uridel did not have access to a computer at her home. Ms. Uridel called her mother from her home, about 35 minutes away. During the phone conversation, Ms. Uridel's mother talked Ms. Uridel through the application, as her mother entered the responses into her home computer. (Tr. at 22-30)
6. Ms. Uridel answered "No" to Question 1 on her July 5, 2007, renewal application, denying that she had been convicted of a misdemeanor since her last renewal application of July 22, 2005. (St. Ex. 2; St. Ex. 3; Tr. at 25)
7. In fact, on November 15, 2006, in the Cuyahoga County Court of Common Pleas, in Cleveland, Ohio, Ms. Uridel had entered a plea of guilty, which the court accepted, to aggravated trespassing, a first-degree misdemeanor in violation of Section 2911.211, Ohio Revised Code. The conviction was expunged on October 22, 2008, without opposition from the prosecuting attorney. (St. Ex. 4; Respondent's Exhibit [Resp. Ex.] A; Resp. Ex. B)
8. Ms. Uridel explained that her conviction had arisen from an argument she had with her daughter's father, at his residence, when Ms. Uridel had been attempting to reach her daughter inside the house. She testified that she had been physically attacked by her daughter's father outside the house, and suffered an injury. He pressed charges against Ms. Uridel, claiming that

she had entered the house unlawfully. She denied the truth of the charges against her, but said that her lawyer had advised her to take the guilty plea to a misdemeanor, because it was “like a traffic ticket.” Ms. Uridel testified that her daughter’s father had previously threatened that he would do “everything he can to get [her massage therapy] license taken away.” (Resp. Ex. C; Tr. at 8-9; 30, 33-35)

9. Ms. Uridel gave conflicting answers as to why she did not report her conviction as required. She sometimes seemed to be saying that she did not have the question in front of her, and that her mother had misread it to her; however, she also suggested that she did not report the conviction because her criminal defense attorney had told her that she did not have to. She further testified that she simply had not thought of the conviction when she was working on the application. (Tr. at 8-9, 22-30)
10. Ms. Uridel was visibly, seriously upset at the prospect of losing her license, as she fears that this will cause her to lose custody of her daughter. She testified that she is willing to take responsibility for what she has done wrong. (Tr. at 23, 29)

FINDING OF FACT

On July 5, 2007, Abby R. Uridel, M.T., caused to be submitted to the Board an application for renewal of her certificate to practice massage therapy in Ohio. She certified that the information provided therein was true and correct in every respect.

Ms. Uridel answered “No” in response to question number 1 in the renewal application, which asked:

At any time since signing your last application for renewal of your certificate:

Have you been found guilty of or pled guilty or no contest to, or received treatment or intervention in lieu of a conviction of, a misdemeanor or felony?

In fact, on November 15, 2006, in the Court of Common Pleas of Cuyahoga County, in Cleveland, Ohio, Ms. Uridel entered a plea of guilty, which was accepted by the court, to the charge of aggravated trespass, a first-degree misdemeanor in violation of Section 2911.211, Ohio Revised Code.

CONCLUSION OF LAW

The acts, conduct, and/or omissions as set forth in the Finding of Fact 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.

Rationale for the Proposed Order

Ms. Uridel is obviously terrified about losing her license, because this will lead to her potentially losing custody of her daughter. It seems clear that this is why she was untruthful in her renewal application and at the hearing. It is simply not credible that she would have forgotten about her guilty plea when she was filling out the application, considering that she felt that the charges were pressed against her with the express intent of causing her to lose her license. However, she sincerely acknowledged that she had been wrong to fail to report her conviction, and she expressed genuine remorse.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Abby R. Uridel, M.T., to practice massage therapy in the State of Ohio shall be **SUSPENDED** for a period of thirty days.
- B. **PROBATION:** Upon reinstatement or restoration, Ms. Uridel’s certificate shall be subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least two years:
 1. **Obey the Law:** Ms. Uridel shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Personal Appearances:** Ms. Uridel shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Ms. Uridel’s certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every three 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 of Compliance:** Ms. Uridel shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board’s offices on or before the first day of the third month following the month in which Ms. Uridel’s certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board’s offices on or before the first day of every third month.

