

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

March 12, 2008

Milissa Lee Tarrant
1149 Garden Street
Elyria, OH 44035

Dear Ms. Tarrant:

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 March 12, 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,

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:jam
Enclosures

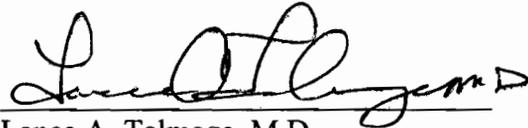
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3931 8317 9353
RETURN RECEIPT REQUESTED

Mailed 3-13-08

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 March 12, 2008, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Milissa Lee Tarrant, 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)

March 12, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
MILISSA LEE TARRANT :

FINDINGS, ORDER AND JOURNAL ENTRY

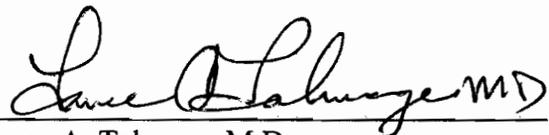
This matter came on for consideration before the State Medical Board of Ohio on March 12, 2008, pursuant to a Notice of Opportunity for Hearing issued to Milissa Lee Tarrant, on August 9, 2007. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Patricia A. Davidson, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Davidson's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the August 9, 2007, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

The application of Milissa Lee Tarrant for a certificate to practice medicine and surgery in the State of Ohio is PERMANENTLY DENIED.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

March 12, 2008
Date

2009 FEB 13 A 10:14

**PROPOSED FINDINGS AND PROPOSED ORDER
IN THE MATTER OF MILISSA LEE TARRANT**

The Matter of Milissa Lee Tarrant was reviewed by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio.

INTRODUCTION

Basis for the Review

- A. On August 9, 2007, the State Medical Board of Ohio [Board] issued a notice of opportunity for hearing [Notice] to Milissa Lee Tarrant, notifying her that the Board proposed to deny her March 2007 application for a certificate to practice massage therapy in Ohio or to impose discipline. The Board stated that its proposed action was based on allegations including the following: that Ms. Tarrant had been convicted of a felony and misdemeanors involving moral turpitude, that she had failed to disclose her criminal convictions on her application, that she had made false statements to a Board investigator, and that she had represented herself as a massotherapist when she had never been licensed to practice massotherapy in Ohio. (Ex. 1)

The Board further alleged that:

- Ms. Tarrant's felony conviction for theft constitutes "a plea of guilty to, a judicial finding of guilt of, or a judicial finding for eligibility for intervention in lieu of conviction for, a felony," as that language is used in Ohio Revised Code Section [R.C.] 4731.22(B)(9);
- Several of Ms. Tarrant's misdemeanors constitute "a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude" as that language is used in R.C. 4731.22(B)(13);
- Ms. Tarrant's failure to disclose her convictions in her application constitutes "[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" under R.C. 4731.22(B)(5);
- Her false statements to a board investigator constitute "failure to cooperate in an investigation conducted by the board" under R.C. 4731.22(B)(34); and
- Ms. Tarrant's conduct in causing to be made and distributing business cards that represented that she was a "massotherapist" constitutes the commission of "an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed" as that language is used in R.C. 4731.22(B)(10), to-wit, a violation of R.C. 4731.41 (Practice of Medicine or a Limited Branch without a Certificate).

Accordingly, the Board notified Ms. Tarrant that she was entitled to a hearing if requested in writing within 30 days of the notice's mailing. (Ex. 1)

- B. The Board mailed this Notice to Ms. Tarrant on August 9, 2007, at her most recent address of record, by certified mail, return receipt requested. The U.S. Postal Service provided a receipt showing that the Notice was delivered to Ms. Tarrant on August 11, 2007. (Ex. 1)
- C. Barbara A. Jacobs, Public Services Administrator for the Board, attested in a sworn affidavit signed September 17, 2007, that the Board had not received a hearing request from Ms. Tarrant. (Ex. 2)

EVIDENCE EXAMINED

Exhibit 1: Notice of Opportunity for Hearing dated August 9, 2007, and certified mail receipts.

Exhibit 2: Affidavit of Barbara Jacobs, Public Services Administrator, averring that the Board had not received a hearing request from Ms. Tarrant.

Exhibit 3: Affidavit of Kay L. Rieve, Administrative Officer, with the following attachments:

Exhibit 3A: Ms. Tarrant's Application for a Certificate to Practice a Limited Branch—Massage Therapy, received by the Board on February 22, 2005.

