

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

July 9, 2008

Kathryn Amy Borovich, M.T.
892 Mohawk Trail #9
Milford, OH 45150

RE: 08-CRF-038

Dear Ms. Borovich:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on July 9, 2008.

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 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 of the Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT:baj
Enclosures

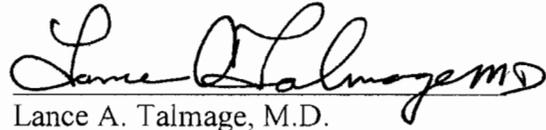
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3933 2407 0679
RETURN RECEIPT REQUESTED

Mailed 7-10-08

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on July 9, 2008, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Kathryn Amy Borovich, M.T., Case Number 08-CRF-038, as it appears in the Journal of the State Medical Board of Ohio.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

July 9, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 08-CRF-038

KATHRYN AMY BOROVICH, M.T.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated April 9, 2008, notice was given to Kathryn Amy Borovich, M.T., that the State Medical Board intended to consider disciplinary action regarding her license to practice massage therapy in the State of Ohio, and that she was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, on April 10, 2008, to the address of record of Ms. Borovich, that being 892 Mohawk Trail #9, Milford, Ohio 45150.

A signed certified mail receipt was returned to the Medical Board documenting proper service of the notice. However, no hearing request has been received from Ms. Borovich and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, having reviewed the affidavit of Debra L. Jones, Continuing Medical Education and Renewal Officer, the affidavit of Barbara A. Jacobs, Public Services Administrator, and the notice of opportunity for hearing issued on April 9, 2008, all of which are attached hereto and incorporated herein, the Board hereby finds that:

1. On January 17, 2008, the Board issued an Order to Kathryn Amy Borovich, M.T., via certified mail, return receipt request, for Ms. Borovich to appear at a 72-hour inpatient examination at Glenbeigh Hospital, beginning on March 3, 2008.
2. The Board received written notice from Glenbeigh Hospital that Ms. Borovich failed to appear for the examination scheduled for March 3, 2008.
3. Ms. Borovich has failed to provide any documentation that her failure to appear for the examination scheduled for March 3, 2008, was due to circumstances beyond her control.

Based upon the above findings, the Board concludes as a matter of law that:

Ms. Borovich is impaired in her ability to practice in accordance with accepted and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice”, as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Accordingly, it is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Kathryn Amy Borovich, M.T., to practice massage therapy in the state of Ohio shall be SUSPENDED for an indefinite period of time.
- B. **CONDITIONS FOR REINSTATEMENT:** Ms. Borovich shall not apply in the future for reinstatement or restoration of her certificate to practice massage therapy in the state of Ohio, or for any other certificate issued by the Board, until all of the following conditions are met.
1. **Application:** Ms. Borovich shall submit an application, accompanied by appropriate fees.
 2. **Demonstration of Ability to Practice:** Ms. Borovich shall demonstrate to the satisfaction of the Board that she can practice in compliance with acceptable and prevailing standards of care under the provisions of her certificate. Such demonstration shall include but shall not be limited to the following:
 - a. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Ms. Borovich has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4) and 4731-16-08(A)(13) of the Administrative Code, completed consecutively.
 - b. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10 of the Administrative Code.
 - c. Two written reports indicating that Ms. Borovich's ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Ms. Borovich. Prior to the assessments, Ms. Borovich shall provide the evaluators with copies of patient records from any evaluations and/or treatment that she has received and a copy of this Order. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Ms. Borovich, and any conditions, restrictions, or

limitations that should be imposed on Ms. Borovich's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement or restoration.

C. **PROBATIONARY CONDITIONS TO BE PLACED UPON ANY FUTURE CERTIFICATE GRANTED BY THE BOARD:** In the event that the Board should grant a future application by Ms. Borovich for reinstatement or restoration of her certificate to practice massage therapy in the State of Ohio, or for any other certificate issued by the Board, that certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law**: Ms. Borovich shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy or other licensed practice in Ohio.
2. **Personal Appearances**: Ms. Borovich shall appear in person for an interview before the full Board or its designated representative during the third month following the month during which the Board approved Ms. Borovich's application for reinstatement or restoration of her certificate to practice massage therapy or other certificate. 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. **Quarterly Declarations**: Ms. Borovich shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month during which the Board approved Ms. Borovich's application for reinstatement or restoration of her certificate to practice massage therapy or other certificate. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
4. **Abstention from Drugs**: Ms. Borovich shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of Ms. Borovich's history of impairment.
5. **Abstention from Alcohol**: Ms. Borovich shall abstain completely from the use of alcohol.

