

State Medical Board of Ohio

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Executive Director

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September 10, 2008

Tina Nichole Ammons, M.T.
20441 Zolman Road
Fredericktown, OH 43019

RE: Case No. 08-CRF-018

Dear Ms. Ammons:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 10, 2008, including motions modifying 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 MD

Lance A. Talmage, M.D. *RW*
Secretary

LAT:jam
Enclosures

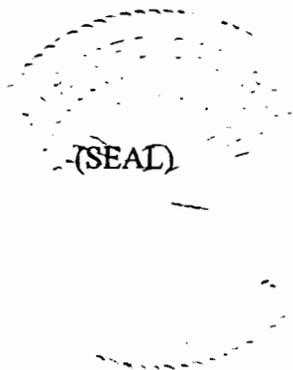
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RETURN RECEIPT REQUESTED

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CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 10, 2008, including motions modifying 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 Tina Nichole Ammons, M.T., Case No. 07-CRF-018, 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 MD

Lance A. Talmage, M.D. *rw*
Secretary

September 10, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 07-CRF-018

TINA NICHOLE AMMONS, M.T.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 10, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, 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:

Tina Nichole Ammons, M.T., is REPRIMANDED.

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

(SEAL)

Lance A. Talmage, M.D.

Lance A. Talmage, M.D. *rw*
Secretary

September 10, 2008

Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF TINA NICHOLE AMMONS, M.T.
CASE NO. 07-CRF-018**

The Matter of Tina Nichole Ammons, M.T., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on May 28, 2008.

INTRODUCTION

Basis for Hearing

By letter dated December 12, 2007, the State Medical Board of Ohio [Board] notified Tina Nichole Ammons, M.T., that it intended to determine whether to impose disciplinary action against her certificate to practice massage therapy in Ohio. The Board's proposed action was based on allegations that, on two applications filed with the Board in 2004 and 2005, Ms. Ammons falsely answered two questions. The Board also alleged that Ms. Ammons' acts, conduct, and/or omissions, individually and collectively, constituted "[m]aking a false, fraudulent, deceptive or misleading statement in the solicitation of or advertising for patients; in relation to the practice of * * * 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 set forth in Section 4731.22(B)(5), Ohio Revised Code. (State's Exhibit 1A)

The Board advised Ms. Ammons of her right to request a hearing, and received her written request for hearing on January 11, 2008. (State's Exhibits 1A, 1B)

Appearances at the Hearing

Nancy H. Rogers, Attorney General, by Karen A. Unver, Assistant Attorney General, on behalf of the State of Ohio.

Ms. Ammons appeared at the hearing on her own behalf.

EVIDENCE EXAMINED

Testimony Heard

Kay Rieve
Tina Nichole Ammons, M.T.
Kimberly Roberts

Exhibits Examined

State's Exhibits 1A through 1C: Procedural Exhibits.

State's Exhibit 2: Certified copies of Ms. Ammons' preliminary and subsequent application materials for a certificate to practice massage therapy in Ohio, and related documents.

State's Exhibit 3: September 20, 2007, letter from Ms. Ammons to the Board's Public Services Administrator, with enclosures.

State's Exhibit 4: April 11, 2000, Journal Entry in *City of Mount Vernon v. Tina N. Mosher*, Case No. 00CRB00270, Mount Vernon Municipal Court.

State's Exhibit 5: August 1, 2000, Journal Entry in *City of Mount Vernon v. Tina M. [sic] Mosher*, Case No. 00CRB00492.

State's Exhibit 6: March 9, 2006, Journal Entry in *City of Lancaster v. Tina N. Ammons*, Case No. 05CRB02942-A, Fairfield County Municipal Court.

State's Exhibit 7: April 24, 2006, Journal Entry in *State of Ohio v. Tina N. Ammons*, Case No. 06CRB00175, Mount Vernon Municipal Court.

Respondent's Exhibit A: Knox County Career Center Questionnaire.

Respondent's Exhibit B: Three letters of support.

SUMMARY OF 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. Tina Nichole Ammons was born in 1978 in Ohio. She completed high school in Fredericktown, Ohio, in 1997. Afterward, Ms. Ammons was married and later divorced. She held a variety of employment positions, including customer service representative and laborer. (State's Exhibit [St. Ex.] 2 at 3, 15-19; Respondent's Exhibit [Resp. Ex.] A)

Ms. Ammons explained the various names by which she has been known. She testified that Tina Nichole Ammons is her "biological name," and that upon being adopted at the age of four, she became known as Tina Nichole Shambaugh. She further stated that she was married from August 1997 to June 2000, and was known as Tina Nichole Mosher. She stated that she changed her name back to Tina Nichole Ammons following her divorce in June 2000. (Hearing Transcript [Tr.] at 40; St. Ex. 2 at 2)

2. In March 2003, Ms. Ammons enrolled in the massage-therapy program at the Knox County Career Center. She completed the program in October 2004. (St. Ex. 2 at 3, 27-28)