4. **Personal Ethics Course**: Before the end of the first six months of probation, or as otherwise approved by the Board, Ms. Uridel shall provide acceptable documentation of successful completion of a course or courses dealing with personal 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 Ms. Uridel submits the documentation of successful completion of the course or courses dealing with personal ethics, she shall also submit to the Board a written report describing the course, setting forth what she learned from the course, and identifying with specificity how she will apply what she has learned to her practice of massage therapy in the future.

- C. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Uridel's certificate will be fully restored.
- D. **VIOLATION OF THE TERMS OF THIS ORDER**: If Ms. Uridel violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Ms. Uridel shall provide a copy of this Order to all employers or entities with which she is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where she 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.

In the event that Ms. Uridel provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, Ms. Uridel shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Ms. Uridel received from the Board written notification of the successful completion of her probation.

2. **Required Reporting To Other Licensing Authorities**: Within 30 days of the effective date of this Order, Ms. Uridel shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license,

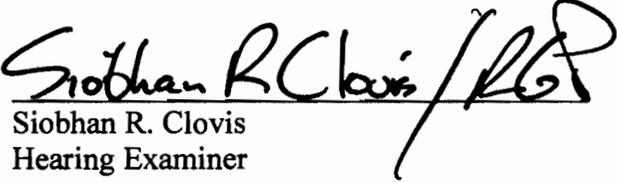
as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate.

Ms. Uridel further shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which she applies for any professional license or reinstatement/restoration of any professional license.

This requirement shall continue until Ms. Uridel received from the Board written notification of the successful completion of her probation.

3. **Required Documentation of the Reporting Required by Paragraph H:** Ms. Uridel shall provide the Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (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 the notification of approval by the Board.


Siobhan R. Clovis
Hearing Examiner

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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EXCERPT FROM THE DRAFT MINUTES OF JUNE 10, 2009

REPORTS AND RECOMMENDATIONS, MOTIONS FOR RECONSIDERATION & PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Madia announced that the Board would now consider the Reports and Recommendations, the Motion for Reconsideration and the Proposed Findings and Proposed Order appearing on its agenda. The matter of Muhammad Z. Shrayyef, M.D., will not be considered this month, as the Board has not been able to verify Dr. Shrayyef's receipt of the Report and Recommendation.

Dr. Madia 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 Gary Charles Gelesh, D.O.; David Miles Barrere, M.D.; Jack David Bennett, M.D.; Shannon Lin Boyer; Heather Victoria Downey; Abby R. Uridel, M.T.; and David Wei Wang, M.D.; the Motion for Reconsideration in the Matter of Jeffrey E. White, M.D.; and the Proposed Findings and Proposed Order in the matter of Andrew Beistel, D.O. A roll call was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

Dr. Madia 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. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye

Dr. Steinbergh - aye
Dr. Madia - aye

Dr. Madia 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.;

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

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Mr. Jacobson joined the meeting during the previous discussion.

Dr. Varyani asked Mr. Jacobson whether he 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 Gary Charles Gelesh, D.O.; David Miles Barrere, M.D.; Jack David Bennett, M.D.; Shannon Lin Boyer; Heather Victoria Downey; Abby R. Uridel, M.T.; and David Wei Wang, M.D.; the Motion for Reconsideration in the Matter of Jeffrey E. White, M.D.; and the Proposed Findings and Proposed Order in the matter of Andrew Beistel, D.O., and whether he 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. Mr. Jacobson responded "yes" to both questions.

.....
ABBY R. URIDEL, M.T.

Dr. Madia directed the Board's attention to the matter of Abby R. Uridel, M.T. He advised that no objections were filed to Hearing Examiner Clovis' Report and Recommendation.

Dr. Madia continued that a request to address the Board has been timely filed on behalf of Ms. Uridel. Five minutes would be allowed for that address.

Ms. Uridel stated that she would like to address the Board on the review of her application to renew her license for massage therapy. During this review, it was brought to the attention of the State Board that there was a discrepancy on her renewal application. There was a question regarding a conviction of a felony and misdemeanor. She stated that she had had help from an individual in preparing her paperwork, and the question was not answered correctly. When she answered the question, she was basing her answer upon the record of the incident that took place in 2007. She had been advised by her attorney at the time to get this incident expunged from her record and that this was a misdemeanor that was equivalent to a traffic

ticket, and she did not tell anyone about this incident. Ms. Uridel stated that she took the attorney's advice, and she filled out her renewal application based upon this.