Exhibit 3B: Ms. Tarrant's Application for a Certificate to Practice a Limited Branch—Massage Therapy, received by the Board on March 20, 2007.

Exhibit 4: Affidavit of David Katko, Enforcement Attorney, with certified copies of the following documents pertaining to Ms. Tarrant:

Exhibit 4-1: May 29, 1992, Entry of the Oberlin, Ohio, Municipal Court (passing bad checks).

Exhibit 4-2: May 15, 1997, Entry of the Oberlin Municipal Court (disorderly conduct).

Exhibit 4-3: August 27, 1997, Entry of the Oberlin Municipal Court (theft).

Exhibit 4-4: Wellington Police Department complaint and investigative reports relating to the August 1997 conviction documented in Exhibit 4-3.

Exhibit 4-5: April 18, 2001, Entry of the Elyria, Ohio, Municipal Court (passing bad checks).

Exhibit 4-6: September 25, 2001, Entry of the Court of Common Pleas of Lorain County, Ohio (theft).

Exhibit 4-7: March 28, 2002, Entry of the Elyria Municipal Court (permitting minor or unauthorized person to operate motor vehicle).

Exhibit 4-8: September 24, 2002, Entry of the Elyria Municipal Court (noise disturbance)

Exhibit 4-9: March 28, 2003, Entry of the Elyria Municipal Court (motor vehicle/traffic offense).

Exhibit 5: Affidavit of Michael A. Giar, Investigator, regarding his interview of Ms. Tarrant in June 2007.

Exhibit 6: Memorandum dated September 26, 2007, from the Public Services Administrator to the Board's Chief Hearing Examiner, requesting that a Hearing Examiner review the documents provided and prepare Proposed Findings and a Proposed Order.

(Note: The foregoing exhibits were provided to the Hearing Examiner with most of the Social Security numbers redacted. However, the Hearing Examiner redacted an additional Social Security number from the police report dated January 28, 1997, in Exhibit 4-4.)

SUMMARY OF THE EVIDENCE

February 2005 Application

1. In February 2005, Milissa Lee Tarrant submitted an application to the Board for a certificate to practice massage therapy, seeking to take the June 2005 examination. Her application indicates that she was born in November 1970 and graduated from the Ohio College of Massotherapy in September 2004. In the application, Ms. Tarrant stated that she had been known by her maiden name, "Milissa Lee Moore," until August 1999. (Exhibits [Exs.] 3A, 4)
2. Under the heading "Additional Information" in the 2005 application, the Board asked:
 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? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. (Emphasis in original)
 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)? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. (Emphasis in original.)

(Ex. 3A) Ms. Tarrant answered "NO" to each of these questions. (Ex. 3A)

3. Ms. Tarrant's application included her sworn affidavit in which she certified as follows:

I, Milissa Lee Tarrant, hereby certify under oath * * * that all statements I have or shall make with respect thereto are true, that I am the original and lawful possessor and person named in the various forms and credentials furnished or to be furnished to this Board with respect to my application; and that all documents, forms, or copies thereof furnished or to be furnished with respect to my application are strictly true in every respect.

* * *

I further understand that issuance of a certificate to practice a limited branch of medicine or surgery in Ohio will be considered on the truth of the statements and documents contained herein or to be furnished, which if false, can subject me to denial of said certificate.

(Ex. 3A)

4. The documents provided to the Hearing Examiner do not reflect the disposition of Ms. Tarrant's 2005 application for a massage-therapy certificate. However, the Ohio eLicense Center provides the following information: that Milissa Lee Tarrant, who was born in November 1970 and graduated in 2004 from the Ohio College of Massotherapy, filed two applications to become a licensed massage therapist but did not pass the examination the first time she applied. (<<https://license.ohio.gov/lookup/default.asp?division=78L>>, accessed Feb. 5, 2008).

March 2007 Application

5. In March 2007, Ms. Tarrant again applied for a license to practice massage therapy, seeking to take the June 2007 examination. (Ex. 3B) Again, Ms. Tarrant answered "NO" to Questions 11 and 12, which asked as follows:
 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? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. **Photocopies will not be accepted.** (Emphasis in original.)
 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)? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. (Emphasis in original)

(Ex. 3B) Likewise, Ms. Tarrant again certified in a sworn affidavit that the information she had provided was true:

I, Milissa Lee Tarrant, hereby certify under oath * * * that all statements I have or shall make with respect thereto are true, that I am the original and lawful possessor and person named in the various forms and credentials furnished to this Board with respect to my application; and that all documents, forms, or copies thereof furnished or to be furnished to this Board with respect to my application are strictly true in every respect.