3. As explained in greater detail below, the Board issued a massage-therapy certificate to Ms. Ammons, effective May 20, 2005. Ms. Ammons has practiced massage therapy “on and off” since that time. (St. Ex. 2 at 33; Tr. at 78)
4. Currently, massage therapy is Ms. Ammons’ full-time employment. Ms. Ammons testified that, approximately four to six weeks prior to the hearing, she had established her own massage-therapy business in a tanning salon in Centerburg, Ohio. At the time of the hearing, she also had pending a job offer to provide massage-therapy services with a physical-therapy business located in Mt. Vernon, Ohio. She is awaiting the outcome of this proceeding to decide whether to accept that offer. (Tr. at 69-70)

Criminal Convictions in 2000

5. On April 11, 2000, in the Mount Vernon Municipal Court, in *City of Mount Vernon v. Tina N. Mosher*, Case No. 00CRB00270, Ms. Ammons was convicted, as charged, of disorderly conduct in violation of Section 509.03(A) of the Mount Vernon Codified Ordinances. Ms. Ammons was not represented by counsel in the court proceeding. She was ordered to pay a fine of \$50.00, plus court costs. (St. Ex. 4)
6. On August 1, 2000, in the Mount Vernon Municipal Court, in *City of Mount Vernon v. Tina M. [sic] Mosher*, Case No. 00CRB00492, Ms. Ammons pleaded “no contest” to an amended, reduced charge of disorderly conduct in violation of Section 509.03(A) of the Mount Vernon Codified Ordinances. She was represented by legal counsel in this matter. Ms. Ammons was ordered to pay a fine of \$50.00, plus court costs. (St. Ex. 5)

Ms. Ammons’ Massage-Therapy Education and Her Certificate Application in 2003 and 2004

7. As noted above, Ms. Ammons applied for and was accepted into the Knox County Career Center massage-therapy program in May 2003. Ms. Ammons successfully completed all massage-therapy course requirements on October 28, 2004. (St. Ex. 2 at 3, 27-28)
8. On August 17, 2004, prior to completing the massage-therapy program, Ms. Ammons filed an Application for a Certificate to Practice Limited Branch – Massage Therapy [2004 Certificate Application]. It is not uncommon for massage-therapy certificate applicants to file an application for a certificate prior to graduation from their massage-therapy programs. (St. Ex. 2 at 2, 3, 15-29; Tr. at 15-16, 18, 32)

In the 2004 Certificate Application, Ms. Ammons answered “No” to Questions 11 and 12, which ask:

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 for 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 21)

Ms. Ammons' Massage-Therapy Examination Scores and her Massage-Therapy Re-Examination Application in 2004 and 2005

9. On December 7, 2004, Ms. Ammons took the massage-therapy examination [MTE]. On January 14, 2005, the Board informed Ms. Ammons that she had not passed the MTE because she had not received a score of 75 percent or higher on both portions of that examination. Specifically, Ms. Ammons was advised that she had obtained a score of 80 percent on the basic science portion of the examination and a score of 74 percent on the limited branch portion of the examination. (Tr. at 17; St. Ex. 2 at 12, 34, 35)
10. On March 17, 2005, Ms. Ammons filed a Massage Therapy Re-examination Application – Limited Branch Only [2005 Re-examination Application], in order to retake the portion of the MTE that she had previously not passed. Ms. Ammons answered a series of questions regarding her background, and again answered “No” to Questions 11 and 12. (St. Ex. 2 at 4-11, 13-14)
11. After Ms. Ammons applied to re-take the Limited Branch Portion of the MTE, the Board re-graded the December 2004 MTE. The Board determined that Ms. Ammons had in fact passed that examination. Accordingly, Ms. Ammons was issued a massage-therapy certificate effective May 20, 2005, and was refunded the application fee she had submitted to re-take the Limited Branch Portion of the MTE. (Tr. at 23-24, 34; St. Ex. 2 at 33)

Ms. Ammons' Renewal Application in 2007

12. On August 1, 2007, Ms. Ammons applied online to renew her massage-therapy certificate [2007 Renewal Application]. Ms. Ammons answered “Yes” to Question No. 1, which asked whether, since Ms. Ammons' last certificate renewal, she had 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. (Tr. 27-28; St. Ex. 2 at 35-40) Following Ms. Ammons' affirmative response, the Board requested that Ms. Ammons provide specific information concerning any criminal proceedings against her, including the identity of the court, specific charges, case/docket number(s), date(s) of arrest and copies of any judgment entries or documents Ms. Ammons considered pertinent. (St. Ex. 3 at 3)
13. On September 20, 2007, Ms. Ammons identified seven criminal and traffic cases in which she had been involved between the time she received her massage-therapy certificate in 2005 and her 2007 Renewal Application. (These charges and convictions are *not* part of the allegations raised by the Board in its December 12, 2007, Notice of Opportunity for Hearing. They are

summarized in this Report and Recommendation in order to explain the basis upon which Ms. Ammons responded to questions on her 2007 Renewal application and to provide further information regarding Ms. Ammons' defense.)