Ms. Uridel stated that when she was notified by the State Board that there was a discrepancy in her forms, she was surprised to hear about it. She explained that she had her mother fill out the forms for renewal on line as she did not have a computer at the time of filing because her daughter was sick. While discussing the questions on the form, her mother either didn't read the question correctly, or she didn't hear the question correctly.

Ms. Uridel stated that, although the Hearing Examiner has determined that there is evidence that she withheld information purposely in order to hide it, it was never her intention to do so. She understands that this is a serious matter and that her license could be suspended for a period of 30 days, which will create undue hardship for her daughter and her, especially in these hard times. Other than her practice, she has no other source of income. She's an independent contractor and cannot claim any income to support herself. This includes no spousal support, and no child support. She will not be able to provide for her daughter and herself during this time.

Ms. Uridel asked that the Board reconsider the recommendation before them and consider imposing the least possible sanctions in this matter. She thanked the Board for understanding. She stated that she does regret what happened that day, every single day. She stated that her ex-husband did anything he could to hurt her. He threatened to take her daughter away, and to leave the state. She went over there and never set one foot in the house. Her lawyer did nothing. He told her it was just, basically, like a traffic ticket and wouldn't harm her massage therapy license in any way. So, from then, she just put it in the back of her mind. Ms. Uridel stated that she deals with that injury every single day.

Ms. Uridel stated that massage is her way of life. She enjoys what she does. She has many clients that need her help. She never did anything wrong before this. She doesn't abuse alcohol, and doesn't use drugs. She's a normal, caring, loving mother, with no help from the father.

Ms. Uridel stated that she would really appreciate it if her massage therapy license isn't suspended. She stated that she will do anything in order to not have that happen.

Dr. Madia asked whether the Assistant Attorney General wished to respond.

Ms. Pfeifer stated that she has a sense of empathy and some sympathy for Ms. Uridel with respect to the situation she found herself in that led to her being indicted and criminally charged. It was a very emotional, trying issue, involving her child and the child's father. That's part of the record and understandable. She added that she does want to remind the Board of the following in its determination of whether or not there was a violation, which she thinks is fairly clear, and in determining what to do with this licensee. She referred to State's Exhibit 4, which is the written memorialization of Ms. Uridel's guilty plea in Common Pleas Court in Cuyahoga County in November 2006. She was offered a plea bargain and pled guilty to a lesser charge – not the felony offense of burglary that she was indicted for – but for a first

degree misdemeanor. She was sentenced to a term of three months, which was suspended, provided she pay the court costs in that case.

Ms. Pfeiffer stated that when you go into a Common Pleas Court, based upon a criminal indictment that has been issued against you, and you're represented by counsel, and you go before the judge, and you plead guilty to a lesser charge, and you're sentenced, you remember that. You particularly remember it seven months later. Ms. Pfeiffer noted it was seven months later when she renewed her license on line and that specific question asks you, "Have you ever been found guilty of or pled guilty to or no contest to a misdemeanor or felony?" Ms. Pfeiffer stated that that is absolutely crystal clear, and she's still troubled by Ms. Uridel's testimony that her lawyer said it's "like a traffic ticket." Ms. Pfeiffer stated that probably everybody present knows what a traffic ticket is like. It's not being criminally indicted by a Grand Jury. It's not going to Common Pleas Court, and it's not pleading "guilty" in front of a judge and being sentenced. Ms. Pfeiffer stated that that part troubles her. The attorney never came in to testify that that's how he so advised her.

Ms. Pfeiffer asked that the Board keep these facts in mind when determining the appropriate sanction in this case.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. CLOVIS' FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ABBY R. URIDEL, M.T. DR. VARYANI SECONDED THE MOTION.

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

Dr. Stephens stated that she really found the record compelling, and she found Ms. Uridel's testimony even more compelling. In regard to what Ms. Pfeiffer said, she wouldn't expect an attorney to come in and say that he told her it was just like a traffic ticket. She stated that she doesn't hold that fact against Ms. Uridel.