* * *

I further understand that issuance of a certificate to practice a limited branch of medicine or surgery in Ohio will be considered on the truth of the statements

and documents contained herein or to be furnished, which if false, can subject me to denial of said certificate.

(Ex. 3B)

6. During the investigation of Ms. Tarrant's application, the Board obtained certified copies of court documents showing that Ms. Tarrant had been convicted of multiple criminal offenses, including convictions before 1999 when her name was Milissa Moore. (Exs. 4, 4-1 through 4-9) The documents show the following criminal history:

May 29, 1992: In the Municipal Court of Oberlin, Ohio, Milissa Moore entered a plea of no contest and was found guilty of passing bad checks in violation of R.C. 2913.11, a misdemeanor of the first degree, in *State v. Milissa L. Moore*, Case Nos. 91-CRB-217-A and 91-CRB-217-B. (Exs. 4, 4-1) The court documents show that she was fined \$300 plus court costs and sentenced to 30 days in jail, with credit for time served. However, \$200 of the fine and the remainder of the jail time were suspended provided that she paid restitution, paid the fines by June 12, 1992, and had two years of good behavior. The second charge (217-B) was merged into the first charge. (Ex. 4, 4-1)

May 15, 1997: In the Oberlin Municipal Court, Milissa Moore entered a plea of no contest and was found guilty on one count of disorderly conduct in violation of Amherst City Ordinance Section 509.03(A)(1), a minor misdemeanor, in *City of Amherst v. Milissa L. Moore*, Case No. 96 CRB 208. The arresting officer had stated in his March 1996 complaint that Ms. Moore had engaged in fighting, threatening harm to persons or property, or violent or turbulent behavior. On May 15, 1997, the court, finding her to be indigent, ordered her to perform 30 hours of community service at a food bank and report back to the court in November 1997. (Ex. 4-2)

August 27, 1997: In the Oberlin Municipal Court, Milissa Moore entered a plea of no contest and was found guilty on one count of theft in violation of R.C. 2913.02, a misdemeanor of the first degree, in *State v. Milissa Moore*, Case No. 97-CRB 00491-A (formerly Case No. 97 CR 050630 in the Lorain County Common Pleas Court, which had transferred the case). (Ex. 4-3)

Reports from the Wellington Police Department described the events that led to that conviction, indicating that Ms. Moore had left her car at an auto dealership and had entered into a rental contract for the use of a vehicle for two days while her car was being serviced. On January 15, 1997, one day after the rental contract expired, the rental car had not been returned. The service department of the dealership telephoned Ms. Moore asking her to return the car by the close of business, pay her current bill, and decide whether she wanted repairs estimated to cost \$800-\$900. Ms. Moore did not return the vehicle, and the dealership's further attempts to telephone her were unsuccessful. A warrant was issued for her arrest on a charge of Unauthorized Use of a Motor Vehicle. (Ex. 4-3, 4-4)

According to the police, the rental vehicle was found on January 27, 1997, with damage to the front fender. The reporting officer stated that it had "appeared that people were living out of the vehicle," which was "packed with clothing, shoes, coats, medication, etc." On January 28, 1997,

an arrest warrant was issued on the charge of Theft of a Motor Vehicle, which replaced the earlier charge of Unauthorized Use. Ms. Moore was arrested and jailed on March 8, 1997. (Ex. 4-4)

On August 27, 1997, the municipal court sentenced Ms. Moore to six months in jail and imposed a fine of \$500 and costs, with the condition that the jail term was suspended on payment of the fine, costs, and restitution not later than February 15, 1998, with the defendant to report back to the court at that time for review of compliance. (Ex. 4-3)

April 18, 2001: In the Municipal Court of Elyria, Ohio, in *State v. Tarrant*, Case No. 01CR 00374, Milissa Tarrant entered a plea of no contest and was found guilty on one count of passing bad checks in violation of R.C. 2913.11, a misdemeanor of the first degree. (Ex. 4-5) The court's entry indicates that she was fined and charged with court costs, and that she had made restitution. (Ex. 4-5)