6. **Comply with the Terms of Treatment and Aftercare Contract:** Ms. Borovich shall maintain continued compliance with the terms of the treatment and aftercare contracts entered into with her treatment provider, provided that, where terms of the treatment and aftercare contract conflict with terms of the Order, the terms of the Order shall control.

7. **Drug & Alcohol Screens:** Ms. Borovich shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Ms. Borovich shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board, and shall include Ms. Borovich's drug(s) of choice.

Ms. Borovich shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Ms. Borovich is specifically warned that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Order.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site, except as provided below, and the screening process shall require a daily call-in procedure.

Ms. Borovich shall submit, at her expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Ms. Borovich shall be negative, except for those substances prescribed, administered, or dispensed to her in conformance with the terms, conditions and limitations set forth in this Order. Refusal to submit such specimen, or failure to submit such specimen on the day Ms. Borovich is selected or in such manner as the Board may request, shall constitute a violation of this Order.

Further, within thirty days of the reinstatement or restoration of her license to practice massage therapy, Ms. Borovich shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Order. Further, within thirty days of making such arrangements, Ms. Borovich shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Ms. Borovich and the Board-approved drug testing facility and/or collection site. Ms. Borovich's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

Ms. Borovich shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Ms. Borovich and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Ms. Borovich shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Order, Ms. Borovich must immediately notify the Board in writing, and make arrangements acceptable to the Board, as described below, as soon as practicable. Ms. Borovich shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

The Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Ms. Borovich shall submit her urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Ms. Borovich, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Ms. Borovich:

- a. Within thirty days of the date upon which Ms. Borovich is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Ms. Borovich, she shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Ms. Borovich shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Ms. Borovich's residence or employment location, or to a physician who practices in the

same locale as Ms. Borovich. Ms. Borovich shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Ms. Borovich shall assure that the alternate drug testing facility and collection site, or the supervising physician, maintains appropriate control over the specimen and shall immediately inform the Board of any positive screening results.

- b. Ms. Borovich shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.
- c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Ms. Borovich must immediately notify the Board in writing. Ms. Borovich shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in her urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Ms. Borovich shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Ms. Borovich.
- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Ms. Borovich's designated alternate drug testing facility and/or collection site, or any person proposed to serve as her supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

All screening reports required under this Order from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Ms. Borovich's quarterly declaration. It is Ms. Borovich's responsibility to ensure that reports are timely submitted.

Ms. Borovich shall submit blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Ms. Borovich, or for any other purpose, at Ms. Borovich's expense upon the Board's request and without prior notice. Ms. Borovich's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

8. **Provision of Blood or Urine for Screening without Prior Notice**: Ms. Borovich shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Ms. Borovich's expense.
9. **Rehabilitation Program**: Ms. Borovich shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A. or C.A., no less than three times per week, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Ms. Borovich shall submit acceptable documentary evidence of continuing compliance with this program, which must be received in the Board's offices no later than the due date for Ms. Borovich's quarterly declarations.
10. **Releases**: Ms. Borovich shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Ms. Borovich's impairment and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after Board approval of Ms. Borovich's application for reinstatement or restoration of her certificate to practice massage therapy or other certificate. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

Ms. Borovich shall also provide the Board written consent permitting any treatment provider from whom Ms. Borovich obtains treatment to notify the Board in the event she fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

11. **Absence from Ohio**: Ms. Borovich shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months,

in instances where the Board can be assured that probationary monitoring is otherwise being performed.

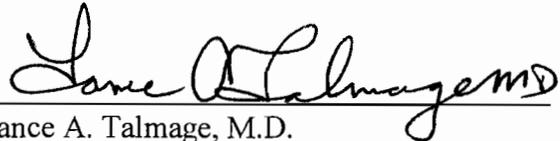
12. **Tolling of Probationary Period while Out of Compliance:** In the event Ms. Borovich is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **Required Reporting to Employers and Hospitals:** Within thirty days of the effective date of this Order, Ms. Borovich 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 where she has privileges or appointments. Further, Ms. Borovich shall promptly provide a copy of this Order to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments. Further, Ms. Borovich shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty 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 email transmission of a copy of the Order to the person or entity to whom a copy of the Order was emailed.
- E. **Required Reporting to Other State Licensing Authorities:** Within thirty days of the effective date of this Order, Ms. Borovich 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. Borovich shall further provide a copy of this Order at time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement of any professional license. Further, Ms. Borovich shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty 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 email transmission of a copy of the Order to the person or entity to whom a copy of the Order was emailed.

