CONSENT AGREEMENT
BETWEEN
CAROL DOMER, C.T.
AND
THE STATE MEDICAL BOARD OF OHIO

This Consent Agreement is entered into by and between Carol Domer, C.T., and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Carol Domer, C.T., voluntarily enters into this Consent Agreement being fully informed of her right under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire Consent Agreement between the parties, there being no other Consent Agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

A. The Board is empowered by Section 4731.22(A), Ohio Revised Code, to revoke or refuse to grant a certificate to a person found by the Board to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the Board.

B. The Board is empowered by Section 4731.22(B)(5), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "[m]aking a false, fraudulent, deceptive, or misleading statement...in securing or attempting to secure any certificate to practice or certificate of registration issued by the Board."

C. The Board is empowered by Section 4731.22(B)(20), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of conspiring to violate, any provisions of this chapter or any rule promulgated by the Board."

D. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(A), 4731.22(B)(5), and 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.155, Ohio Revised Code, and Rule

4731-1-08, Ohio Administrative Code, as set forth in the Notice of Opportunity for Hearing issued by the Board on December 8, 2004, a copy of which is attached hereto and fully incorporated herein. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this Consent Agreement.

E. Carol Domer, C.T., is licensed to practice cosmetic therapy in the State of Ohio, License No. 53-005942.

F. Carol Domer, C.T., states that she is not licensed to practice cosmetic therapy in any other state or jurisdiction.

G. Carol Domer, C.T., admits that, in applying for registration of her certificate to practice cosmetic therapy for the 2003-2005 registration period, she certified that she had completed, during the preceding 2001-2003 registration period, the requisite 25 hours of Continuing Cosmetic Therapy Education [hereinafter "CCTE"], as required by Section 4731.155, Ohio Revised Code.

H. Carol Domer, C.T., admits that, in fact, she has no documentation for any CCTE hours taken during the 2001-2003 registration period, although she is required by Rule 4731-1-08, Ohio Administrative Code, to retain detailed records of CCTE hours for one year after the end of the registration period. Carol Domer, C.T., further admits that, by signing her registration application and attesting that she had completed the requisite 25 hours of CCTE when, in fact, she has no documentation of any CCTE hours, she engaged in an act of misrepresentation in violation of R.C. 4731.22(A) and R.C. 4731.22(B)(5); said misrepresentation also violated R.C. 4731.22(B)(20), operating in conjunction with R.C. 4731.155 and O.A.C. 4731-1-08.

I. Carol Domer, C.T., states and the Board acknowledges that she does not have acceptable documentation for the 18.3 CCTE hours from the Oncology Nursing Society. Ms. Domer acknowledges that this course was not approved by the Board, as required by Rule 4732-1-08, Ohio Administrative Code, and thus cannot be applied to satisfy her CCTE requirement for the 2001-2003 registration period.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Carol Domer, C.T., knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

REPRIMAND

1. Carol Domer, C.T., is hereby REPRIMANDED.

SUSPENSION

2. The certificate of Carol Domer, C.T., to practice cosmetic therapy in the State of Ohio shall be SUSPENDED for an indefinite period of time.

CONDITIONS FOR REINSTATEMENT

3. The Board shall not consider reinstatement or restoration of the certificate of Carol Domer, C.T., to practice cosmetic therapy until all of the following minimum requirements are met:

   a. Carol Domer, C.T., shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

   b. Carol Domer, C.T., shall supply documentation acceptable to the Board of satisfactory completion of 25 hours of CCTE to be applied retroactively to the CCTE requirement for the 2001-2003 registration period. It will be Ms. Domer's responsibility to work with appropriate Board staff to ascertain what will be considered satisfactory documentation and to obtain the same.

   3. In the event that Carol Domer, C.T., has not engaged in the active practice of cosmetic therapy for a period of more than two years prior to her application for reinstatement or restoration, Carol Domer, C.T., shall take and pass any oral or written examination, or both, which the Board may deem appropriate to assess Ms. Domer's clinical competency and fitness to resume practice.