- On March 9, 2006, in the Fairfield County Municipal Court, in *City of Lancaster v. Tina N. Ammons*, Case No. 05CRB02942-A, Ms. Ammons pleaded "no contest" to an amended charge of criminal mischief in violation of Section 2909.07(A)(1), Ohio Revised Code. She was not represented by legal counsel. Ms. Ammons was given a 90-day suspended jail sentence and two years of non-reporting probation. She was also ordered to pay a fine of \$50.00, plus court costs, and required to have no contact with a certain individual. (St. Ex. 6)

In September 2007, Ms. Ammons explained to the Board: "I was with my boyfriend at the time of 12-16-05. He was fighting with his mother and went to her house. I was in the car with him. He drove through her yard and used my cell phone to call and yell at his mother. Because he used my phone I was originally charged with [an offense]. With all the charges that were brought up against me and him in this ... [t]he prosecutor told us that one of [us] will be found guilty of something. I didn't have money for a lawyer. I took a reduced charge plea in exchange of everything else being dismissed. * * * My boyfriend was also charged in this case. When this case went to trial, it was just after the case in Mount Vernon, 06crb00175-a [sic]. He wasn't going to my defense any longer. I was left to defend myself the best I could." (St. Ex. 3; Tr. at 48)

At hearing in the instant matter, Ms. Ammons testified that the two years of non-reporting probation has now expired. Ms. Ammons stated that she has been unable to completely pay the fine and court costs, and they are outstanding. She explained that she has not been notified of any deadline for making those payments or received any notice of delinquency. However, the court's journal entry indicates that she is required to pay the fine and court costs in monthly installments, with the first payment having been due April 10, 2006. (Tr. at 78-79; St. Ex. 6)

- On April 24, 2006, in the Mount Vernon Municipal Court, in *State of Ohio v. Tina N. Ammons*, Case No. 06CRB00175, Ms. Ammons pleaded guilty to an amended charge of disorderly conduct/persisting in violation of Section 2917.11(E), Ohio Revised Code. Ms. Ammons was represented by legal counsel. Ms. Ammons was given a 30-day suspended jail sentence and two years of probation. She was also ordered to pay a fine of \$150.00, plus court costs. (St. Ex. 7)

In September 2007, Ms. Ammons explained to the Board: “My boyfriend at the time and I had gotten into a domestic altercation. I locked him out of my house and he used his id to force entry into my home. He proceeded to use force against me. In my own self-defense, I fought back. When the police arrived, I was seen pushing him from my garage. Therefore they saw me as the aggressor. I had a broken hand, bruising around my neck, back, [and] right leg. I did get a public defender and the charge was reduced to DISORDERLY CONDUCT/PERSISTING. I am still on probation for this offense in Knox County * * *.” (St. Ex. 3; Tr. at 48)

Ms. Ammons’ Explanation

14. Ms. Ammons denied lying on her 2004 and 2005 applications to the Board. She acknowledged that she is not proud of her criminal background.¹ However, she testified that, “from the very beginning, [she] was open and honest about [her] criminal background.” (Tr. at 58) In support of this contention, Ms. Ammons provided a certified copy of the questionnaire that she had completed for the Knox County Career Center on March 11, 2003, prior to entering the massage-therapy program. The questionnaire was used by that program to determine the eligibility of the applicants. Among other things, Ms. Ammons disclosed in that questionnaire that, at that time, she had been convicted more than once of a misdemeanor. (Resp. Ex. A; Tr. at 57-58, 71)
15. Ms. Ammons explained what had occurred after she had disclosed the convictions on the questionnaire:

[Q]: And did [the Knox County Career Center] ask about your positive answers to the convictions for misdemeanors?

[A]: Yes.

[Q]: So you disclosed to the Knox County Career Center what about those convictions?

[A]: They were two disorderly conduct charges in the year of 2000, at which time I – from 2000 to 2003, I had not been in any trouble, I’d been out of that relationship for – Since June of 2000 until that point, I had not been in that relationship with that person, so my work ethic and my ability to hold a job was a lot longer, and that was a positive aspect that the teacher noted, so that information, yeah, it was disclosed.

[Q]: And based upon the interview and this information, they accepted you into the program?

¹The Hearing Examiner found Ms. Ammons to be a credible witness.

[A]: Not at that point. She was concerned with the Board allowing me to sit for the licensure examination because of my two disorderly conducts. That was to be reviewed by the Board. I got copies of – certified copies from the clerk’s office and submitted that, and upon which time I received – I had to take an exam. Like they test your reading level, math skills, [and] science skills.

[Q]: The Knox County Career Center tests you?

[A]: Yeah.

Then based on those scores and your interview, how well you did in your interview, and any additional information that was required, they determine whether you would be accepted or not, and there’s a board of them that choose the people for the program.

* * *

[Q]: Okay. But your testimony is that you contacted the State Medical Board because you were aware that they had concerns at the Knox County Career Center because of your convictions?

[A]: All I know is that I was required – I remember being required to obtain the certified documents. I took the morning off of work. I went to the clerk’s office. I had to request them. I had to go back later in the afternoon, pick them up, and then I mailed them to the Medical Board. I don’t – I don’t know who requested it. I can’t remember if it was the school or the Board.