September 25, 2001: On September 24, 2001, in the Common Pleas Court of Lorain County, Ohio, in *State v. Tarrant*, Case No. 01 CR 057856, Milissa Tarrant appeared for sentencing on one count of felony theft in violation of R.C. 2913.02(A)(3). The court noted that Ms. Tarrant had pleaded guilty to or been found guilty of theft in violation of R.C. 2913.02(A)(3), a fifth-degree felony. On September 25, 2001, the court filed a Judgment Entry of Conviction and Sentence in which it imposed community control for three years and ordered payment of restitution and costs. The court further ordered that Ms. Tarrant was to have "absolutely no checking or joint checking accounts" and that a prison term of up to 1 year would result if probation were violated. (Ex. 4-6)

March 28, 2002: Milissa Tarrant entered a plea of no contest and was found guilty in the Elyria Municipal Court on one count of permitting a minor or unauthorized person to operate a motor vehicle in violation of Elyria City Ordinance 335.05, a misdemeanor of the first degree, in *State v. Milissa Tarrant*, Case No. 02 TR-01482. She was fined \$250 and costs, with \$100 suspended, and the court imposed a 30-day jail sentence, which was suspended on condition of good behavior for one year. (Ex. 4-7)

September 24, 2002: Milissa Tarrant entered a plea of no contest and was found guilty in the Elyria Municipal Court on one count of noise disturbance in violation of Elyria City Ordinance 509.08, a minor misdemeanor, in *State v. Milissa Tarrant*, Case No. 02 CR 01715. The court ordered payment of a \$75 fine and court costs. (Ex. 4-8)

March 28, 2003: Milissa Tarrant entered a plea of guilty and was found guilty in the Elyria Municipal Court on one count of failure to yield right of way at through highways in violation of R.C. 4511.43, a minor misdemeanor, and one count of having no driver's license in violation of R.C. 4507.02, a misdemeanor of the first degree, in *State v. Milissa Tarrant*, Case No. 03TR 01061. The court ordered payment of fines in the amount of \$110, and court costs. (Ex. 4-9)

7. Michael Giar, an investigator for the Board, attested that, during the course of his investigation of Milissa Lee Tarrant, he received a copy of a business card that identified Ms. Tarrant as a

“Massotherapist” and set forth a telephone number for her. Mr. Giar stated that, on June 14, 2007, he had telephoned Ms. Tarrant at the number printed on the card and had left a message for her. A short time later, Ms. Tarrant returned Mr. Giar’s call, and he conducted a telephone interview with her. (Ex. 5)

According to Mr. Giar’s affidavit, Ms. Tarrant told him during the interview that she had reported her convictions on her application and that she had provided explanations for her convictions to the Board. She also told him that her convictions had taken place in 2001 and that no further conviction had occurred since then. With respect to the business card saying that she was a massotherapist, Ms. Tarrant told the investigator that she had had the business cards printed about three years earlier, when she had graduated from massage-therapy school, but she told him that she did not provide therapeutic massages. (Ex. 5)

PROPOSED FINDINGS

1. On March 20, 2007, Milissa Lee Tarrant submitted to the Board an application for a certificate to practice massage therapy. She stated, among other things, that she was formerly known as Milissa Lee Moore before she married in 1999. By signing the 2007 Application, which is currently pending, Ms. Tarrant certified that the information provided therein was true.
2. In her 2007 application, under the heading “Additional Information,” Ms. Tarrant answered “NO” to Questions 11 and 12, which asked as follows:
 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? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. **Photocopies will not be accepted.** (Emphasis in original.)
 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)? 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. However, Ms. Tarrant had been summoned into court as a defendant and convicted of a felony violation and multiple misdemeanor violations:
 - (a) On May 29, 1992, in the Municipal Court of Oberlin, Ohio, Milissa Moore was found guilty of one first-degree misdemeanor count of passing bad checks in violation of R.C. 2913.11.