- F. **Change of Address:** Ms. Borovich shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.
- G. **Termination Of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Borovich's certificate will be fully restored.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 9th day of July 2008, and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.
Secretary

(SEAL)

July 9, 2008
Date



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

April 9, 2008

Case number: 08-CRF- **038**

Kathryn Amy Borovich, M.T.
892 Mohawk Trail #9
Milford, OH 45150

Dear Ms. Borovich:

Due to your failure to submit to an examination on March 3, 2008, as ordered by the State Medical Board of Ohio [Board] and your failure to notify the Board of any circumstances beyond your control preventing you from submitting to said examination, pursuant to Section 4731.22(B)(26), Ohio Revised Code, a legal presumption has been established that you have admitted the factual and legal allegations demonstrating an impairment of your ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice, as alleged against you in the Board's letter dated January 17, 2008, and sent to you by certified mail [January 17, 2008 certified letter], so ordering you to submit to such examination.

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the Board intends, for one or more of the following reasons, to determine whether your failure to submit to the aforementioned examination was due to circumstances beyond your control, which would rebut the legal presumption of impairment and merit rescheduling the examination as directed by the Board, or conversely, whether your failure to submit to the aforementioned examination was due to circumstances within your control, which would render the legal presumption of impairment conclusive and result in the Board further determining whether 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 based upon your legally admitted impairment:

- (1) By letter dated January 17, 2008, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered you to undergo a 72-hour inpatient examination to determine if you are in violation of Section 4731.22(B)(26), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included the following:
 - (a) In the renewal of your certificate to practice massage therapy, which you submitted to the Board in or around July 2007, you responded affirmatively to question 1, 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 in lieu of conviction of, a misdemeanor or felony?" In the materials that you submitted to the Board explaining your

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affirmative answer, you indicated that you had two recent convictions for Operating Vehicle Under the Influence of Alcohol or Drugs [OVI]. Your written explanation and the documentation obtained by the Board further indicated the following:

- (i) On or about July 23, 2005, you were charged with OVI, and your blood alcohol concentration was 0.156. On or about August 25, 2005, in the Terrace Park Mayor's Court, Terrace Park, Ohio, you entered a plea of no contest to OVI, and you were found guilty of that charge. You were fined, required to complete two days of community service, and ordered to complete a driver intervention program at the Talbert House, a drug and alcohol treatment facility in Cincinnati, Ohio.
 - (ii) On or about April 30, 2006, you were charged with OVI, after the vehicle you were operating struck another vehicle and you refused to have your blood alcohol level tested. On or about May 18, 2006, in the Hamilton County Municipal Court, Cincinnati, Ohio, you entered a plea of no contest to Refusal of Chemical Test, in violation of Section 4511.19(A)(2), Ohio Revised Code. You were found guilty of that charge; you were fined; and you were sentenced to 180 days in jail, with 160 days suspended and 20 days stayed upon completion of the "Talbert House 20 Day D.U.I. Program." In addition, your driver's license was suspended for one-and-one-half years, and you were placed on probation for one year. You further indicated that you were required to attend group meetings for eight weeks at the Clermont Recovery Center, and that you completed the 20 Day D.U.I. Program at Talbert House on or about July 30, 2006.
- (b) On or about October 31, 2007, you were interviewed by a Board investigator. You informed the investigator that you did not try or start drinking until you were 21 years old; you had become addicted to alcohol; and you were drinking four to five days a week before your second OVI arrest. You further indicated that you had not consumed alcohol since April 2006.
- (2) The January 17, 2008 certified letter from the Board further notified you that, pursuant to Section 4731.22(B)(26), Ohio Revised Code, you were ordered to submit to a 72-hour inpatient examination. The examination was scheduled to take place at Glenbeigh Hospital, a Board-approved treatment provider, on March 3, 2007, at 10:00 a.m.

