

**CONSENT AGREEMENT  
BETWEEN  
TANIA RENEE ECK, M.T.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

Ms. Eck enters into this Consent Agreement being fully informed of her rights 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.

**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(B)(26), 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 "impairment 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."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraphs E through G below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Ms. Eck has submitted an application for a certificate to practice massage therapy in the State of Ohio. Her application remains pending to date.
- D. Ms. Eck states that she is not licensed to practice massage therapy in any other state or jurisdiction.
- E. Ms. Eck admits that since first consuming alcohol at the age of 14, her history of alcohol abuse includes approximately seven years of engaging in binge drinking by consuming five to six beers and hard liquor on weekends. Further, Ms. Eck admits

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that she was convicted in 1999 and 2002 for underage consumption of alcohol, and was twice convicted in 2001 for driving a motor vehicle under the influence of alcohol [DUI]. Further, Ms. Eck states, and the Board acknowledges, that Ms. Eck reported such convictions to the Board in conjunction with her application for a certificate to practice massage therapy in Ohio.

- F. Ms. Eck admits that subsequent to a court order in 2001, she enrolled in the outpatient substance abuse program at The Recovery Center, Lancaster, Ohio, and that the personnel at The Recovery Center diagnosed her with alcohol abuse. Further, Ms. Eck admits that she failed to complete the program in 2001. Further, Ms. Eck admits that in January 2003, subsequent to serving time in jail for violation of court probation by driving with a suspended driver's license, she re-entered The Recovery Center program and completed the program in or about July 2003, but continued consuming alcohol for some time after treatment. Further, Ms. Eck states that she last consumed alcohol on April 23, 2004, has completed all twelve steps in A.A., and currently attends two to three A.A. meetings a week. The Board acknowledges receipt of information from Ms. Eck's A.A. sponsor verifying that Ms. Eck regularly attends A.A. meetings, and from a Fairfield County Municipal Court Probation Officer verifying that Ms. Eck completed the probationary requirements and is no longer on probation.
- G. Ms. Eck further states, and the Board acknowledges, that Richard N. Whitney, M.D., of Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, and Edna Jones, M.D., of the Woods at Parkside, a Board-approved treatment provider in Gahanna, Ohio, have provided written reports indicating that Ms. Eck's ability to practice has been assessed and that she has been found capable of practicing massage therapy according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place.

### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Ms. Eck shall be granted a certificate to practice massage therapy in the State of Ohio upon receipt and appropriateness of necessary documentation, and Ms. Eck knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

#### **Obey Laws**

1. Ms. Eck shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
2. Ms. Eck 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 Consent Agreement. The first quarterly declaration must be

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

3. Ms. Eck shall appear in person for an interview before the full Board or its designated representative during the sixth month following the effective date of this Consent Agreement. 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. Ms. Eck 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.
5. In the event Ms. Eck is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, 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 Consent Agreement.

## **MONITORING OF REHABILITATION AND TREATMENT**

### **Sobriety**

6. Ms. Eck shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Ms. Eck's history of chemical abuse.
7. Ms. Eck shall abstain completely from the use of alcohol.

### **Drug and Alcohol Screens/Supervising Physician**

8. Ms. Eck shall submit to random urine screenings for drugs and alcohol on a twice monthly basis or as otherwise directed by the Board. Ms. Eck 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.

Ms. Eck shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Ms. Eck shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Ms. Eck shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician in the same locale as Ms. Eck. Ms. Eck and the supervising physician shall ensure 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, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Ms. Eck shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervisor, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervisor remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Ms. Eck must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Ms. Eck shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervisor reports required under this paragraph must be received in the Board's offices no later than the due date for Ms. Eck's quarterly declaration. It is Ms. Eck's responsibility to ensure that reports are timely submitted.

9. The Board retains the right to require, and Ms. Eck agrees to submit, blood or urine specimens for analysis at Ms. Eck's expense upon the Board's request and without prior notice. Ms. Eck's refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

### **Rehabilitation Program**

10. Within thirty days of the effective date of this Consent Agreement, Ms. Eck shall undertake and 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. Substitution of any other specific program must receive prior Board approval.

Ms. Eck 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. Eck's quarterly declarations.

### **Releases**

11. Ms. Eck shall provide continuing authorization, through appropriate written consent forms, for disclosure by her treatment provider to the Board, to treating physicians, and to monitoring massage therapists, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

### **Required Reporting by Licensee**

12. Within thirty days of the effective date of this Consent Agreement, Ms. Eck shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide massage therapy services or is receiving training. Further, Ms. Eck shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide massage therapy services, or applies for or receives training.
13. Within thirty days of the effective date of this Consent Agreement, Ms. Eck 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. Ms. Eck further agrees to 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 for reinstatement of any professional license. Further, Ms. Eck shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
14. Ms. Eck shall provide a copy of this Consent Agreement to all persons and entities that provide Ms. Eck chemical dependency treatment or monitoring.

### **Notification to the Board**

15. In conformance with Rule 4731-15-01(B)(6), Ohio Administrative Code, Ms. Eck shall self-report to the Board any relapse, as that term is defined in Rule 4731-16-01, Ohio Administrative Code, to include any use of, or obtaining for the purpose of using, alcohol or a drug or substance that may impair Ms. Eck's ability to practice massage therapy, except pursuant to the directions of a treating physician who has knowledge of Ms. Eck's history of alcohol abuse and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Ms. Eck 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.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Ms. Eck has violated any term, condition or limitation of this Consent Agreement, Ms. Eck agrees that the violation, as alleged, also constitutes clear and convincing evidence that her continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

### **DURATION/MODIFICATION OF TERMS**

Ms. Eck shall not request termination of this Consent Agreement for a minimum of forty-three months. In addition, Ms. Eck shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Ms. Eck 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.

Ms. Eck 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. Ms. Eck 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.

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**EFFECTIVE DATE**

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

Tania R. Eck  
TANIA RENEE ECK, M.T.

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

11/29/05  
DATE

12-14-05  
DATE

Frank Macke  
FRANK MACKE  
Attorney for Tania Renee Eck, M.T.

Raymond J. Albert  
RAYMOND J. ALBERT  
Supervising Member

12/14/05  
DATE

Sallie J. Debolt  
SALLIE J. DEBOLT  
Enforcement Attorney

12/2/05  
DATE

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