The school has no documentation of them requesting it. They said that if the Board requested it, it would be directly sent to me, it wouldn’t go through the school, and they wouldn’t have documentation of that.

[Q]: Okay. You believe that this was in March of ’03?

[A]: Sometime after March 11th, 2003, yes.

[Q]: And before you entered into the massage therapy program in May of ’03?

[A]: Right.

(Tr. at 72-75; see also Tr. at 77)

16. Ms. Ammons admitted to answering Questions 11 and 12 negatively in 2004, admitted that she had certified that those answers were true and correct, and admitted that the answers were not true. (Tr. at 41-43) However, Ms. Ammons contends that she did not intentionally lie to

the Board. Rather, she stated that she had received advice in completing her 2004 Certificate Application and had relied upon that advice. Ms. Ammons testified that her instructor at the Knox County Career Center had helped her and the other students complete their certificate applications in 2004. Ms. Ammons stated that, at that time, she had confided in the instructor about her 2000 disorderly conduct convictions, and specifically asked the instructor whether she needed to answer “Yes” or “No” to Questions 11 and 12. Ms. Ammons stated that she was unsure how to answer Questions 11 and 12 because she had previously disclosed her 2000 convictions and had previously submitted certified copies of the convictions to either the school or the Board. (Tr. at 41, 59-60, 75-77)

17. Ms. Ammons stated that the instructor specifically advised her to mark “No” to Questions 11 and 12 because the Board already had received the information about her criminal history, and she had not been convicted of anything further since the time that she had provided that documentation. She also noted that she recently had asked the instructor about that advice, but the instructor did not specifically recall the conversation, as it was several years ago. (Tr. at 59-63)
18. Moreover, Ms. Ammons contends that it would make no sense for her to have lied on the Board’s 2004 and 2005 applications, but have disclosed her convictions on the 2003 Knox County Career Center questionnaire. (Tr. at 60)

Similarly, she pointed out that she had answered “Yes” to a similar question about convictions on the 2007 Renewal Application because she had been convicted of two misdemeanor charges during the time between when she first obtained her massage therapy certificate and the time of her renewal of that certificate. She contends that it makes no sense to conclude that she had lied on the Board’s 2004 and 2005 applications, when she had been truthful on the 2007 renewal application. (Tr. at 62, 63, 77-78)

Also, Ms. Ammons stated that her convictions were matters of public record and, thus, she would not intentionally lie to obtain her massage-therapy certificate. (Tr. at 63)

19. Finally, Ms. Ammons testified that all four criminal convictions occurred while she was involved in “a physically, mentally and emotionally abusive relationship, which [she had] recently gotten out of with the help of [her] family and friends.” She stated that this relationship began in December 1998 after she had separated from her former husband, and continued for several years. She explained that the relationship ceased for a period of time and, then, was reestablished in 2005 and recently ended on March 31, 2008. She stated that she has had and continues to have the active support of her mother and grandmother to separate herself from the abusive relationship and to establish independent accommodations in a different city. She also stated that she has been in counseling since January 8, 2008, dealing with that situation. (Tr. at 61, 67-69)

Testimony of Kimberly Roberts

20. Kimberly Roberts is Ms. Ammons' mother.² She testified that Ms. Ammons has always been "up front with anybody and everybody" about her criminal background, and has never hidden it. Ms. Roberts stated that Ms. Ammons has always been honest about her convictions because "she knew that if she wasn't it would come back to bite her * * *." She also stated that there have been times that Ms. Ammons was not able to get a job because of her criminal record, which implies that she had been honest about her background. (Tr. at 83, 86, 89)
21. Ms. Roberts confirmed that, at the time of the convictions, Ms. Ammons had been "in a very, very, very abusive relationship," during which Ms. Ammons was shut off from Ms. Roberts and other members of the family. She described the situation as follows:

I've had to take her to the hospital after he had beat[en] her at one point when she was pregnant. We thought she was going to lose her baby. She's had a broken arm. I've seen her with her face nothing but black and blue. The more that I would try to get her out of that relationship, the more he would shut her off from me.

My husband had tried and tried to talk her into getting away from him. There again, the more that we would push to get her away, the more he would pull her in. For the last nine years, it's been hell. It has been hell.

And I think I have finally gotten her to understand how important it is that she has to stay away from him for herself and her daughter and both of their safety, because I told her, at some point, if you do not get out of this relationship and stay out of it, one or both of you are going to be dead.

This is not an exaggeration. You can't imagine what this guy is like and the things that he has put her through and he has put my family through.

One night, I was talking to her on the phone, trying to get her away from him, and he threatened to kill me. He – He has threatened my son. He threatened my husband. * * *

Before she got into school, she was involved with him, and it was pure hell. I'm sorry, there's no other word to use, but he made all of our lives pure hell.

Then, when we did get her away from him, she was working, she was going to school for massage therapy, and she was taking care of her daughter with the help of myself, my husband, and my mom.