- (b) On May 15, 1997, in the Oberlin Municipal Court, Milissa Moore was found guilty of one count of disorderly conduct in violation of Amherst City Ordinance 509.03(A)(1), a minor misdemeanor.
 - (c) On August 27, 1997, in the Oberlin Municipal Court, Milissa Moore was found guilty of one count of theft in violation of R.C. 2913.02, a misdemeanor of the first degree.
 - (d) On April 18, 2001, in the Municipal Court of Elyria, Ohio, Milissa Tarrant was found guilty of one count of passing bad checks in violation of R.C. 2913.11, a misdemeanor of the first degree.
 - (e) On September 25, 2001, in the Court of Common Pleas for Lorain County, Ohio, Milissa Tarrant was convicted of one count of theft in violation of R.C. 2913.02(A)(3), a felony of the fifth degree.
 - (f) On March 28, 2002, in the Elyria Municipal Court, Milissa Tarrant was found guilty of one count of permitting a minor or unauthorized person to operate a motor vehicle in violation of Elyria City Ordinance 335.05, a misdemeanor of the first degree.
 - (g) On September 24, 2002, in the Elyria Municipal Court, Milissa Tarrant was found guilty of one count of noise disturbance in violation of Elyria City Ordinance 509.08, a minor misdemeanor.
 - (h) On March 28, 2003, in the Elyria Municipal Court, Milissa Tarrant was found guilty of one count of failure to yield right of way in violation of R.C. 4511.43, a minor misdemeanor, and one count of having no driver's license in violation of R.C. 4507.02, a misdemeanor of the first degree.
4. Ms. Tarrant had previously applied to the Board for a certificate to practice massage therapy on February 18, 2005. In that application, she had also failed to disclose any of the criminal convictions listed above in Proposed Finding 3, all of which had occurred before 2005.
 5. On June 14, 2007, during an interview with a Board investigator, Ms. Tarrant told the investigator that she had reported her criminal convictions to the Board on her application, and that she had provided explanations for the convictions. She also told him that her convictions had taken place in 2001 and that no further convictions had occurred since that time. All these statements were false.
 6. In or about 2004, Ms. Tarrant caused to be made and distributed business cards that identified her as a "Massotherapist" and indicated that she was available to perform massotherapy. However, Ms. Tarrant is not and has never been licensed to practice massotherapy in the State of Ohio.
 7. Ms. Tarrant's plea of guilty and/or judicial finding of guilt as set forth above in Proposed Finding 3(e) constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of

eligibility for intervention in lieu of conviction for, a felony,” as that language is used in R.C. 4731.22(B)(9).

8. Ms. Tarrant’s pleas of guilty and/or the judicial findings of guilt as set forth above in Proposed Findings 3(a), 3(c) and 3(d), individually and/or collectively, constitute a “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that language is used in R.C. 4731.22(B)(13).
9. Ms. Tarrant’s acts, conduct and/or omissions as set forth above in Proposed Findings 1 through 5, individually and/or collectively, constitute the making of “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 language is used in R.C. 4731.22(B)(5).
10. Ms. Tarrant’s acts, conduct and/or omissions as set forth above in Proposed Finding 5 constitute a “[f]ailure to cooperate in an investigation conducted by the board” as that language is used in R.C. 4731.22(B)(34).
11. Ms. Tarrant’s acts, conduct and/or omissions as set forth above in Proposed Finding 6 establish her commission of “an act that constitutes a felony in this state,” as that language is used in R.C. 4731.22(B)(10). Specifically, R.C. 4731.99(A) provides that a violation of R.C. 4731.41 constitutes a felony offense, and Ms. Tarrant’s acts, conduct and/or omissions constituted a violation of R.C. 4731.41, which provides in pertinent part:

No person shall practice medicine and surgery, or any of its branches, without the appropriate certificate from the state medical board to engage in the practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a certificate from the board. * * *

* * * * *

In pursuing a profession and graduating from massage-therapy school, Ms. Tarrant made a laudable effort to change her life for the better. Nonetheless, her criminal history is a significant factor when considering whether to grant her application.

In this matter, the Hearing Examiner cannot conclude that Ms. Tarrant’s dishonest conduct and bad judgment are in the past. After her graduation from massage-therapy school in 2004, she engaged in conduct that constituted a felony: she advertised herself to be a practitioner of massotherapy, when she did not have a certificate from the Board to practice massage therapy or massotherapy. Moreover, Ms. Tarrant blatantly lied to the Board in 2005 and 2007 on her applications for licensure. Despite her numerous criminal convictions, she answered “No” when asked whether she had ever been convicted of a crime. Further, as recently as June 2007, Ms. Tarrant made false statements to a Board investigator.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Milissa Lee Tarrant for a certificate to practice massage therapy in the State of Ohio is PERMANENTLY DENIED.

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


Patricia A. Davidson
Hearing Examiner


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

Memorandum

TO: BOARD MEMBERS
FROM: Patricia A. Davidson, Chief Hearing Examiner
RE: Milissa Lee Tarrant ^{PD}
DATE: February 13, 2008

Please find enclosed copies of the exhibits and the Proposed Findings and Proposed Order concerning the review of the above-referenced matter by Hearing Examiner Davidson.

This matter is scheduled for consideration at the March 12, 2008, Board meeting.