MANDATORY AUDITS

4. Subsequent to reinstatement or restoration, Carol Domer, C.T., shall supply documentation acceptable to the Board of satisfactory completion of the requisite hours of CCTE credit for the registration period in effect at the time of her reinstatement. These CCTE credits shall be in addition to the 25 credit hours, which Ms. Domer completed in accordance with this Consent Agreement as a condition for reinstatement and which have been accredited to the 2001-2003 CCTE registration period. Moreover, Carol Domer, C.T., shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CCTE credits for two additional CCTE periods thereafter. This documentation shall be due in

the Board's offices within 30 days of the conclusion of each CCTE registration period, unless otherwise determined by the Board.

REQUIRED REPORTING BY LICENSEE

5. Within thirty days of the effective date of this Consent Agreement, unless otherwise determined by the Board, Carol Domer, C.T., shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide cosmetic therapy services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Carol Domer, C.T., shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide cosmetic therapy services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.

6. Within thirty days of the effective date of this Consent Agreement, unless otherwise determined by the Board, Carol Domer, C.T., shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Further, Carol Domer, C.T., shall also provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement or restoration of any professional license. Further, Carol Domer, C.T., shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Carol Domer, C.T., appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

ACKNOWLEDGEMENTS / LIABILITY RELEASE

Carol Domer, C.T., acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Carol Domer, C.T., hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Carol Domer, C.T., acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to the ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

Carol Domer, CT
CAROL DOMER, C.T.

6/10/05
DATE

Lance A Talmage MD
LANCE A. TALMAGE, M.D.
Secretary

7-13-05
DATE

RAYMOND J. ALBERT
Supervising Member

7/13/05
DATE

Tara Berrien
TARA L. BERRIEN
Assistant Attorney General

7-13-05
DATE

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

December 8, 2004

Carol A. Domer, C.T.
5533 Clover Street
Louisville, OH 44641

Dear Ms. Domer:

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 cosmetic therapy, or to reprimand or place you on probation for one or more of the following reasons:

(1) In applying for registration of your certificate to practice cosmetic therapy for the September 1, 2003 – August 31, 2005 period, you certified that you had completed or would complete during the 2001 – 2003 period (June 1, 2001 – May 31, 2003) the requisite hours of Continuing Cosmetic Therapy Education [CCTE] as required by Section 4731.155, Ohio Revised Code.

(2) By a certified mail letter dated May 20, 2004, the Board informed you that you were required to complete and submit a log demonstrating that you had completed at least 25 hours of CCTE during the 2001 - 2003 period and to provide documentation that you had actually completed at least 25 hours of CCTE credits. You failed to respond to this notice. By certified mail letter dated July 28, 2004, the Board again informed you that you were to complete and submit a log demonstrating that you had completed at least 25 hours of CCTE during the 2001 - 2003 period and to provide documentation that you had actually completed at least 25 hours of CCTE credits. On August 25, 2004, you returned the incomplete log to the Board with the following written statement, "I have thrown away all my old CEU certificates. I do have my present up-to-date CEU certificates. Carol Domer."

(3) On October 25 and October 26, 2004, in response to your statement on the CCTE form, a Board staff member left you voicemail messages with instructions to contact the staff member regarding your CCTE credits. You failed to respond to the phone calls. On October 28, 2004, the staff member sent you a letter instructing you to send the Board the "present up-to-date CEU certificates" and

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the names and addresses of where you obtained your CEU certificates for the 2001 – 2003 period. You were instructed to return this by November 15, 2004, and, if you had any questions, you were to contact the staff member at the enclosed phone number. Although on November 18, 2004, the Board received copies of documentation for 31.3 credits continuing education credits completed after the audit period, no information regarding the CCTE for the audit period was included. Although 13.0 of these credit hours were Board-approved, 18.3 credit hours have not been established as approved CCTE credits.

Your acts, conduct and/or omissions in certifying to the Board that you had completed the statutorily required CCTE, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct and/or omissions in certifying to the Board that you had completed the statutorily required CCTE, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement...in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your failure to respond to the audit notices, to obtain the requisite CCTE, and/or to submit documentation of same, as alleged in the above paragraphs (2) and (3) constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.155, Ohio Revised Code, and Rule 4731-1-08, Ohio Administrative Code.

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Lance A. Talmage, M.D.
Secretary

Enclosures

CERTIFIED MAIL #7000 0600 0024 5143 7049
RETURN RECEIPT REQUESTED