²Although Ms. Roberts is related to Ms. Ammons, the Hearing Examiner found Ms. Roberts to be a credible witness.

Then, somehow he got her suckered back in, she got drawn back into that same drama, and then things started going downhill from there. At the time that my husband was sick and dying, he wouldn't even allow her to come to the house hardly ever to see him. He would just shut her off from all of us. She couldn't go to my mom's.

Every time we tried to help her get out... This is when all of her trouble started, was because of him, and so now, my mom and I've got her out of it.

(Tr. at 83-86)

22. Ms. Roberts confirmed that she and Ms. Ammons' grandmother are assisting Ms. Ammons with expenses. Ms. Roberts stated that she truly believes that Ms. Ammons is trying to get her life "straightened out" and "move on" from her episodes with this individual. Ms. Roberts further stated that she believes that Ms. Ammons has seen how he has destroyed Ms. Ammons' life and that she is done with him. (Tr. at 86-89)

Letters of Support

23. Ms. Ammons submitted three letters of support from her current and past clients. In all three letters, the authors vouched for Ms. Ammons' character, professionalism and abilities as a massage therapist. Additionally, the first letter is from Ms. Ammons' aunt, who stated that Ms. Ammon's "struggle for stability is a direct result of her involvement in an abusive relationship." (Resp. Ex. B)

Testimony of Kay Rieve

24. Kay Rieve is an Administrative Officer for the Board. As part of her duties, Ms. Rieve supervises the Board's licensure, licensure renewal and continuing medical education departments. (Tr. at 13)
25. Ms. Rieve testified that, often, massage-therapy schools will inquire whether a student's or potential student's background will impede that person's ability to receive a certificate from the Board. Ms. Rieve could not recall whether Knox County Career Center had inquired about Ms. Ammons, and Ms. Rieve pointed out that there was nothing in the Board's documentation that suggests that an inquiry related to Ms. Ammons was made. (Tr. at 21)
Ms. Rieve explained further:

Q. Is there ever any documentation kept by the Board of any phone calls from a school?

A. We keep documentation, but in the case of an applicant who is just entering massage school, the Board doesn't have any jurisdiction over that person to gather that kind of documentation, so we advise as much as we can, but we

cannot make a decision at that time based on their background before they – as they enter massage school.

It's – It's a hard call because the Board has no specific rules to say these convictions would deny someone a license or would deny that person the opportunity to be licensed. We give them advice as far as it could be denied, it could not be denied. The problem is, we don't have a clear-cut rule that says what is an offense that would for sure be denied, because it's looked at on an individual basis for all applicants.

- Q. Do you give any advice, though, to the school or applicants that they need to be truthful and upward and disclose everything on their application[s]?
- A. Yes. We always ask them to disclose any information when they apply and provide documentation if it's available.

(Tr. at 22-23)

FINDINGS OF FACT

1. On August 17, 2004, Tina Nichole Ammons, M.T., submitted to the Board an Application for Certificate to Practice a Limited Branch – Massage Therapy [2004 Certificate Application]. By signing the 2004 Certificate Application, she certified that the information provided therein was true. In the Additional Information section of the application, Ms. Ammons answered “No” to Questions 11 and 12, which asked:

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 for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

2. On March 17, 2005, Ms. Ammons submitted to the Board a Massage Therapy Re-examination Application – Limited Branch Only [2005 Re-examination Application]. By signing the 2005 Re-examination Application, she certified that the information provided therein was true. In the Additional Information section of that application, Ms. Ammons answered “No” to Questions 11 and 12, which asked:

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? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders.

Have you ever forfeited collateral, bail or bond for breach or violation of any law, police regulation or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders.

(Emphasis in original.)

3. On April 11, 2000, in the Mount Vernon Municipal Court, in *City of Mount Vernon v. Tina N. Mosher*, Case No. 00CRB00270, Ms. Ammons was found guilty of Disorderly Conduct in violation of Section 509.03(A) of the Mount Vernon Codified Ordinances. Ms. Ammons was ordered to pay a fine of \$50.00 and court costs.
4. On August 1, 2000, in the Mount Vernon Municipal Court, in *City of Mount Vernon v. Tina M. [sic] Mosher*, Case No. 00CRB00492, Ms. Ammons was found guilty of Disorderly Conduct in violation of Section 509.03(A) of the Mount Vernon Codified Ordinances. Ms. Ammons was ordered to pay a fine of \$50.00 and court costs.
5. On May 20, 2005, the Board issued Ms. Ammons a massage-therapy certificate, after the recalculation of scores from the December 7, 2004, massage-therapy examination resulted in her having passed.
6. On several occasions, Ms. Ammons disclosed her criminal convictions to the Board and to her massage-therapy school in response to direct questions/inquiries:
 - In March 2003, Ms. Ammons answered “Yes” to a question by the Knox County Career Center regarding whether she had ever been convicted of a misdemeanor and “Yes” to a question regarding whether she had been convicted of a misdemeanor more than once.
 - In Ms. Ammons’ August 1, 2007, Renewal Application, she answered “Yes” to the Board’s question regarding whether, since her last certificate renewal, she had 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.”
 - On September 20, 2007, Ms. Ammons submitted a written explanation to the Board regarding several criminal and traffic convictions, and provided information obtained from court websites.