The January 17, 2008 certified letter from the Board further notified you that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified you that if you failed to submit to the examination, and such failure was not due to circumstances beyond your control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

- (3) You were duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated January 30, 2008.
- (4) By letter dated March 6, 2008, the Board was notified that you failed to appear for the examination that the Board scheduled for you. At no time did you inform the Board that your failure to appear was due to circumstances beyond your control. Accordingly, pursuant to Section 4731.22(B)(26), Ohio Revised Code, and in consideration of the affidavits of Mark R. Blackmer, Enforcement Attorney, and Debra L. Jones, CME & Renewal Officer, copies of which are attached hereto and fully incorporated herein, the Board hereby FINDS that you have admitted the truth of the allegations demonstrating impairment as set forth in the January 17, 2008 letter from the Board. The Board FINDS that pursuant to Section 4731.22(B)(26), Ohio Revised Code, your failure to appear for the examination ordered by the Board as directed constitutes “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Section 4731.22(B)(26), Ohio Revised Code, provides that any individual authorized to practice accepts the privilege of practicing in this state subject to supervision by the Board; that by filing an application for or holding a certificate to practice, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing; and that the expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual’s control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control. 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 of 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.

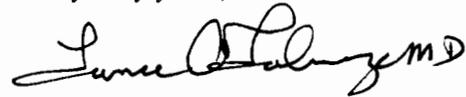
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to

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/MRB/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3686 8188
RETURN RECEIPT REQUESTED

AFFIDAVIT

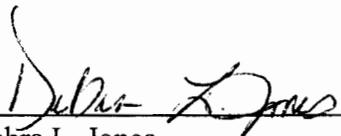
The State of Ohio
Franklin County, SS

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Continuing Medical Education and Renewal Officer.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to Kathryn Amy Borovich, M.T.
- 5) Based on such examination, I have found the last known address of record of Kathryn Amy Borovich, M.T., to be:

892 Mohawk Trail #9
Milford, OH 45150

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones
Continuing Medical Education and
Renewal Officer

Sworn to and signed before me, Cheryl D Pokorny, ^{ATTORNEY AT LAW} Notary Public, this 3
day of APRIL, 2008.



Notary Public
Cheryl D. Pokorny
State of Ohio
Attorney At Law
Lifetime Commission

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Mark R. Blackmer, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4760., and 4762., Ohio Revised Code.
- 4) I coordinated the investigation of Kathryn Amy Borovich, M.T., which resulted in the issuance of an order from the Board for Ms. Borovich to submit to an examination pursuant to Section 4731.22(B)(26), Ohio Revised Code.
- 5) On January 17, 2008, a letter was sent via certified mail, return receipt requested, to Ms. Borovich at the following address: 892 Mohawk Trail #9, Milford, Ohio 45150. A copy of said letter, by which Ms. Borovich was ordered to submit to a seventy-hour inpatient evaluation at Glenbeigh Hospital, 2863 St. Rt. 45, Rock Creek, Ohio, commencing on March 3, 2008, at 10:00 a.m., is attached hereto and fully incorporated herein.
- 6) On February 4, 2008, the Board received electronic notice of a certified mail receipt showing that the certified letter to Ms. Borovich had been delivered on January 30, 2008, to the address set forth in paragraph 5. A copy of said electronic certified mail return receipt is attached hereto and fully incorporated herein.
- 7) On March 3, 2008, I was notified telephonically by a representative of Glenbeigh Hospital that Ms. Borovich failed to appear at Glenbeigh Hospital for the examination that the Board scheduled for her. On March 11, 2008, I received a letter dated March 6, 2008, confirming Ms. Borovich's failure to appear for the examination ordered by the Board. A copy of the letter from the Glenbeigh Hospital is attached hereto and incorporated herein.

8) At no time did Ms. Borovich inform the Board that her failure to appear was due to circumstances beyond her control.

Further, Affiant Sayeth Naught.

Mark R. Blackmer
Mark R. Blackmer, Enforcement Attorney

Sworn to and signed before me, Cheryl D. Pokorny, Notary Public, this 3
day of APRIL, 2008. ATTORNEY AT LAW

Cheryl D. Pokorny
Notary Public

Cheryl D. Pokorny
State of Ohio
Attorney At Law
Lifetime Commission

Cheryl D. Pokorny
State of Ohio
Attorney At Law
Lifetime Commission

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

January 17, 2008

Personal and Confidential

Kathryn Amy Borovich, M.T.
892 Mohawk Trail #9
Milford, OH 45150

Dear Ms. Borovich:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."