Dr. Stephens stated that she finds in her life that she signs things all the time, and she may not read them, particularly if they're legal documents. She leaves it up to her lawyer to say that it's okay. Dr. Stephens stated that she knows that Ms. Uridel went through a trial and a hearing and all these other things in her domestic dispute, but she doesn't think that people sometimes realize the consequences or the gravity of any kind of court action. She thinks that this was the case with Ms. Uridel. Dr. Stephens stated that she doesn't want to judge Ms. Uridel based upon the domestic dispute that brought her to the attention of the Court.

Dr. Stephens stated that she thinks that the Proposed Order is harsh, and she thinks that the suspension should be stayed and that her probation can be limited.

Mr. Jacobson stated that this is something that he knows a little bit about because he is a lawyer. He commented that when you get charged with burglary, and what ends up happening to you when you're done is that you have to pay the court costs and that's it, you're not talking about any criminal sanction at

all. It's really hard to look at this and say it's a real burglary charge. It might have met the elements, because you can't charge somebody without a prima facie showing of the elements. You charge the person so you can have a conversation with two people in the middle of a domestic dispute and advise them that they are no longer able to walk into each other's houses uninvited, that they're not a couple anymore, and that it's against the law and the Courts don't like it. That's not the same as somebody getting criminal tools out and trying to break in and doing this as a way or life or in order to get something out of it. Mr. Jacobson stated that he thinks that the Board is elevating this by its treatment of this dispute into something more than it was. He stated that it's unfortunate that Ms. Uridel answered the question the way that she did, but, frankly, if you're not a lawyer, he's not sure that you would walk away from this incident with anything other than, "okay, we all embarrassed ourselves in a domestic dispute and we promise to be grownups after this." Mr. Jacobson stated that he would not support the Proposed Order, as it is.

Dr. Steinbergh agreed with Dr. Stephens and Mr. Jacobson. She stated that she has a concern about young people whose attorneys say whatever they say to them and then it can be expunged. What does expungement mean? What is the expectation of the person when they hear that word, "expungement?" It's going away, but it's not really. That's the piece that bothers her. Dr. Steinbergh stated that Ms. Uridel didn't have a timeframe for expungement. She heard the word, "expungement," and thought it's going to go away.

Also, Dr. Steinbergh stated that she thinks she believes Ms. Uridel when she says that her mother may have misread the question. Dr. Steinbergh stated that Ms. Uridel did answer the question inappropriately, and there will be a sanction. She stated that she would stay the suspension and reduce the probationary term. Dr. Steinbergh stated that the reason for that is that she will be asked to take a personal ethics course that will teach her some things about answering questions, being honest, and thinking about how she should respond to questions on applications and that kind of thing. Dr. Steinbergh stated that she thinks that will be a worthwhile course for Ms. Uridel. Also, during that time she'll come before the Board initially and then to the Secretary and Supervising Member, Ms. Uridel will gain more respect and understanding of how she should handle this type of situation.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER BY STAYING THE SUSPENSION IN PARAGRAPH A, AND BY REDUCING THE PROBATIONARY TERM TO ONE YEAR. DR. STEPHENS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye

Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. CLOVIS' FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF ABBY R. URIDEL, M.T. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Jacobson	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- 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

(614) 466-3934
med.ohio.gov

September 10, 2008

Case number: 08-CRF- **107**

Abby R. Uridel, M.T.
7529 Maddock
North Ridgeville, Ohio 44039

Dear Ms. Uridel:

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 July 5, 2007, you caused to be submitted to the Board an application for renewal of your certificate to practice massage therapy in Ohio. By signing the renewal application, you certified that the information provided therein was true and correct in every respect.

You answered "No" in response to question number 1 in your renewal application, which asked:

At any time since signing your last application for renewal of your certificate:

Have you been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony?

In fact, in or around November 2006, in the Cuyahoga Court of Common Pleas, Cleveland, Ohio, you entered a plea of guilty, and the court accepted your guilty plea, to the amended charge of aggravated trespass, a first degree misdemeanor, in violation of Section 2911.211, of the Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraph (1) 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.

Mailed 9-11-08

Amy R. Uridel, M.T.

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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."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/MRB/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3688 6489
RETURN RECEIPT REQUESTED