CONCLUSION OF LAW

Ms. Ammons' acts, conduct, and/or omissions, as set forth in Findings of Fact 1 through 4 above, do not 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 set forth in Section 4731.22(B)(5), Ohio Revised Code. Although the answers Ms. Ammons gave on the 2004 and 2005 applications were false, the evidences establishes that she did not intend to deceive or to give false information.

* * * * *

Ms. Ammons' responses to Questions 11 and 12 on the 2004 Certificate Application and the 2005 Re-examination Application were incorrect. The direct and specific language of Questions 11 and 12 required Ms. Ammons to disclose her two disorderly conduct convictions in the Mount Vernon Municipal Court in 2000, even though she had disclosed in her 2003 Knox County Career Center questionnaire that she had been convicted of two or more misdemeanors, had explained those two convictions to Knox Country Career Center personnel, and had responded to early concerns about her convictions.

The crux of the case is whether Ms. Ammons' incorrect responses were *intentionally* false, deceptive and misleading and, thus, a violation of Section 4731.22(B)(5), Ohio Revised Code.³ Ms. Ammons' voluntary disclosures to the Knox County Career Center in 2003 and to the Board in 2007 lend support for her claim that she was not hiding her convictions from the Board in 2004 and 2005, and that she had relied upon the advice of her instructor when she filled out the 2004 and 2005 applications. It does not seem probable that Ms. Ammons would disclose her convictions before and after filling out the 2004 and 2005 applications, yet intentionally provide false answers to Questions 11 and 12 on those applications. Moreover, Ms. Ammons and Ms. Roberts appeared very sincere at the hearing. Based on these observations, the Board would be warranted in finding no violation in this matter.

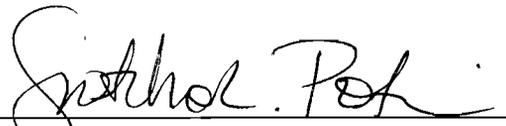
³In order to sanction a licensee for a violation of Section 4731.22(B)(5), Ohio Revised Code, the Board is required to find that the licensee intended to mislead the Board. Intent may be inferred from the surrounding circumstances. *Coleman v. State Med. Bd. of Ohio*, 2007-Ohio-5007, citing *Webb v. State Med. Bd. of Ohio*, 146 Ohio App.3d 621; and *Instanbooly v. Ohio State Med. Bd.*, Franklin App. No. 04AP-76, 2004-Ohio-2696.

PROPOSED ORDER

It is hereby ORDERED that:

The allegations against Tina Nichole Ammons, M.T., as set forth in the December 12, 2007, notice of opportunity for hearing are DISMISSED.

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

A handwritten signature in black ink, appearing to read "Gretchen L. Petrucci", written over a horizontal line.

Gretchen L. Petrucci
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 SEPTEMBER 10, 2008

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDER

Dr. Varyani announced that the Board would now consider the Reports and Recommendations 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 Khaled Mohamed Abdelhady, M.D.; Tina Nichole Ammons, M.T.; Andrew John Castellanos, M.D.; Lee C D Hang-Fu, M.D.; Elias Tessema, M.D.; Robert L. Wolfe, M.T.; and the Proposed Findings and Proposed Orders in the matters of Dereck Peery, D.O. and Thomas Edward Taylor, P.A. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- 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. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- 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 Dr. Abdelhady and Dr. Tessema, as those cases are not disciplinary in nature and concern 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 Reports and Recommendations and the Proposed Findings and Proposed Order shall be maintained in the exhibits section of this Journal.

.....

TINA NICHOLE AMMONS, M.T.

Dr. Varyani directed the Board's attention to the matter of Tina Nichole Ammons, M.T. He advised that objections were filed by the State to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

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

Ms. Ammons thanked Board members for giving her the time to speak today. She stated that she had a hearing a couple of months ago with Ms. Petrucci and Ms. Unver. She stated that she was cited for intentionally deceiving the Medical Board by providing false information on her application for licensure. She testified at hearing that this was not intentionally stated. When she completed her application for massage school, she was asked about her criminal background, and she had to turn over the information to the school. She was also advised by her instructor to turn the information over to the Medical Board because the school was concerned that she possibly could not sit for her licensure examination. When it came time for her to fill out her Medical Board application, questions 11 and 12 had asked whether she had ever been convicted of a misdemeanor or a felony and she did mark, "no," after consulting with her instructor because she'd already turned that information in.