This determination is based upon one or more of the following reasons:

- (1) In the renewal of your certificate to practice massage therapy, which you submitted to the Board in or around July 2007, you responded affirmatively to question 1, 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 in lieu of conviction of, a misdemeanor or felony?" In the materials that you submitted to the Board explaining your affirmative answer, you indicated that you had two recent convictions for Operating Vehicle Under the Influence of Alcohol or Drugs [OVI]. Your written explanation and the documentation obtained by the Board further indicated the following:
 - (a) On or about July 23, 2005, you were charged with OVI, and your blood alcohol concentration was 0.156. On or about August 25, 2005, in the Terrace Park Mayor's Court, Terrace Park, Ohio, you entered a plea of no contest to OVI, and you were found guilty of that charge. You were fined, required to complete two days of community service, and ordered to complete a driver intervention program at the Talbert House, a drug and alcohol treatment facility in Cincinnati, Ohio.
 - (b) On or about April 30, 2006, you were charged with OVI, after the vehicle you were operating struck another vehicle and you refused to have your blood alcohol level tested. On or about May 18, 2006, in the Hamilton County Municipal Court, Cincinnati, Ohio, you entered a plea of no contest to Refusal of Chemical Test, in violation of Section 4511.19(A)(2), Ohio Revised Code. You were found guilty of that charge; you were fined; and you were sentenced to 180 days in jail, with 160 days suspended and 20 days stayed upon completion of the "Talbert House 20 Day D.U.I. Program." In addition, your driver's license was suspended for one-and-one-

half years, and you were placed on probation for one year. You further indicated that you were required to attend group meetings for eight weeks at the Clermont Recovery Center, and that you completed the 20 Day D.U.I. Program at Talbert House on or about July 30, 2006.

- (2) On or about October 31, 2007, you were interviewed by a Board investigator. You informed the investigator that you did not try or start drinking until you were 21 years old; you had become addicted to alcohol; and you were drinking four to five days a week before your second OVI arrest. You further indicated that you had not consumed alcohol since April 2006.

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(26), Ohio Revised Code, you are ordered to submit to a three-day examination. This examination will take place at Glenbeigh Hospital, 2863 State Route 45, Rock Creek, Ohio, (440) 563-3400. You are to report to Cathy Chambers, the In-take Coordinator, on Monday, March 3, 2008, at 10:00 a.m. for a 72-hour in-patient evaluation. For driving directions or questions regarding admissions procedures, please contact Cathy Chambers of Glenbeigh Hospital directly at telephone number (440) 563-3400.

Pursuant to Section 4731.22(B)(26), Ohio Revised Code, you are responsible for the expense of this evaluation. The total estimated cost of this evaluation is \$1,800.00. You must present a certified check or money order in this amount made payable to Glenbeigh Hospital prior to the beginning of the examination. Failure to present a certified check or money order in the amount specified to the examiner will result in the examination being cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3487 4709
RETURN RECEIPT REQUESTED



Date Produced: 02/04/2008

STATE MEDICAL BOARD OF OHIO

The following is the delivery information for Certified item number 7108 2133 3934 3487 4709. Our records indicate that this item was delivered on 01/30/2008 at 03:18 p.m. in MILFORD, OH, 45150. The scanned image of the recipient information is provided below.

Signature of Recipient:

A scanned image of a handwritten signature in black ink, appearing to read "William J. Borovich".

Address of Recipient:

A scanned image of a handwritten address in black ink, appearing to read "12121 S. Mainway Rd.".

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 4225901 18019711BOROVICH MRB

Glenbeigh

 Cleveland Clinic affiliate



Accredited by
Joint Commission

P.O. Box 298 • ROCK CREEK, OHIO 44084-0298 • 440-563-3400 • FAX 440-563-9619

March 6, 2008

Mark Blackmere
Ohio Medical Board
30 South High Street
Columbus, Ohio 42215-6127

RE: Kathryn Borovich

Dear Mark:

This is to advise you that, Kathryn Borovich, who you referred for a three-day inpatient evaluation on 03/03/08, at Glenbeigh Hospital of Rock Creek, was a no show for the evaluation, and there was not any contact with Glenbeigh..

If I can be of further assistance, please let me know.

Respectfully,

Kathy Chambers AKDC

Kathy Chambers,
Admission Coordinator

OHIO STATE MEDICAL BOARD

MAR 11 2008

RECEIVED