Ms. Ammons stated that she did not intentionally deceive anybody. She'd turned the information to her teachers, they'd contacted the Medical Board and there was no problem with her taking the program or being able to sit for the licensure examination. Ms. Ammons apologized for wasting anyone's time for this. She stated that somewhere along the line it has become quite a disastrous mistake that she's made. She stated that she's still working as a massage therapist, and that is how she supports her child and herself. Ms. Ammons stated that she does want to continue to practice massage, adding that she enjoys it. Ms. Ammons stated that she hopes that everyone can be open-minded and allow her to continue practicing. She stated that it was a very hard struggle going to school, working full time and raising a child on her own. Her dad had cancer and her grandfather passed away. She stated that it was a real struggle. The course

was not easy, and studying for the exam was not easy. She stated that after working so hard to be able to take that exam and pass it, she wouldn't jeopardize that intentionally. She stated that that would have been a lot of time wasted.

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

Ms. Unver stated that the Report and Recommendation in this case recommends that the allegations in the notice of opportunity for hearing against Ms. Ammons be dismissed. She stated that she filed objections to that recommendation because the evidence in this case shows by a preponderance of the evidence that Ms. Ammons intended to provide false, fraudulent, deceptive or misleading statements in answering questions 11 and 12 on both her 2004 application for massage therapy, as well as her 2005 reapplication. Ms. Unver asked that the Board modify the findings in the Report and Recommendation to find that the answers in the application were made with the intent to make a false, fraudulent, deceptive or misleading statement in an attempt to secure a license.

Ms. Unver stated that, as she mentioned in her objections, there is no issue as to whether or not Ms. Ammons knew at the time that she filled out those applications that the information she was providing to the Board was false. She stated in her testimony that she knew that. What Ms. Ammons is banking on for her defense is whether that false information was provided with intent to deceive or to mislead the Board. What Ms. Ammons is asserting, essentially, is a defense based on ignorance. She throws in a whole series of excuses to suggest that she didn't intend to deceive the Board, and her main reason was that she thought that the Board already knew about the convictions, so she didn't need to tell them about the convictions again in her applications.

Ms. Unver stated that the word, "intent," has been defined by a plethora of case law over the years. It commonly means "a state of mind of a person who desires to cause consequences as a result of certain actions." In Ohio, case law holds that intent can be inferred from the surrounding circumstances, such as when a licensee clearly has information which she fails to disclose in a response to a direct question. Ms. Unver stated that Ms. Ammons clearly knew about her convictions from the year 2000, and she specifically withheld that information and falsely answered, "no," on those applications. Questions 11 and 12 on the application are crystal clear. They specifically ask, "Have you ever" been convicted or had any lawsuit filed against you." Ms. Ammons cannot argue that the questions were confusing or open to interpretation, and she cannot argue that her teacher told her to answer, "no," to the questions because, ultimately, the responsibility for filling out an application and signing an affidavit certifying that the information in that application is true is Ms. Ammons' alone. Ms. Unver continued that, even beyond Ms. Ammons' ultimate responsibility for filling out the application, Ms. Ammons admitted at hearing that the teacher did not remember giving her that advice. Ms. Unver added that Kay Rieve, Administrative Officer for the Board, testified that the Board always advises schools and applicants to disclose everything.

Ms. Unver stated that the most telling information as to Ms. Ammons' state of mind at the time of filling out the 2004 and 2005 applications comes from her responses to questions asked by the Hearing Examiner at the hearing. Ms. Ammons testified, "if you marked, 'yes,' to questions 11 and 12, you had to turn all the

information in again with the application and it was going to delay the process for the licensure exam because it was already turned in.” Ms. Unver stated that the fact is that Ms. Ammons did not want to delay her exam date, and she did not want to take time to get the certified documentation from the court. Her motive for answering, “no,” to questions 11 and 12 is based purely on an intent to deceive the Board. Ms. Unver stated that that is why the State objects to the Report and Recommendation as written and asks that the Board modify the Report and Recommendation to find that Ms. Ammons did intend to make false, fraudulent, deceptive or misleading statements in answering questions 11 and 12, and that’s in violation of Ohio Revised Code Section 4731.22(B)(5).

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI’S FINDINGS OF FACT, CONCLUSION OF LAW, AND PROPOSED ORDER IN THE MATTER OF TINA NICHOLE AMMONS, M.T. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh stated that she thinks that she understands Ms. Ammons’ concerns and so forth, but she disagrees with Ms. Ammons’ reasons for not affirmatively answering those questions. She stated that she has developed an alternative Conclusion of Law and Order, and asked that it be distributed.

Dr. Steinbergh stated that it’s pretty clear that Ms. Ammons knew what she was doing. She seems to be articulate and understanding of things, and in the hearing record it was clear that she understood the answers to the questions. Dr. Steinbergh stated that she thinks that Ms. Unver’s objections to the Report and Recommendation are appropriate, because she thinks that the State has, in fact, proved that Ms. Ammons’ conduct does, in fact, constitute making a false, fraudulent, deceptive or misleading statement.

DR. STEINBERGH MOVED TO DELETE THE TWO PARAGRAPHS FOLLOWING THE FIVE STARS UNDER THE CONCLUSION OF LAW, AND TO SUBSTITUTE THE CONCLUSIONS OF LAW AND THE PROPOSED ORDER WITH THE FOLLOWING:

CONCLUSION OF LAW

The conduct of Tina Nichole Ammons, M.T., as set forth in Findings of Fact 1 through 4 above, constitutes “[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 set forth in Section 4731.22(B)(5), Ohio Revised Code.

ORDER

It is hereby ORDERED that:

- A. **REPRIMAND:** Tina Nichole Ammons, M.T., is REPRIMANDED.
- B. **PROBATION:** The certificate of Tina Nichole Ammons, M.T., to practice massage therapy in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
1. **Obey the Law:** Ms. Ammons shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Declarations of Compliance:** Ms. Ammons 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 this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Ms. Ammons shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective or as otherwise directed 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.
 4. **Professional Ethics Course:** Before the end of the first year of probation, or as otherwise approved by the Board, Ms. Ammons 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 Ms. Ammons submits the documentation of successful completion of the course or courses dealing with professional 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.

5. **Noncompliance Will Not Reduce Probationary Period:** In the event Ms. Ammons is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such

period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

- C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Ammons' certificate will be fully restored.

D. **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, Ms. Ammons 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 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.

Further, Ms. Ammons shall provide a copy of this Order to all employers or entities with which she 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 she applies for or obtains privileges or appointments. This requirement shall continue until Ms. Ammons receives from the Board written notification of her successful completion of probation as set forth in section C above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:** In the event that Ms. Ammons 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, Ms. Ammons 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, Ms. Ammons 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.

When Ms. Ammons applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, she 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 Ms. Ammons receives from the Board written notification of her successful completion of probation as set forth in section C, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Ms. Ammons 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.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.

DR. AMATO SECONDED THE MOTION.

Dr. Egner stated that she is not in favor of the amendment because she feels it is too harsh. Dr. Egner stated that she doesn't read the Report and Recommendation in the same way as Dr. Steinbergh. She noted that Ms. Ammons disclosed the information previously to a number of sources. She stated that she can't help but take into account the circumstances of Ms. Ammons' convictions. Dr. Egner asked how much punishment is needed for someone who is trying to make it out of an incredibly deep hole. Dr. Egner stated that she would rather be on the side of helping Ms. Ammons than making her life harder. She stated that it was her intention coming into this meeting to agree with the Report and Recommendation. She stated that, at most, she would agree to a reprimand.

Dr. Madia stated that he concurs with Dr. Egner. He acknowledged that Ms. Ammons should have answered the questions properly, but the amendment is too harsh. He stated that a reprimand would be appropriate.

Dr. Steinbergh stated that the important thing to her is that Ms. Ammons knew what the application questions meant and decided to answer them incorrectly. She would agree with a

Proposed Order of reprimand only, but she still wants to change the conclusion of law. Dr. Steinbergh stated that she doesn't disagree with being compassionate in this case. She stated that she appreciates the difficulty with which Ms. Ammons' life has continued, but she knew the correct answers to those questions. Dr. Steinbergh added that, if she had questions, she should have asked the Medical Board, and not an instructor at her school.

Dr. Madia agreed.

DR. STEINBERGH AMENDED HER MOTION TO SUBSTITUTE THE PROPOSED ORDER WITH AN ORDER OF REPRIMAND. DR. AMATO, AS SECOND, AGREED TO THE AMENDED MOTION. A vote was taken:

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

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSION OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF TINA NICHOLE AMMONS, M.T. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- 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

(614) 466-3934
med.ohio.gov

December 12, 2007

Case number: 07-CRF-018

Tina Nichole Ammons, M.T.
5826 Mink Street
Mount Vernon, OH 43050

Dear Ms. Ammons:

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 August 17, 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 for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

On or about March 17, 2005, you caused to be submitted to the Board an Application for Certificate to Practice a Limited Branch Massage Therapy [2005

Mailed 12.13.07

Application]. By signing the 2005 Application, you certified that the information provided therein was true.

In the "Additional Information" section of your 2005 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? If yes, submit copies of all relevant documentation, such as police reports, **certified** court records and any institutional correspondence and orders.

Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)? If yes, submit copies of all relevant documentation, such as police reports, **certified** court records and any institutional correspondence and orders.

In fact, on or about April 11, 2000, in the Mount Vernon Municipal Court located in Mount Vernon, Ohio, you were found guilty of Section 509.03A, Mount Vernon Codified Ordinances, Disorderly Conduct, and were ordered to pay a \$50 fine and court costs. Further, on or about August 1, 2000, in the Mount Vernon Municipal Court located in Mount Vernon, Ohio, you were found guilty of Section 509.03A, Mount Vernon Codified Ordinances, Disorderly Conduct, and were order to pay a \$50 fine and court costs.

On or about May 20, 2005, your certificate to practice massage therapy was granted by the Board, after the recalculation of scores from the December 7, 2004 Massage Therapy examination resulted in your having passed.

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.

Tina Nichole Ammons, M.T.

Page 3

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.

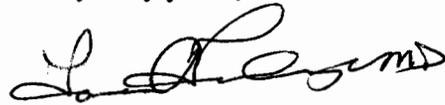
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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

Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 5978 3888
RETURN RECEIPT REQUESTED