The allegations contained in the Board's notice of opportunity for hearing concern the following issues: Licensure (M.T.), felony conviction, misdemeanor conviction, acts constituting felony, false or fraudulent statement, failure to cooperate in Board investigation.

The following sections of the Disciplinary Guidelines were considered in drafting the Proposed Order in this matter. Please note, however, that the Disciplinary Guidelines do not limit any sanction that the Board may impose, and that the range of sanctions available in this matter extends from dismissal to permanent revocation.

Further note that this matter includes a violation for which there is no applicable Disciplinary Guideline.

III.B: FRAUD IN APPLYING FOR OR SECURING LICENSE OR CERTIFICATE.

- The minimum penalty for section III.B is: Stayed revocation; indefinite suspension, min. 1 year, with conditions for reinstatement; subsequent probation, min. 5 years.
- The maximum penalty for section III.B is: Permanent revocation of certificate or permanent denial of application.

VIII.B: PLEA OF GUILTY TO, JUDICIAL FINDING OF GUILT OF, OR JUDICIAL FINDING OF ELIGIBILITY FOR INTERVENTION IN LIEU OF CONVICTION FOR, A FELONY NOT COMMITTED IN COURSE OF PRACTICE.

- The minimum penalty for section VIII.B is: Stayed revocation; indefinite suspension, min. 30 days, with conditions for reinstatement; subsequent 5 year probation.
- The maximum penalty for section VIII.B is: Permanent revocation of certificate or permanent denial of application.

VIII.C: COMMISSION OF AN ACT CONSTITUTING A FELONY IN THIS STATE, REGARDLESS OF WHERE COMMITTED, IF RELATED TO PRACTICE.

- The minimum penalty for section VIII.C is: Permanent revocation of certificate or permanent denial of application.
- The maximum penalty for section VIII.C is: Permanent revocation of certificate or permanent denial of application.

VIII.E: PLEA OF GUILTY TO, JUDICIAL FINDING OF GUILT OF, OR JUDICIAL FINDING OF ELIGIBILITY FOR INTERVENTION IN LIEU OF CONVICTION FOR, A MISDEMEANOR COMMITTED IN COURSE OF PRACTICE OR INVOLVING MORAL TURPITUDE.

- The minimum penalty for section VIII.E is: Stayed revocation; indefinite suspension, min. 1 year, with conditions for reinstatement; subsequent probation, min. 5 years.
- The maximum penalty for section VIII.E is: Permanent revocation of certificate or permanent denial of application.

The Proposed Order is within the penalties delineated for each of the Disciplinary Guidelines noted above.

enclosures

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

August 9, 2007

Milissa Lee Tarrant
1149 Garden Street
Elyria, OH 44035

Dear Ms. Tarrant:

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 March 20, 2007, you caused to be submitted to the Board an Application for Certificate to Practice a Limited Branch Massage Therapy [2007 Application] which is currently pending. By signing the 2007 Application, you certified that the information provided therein was true.
- (2) In the "Additional Information" section of your 2007 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 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. . . .

Mailed 8-9-07

In fact, as described in paragraphs 3 through 10 below, you were convicted of one felony and seven different misdemeanors during the period of in or about 1992 to 2003.

- (3) On or about May 29, 1992, in the Oberlin Municipal Court, located in Oberlin, Ohio, you were found guilty of one first degree misdemeanor count of Passing Bad Checks in violation of Section 2913.11, Ohio Revised Code.
- (4) On or about May 15, 1997, in the Oberlin Municipal Court, located in Oberlin, Ohio, you were found guilty of one misdemeanor count of Disorderly Conduct in violation of Section 509.03(a)(1), Amherst City Ordinance.
- (5) On or about August 27, 1997, in the Oberlin Municipal Court, located in Oberlin, Ohio, you were found guilty of one first degree misdemeanor count of Theft in violation of Section 2913.02, Ohio Revised Code.
- (6) On or about April 18, 2001, in the Court of Common Pleas for Lorain County, Ohio, you were found guilty of one first degree misdemeanor count of Passing Bad Checks in violation of Section 2913.11, Ohio Revised Code.
- (7) On or about September 25, 2001, in the Court of Common Pleas for Lorain County, Ohio, you were found guilty of one felony count of Theft in violation of Section 2913.02(A)(3), Ohio Revised Code.
- (8) On or about March 28, 2002, in the Elyria Municipal Court, located in Elyria, Ohio, you were found guilty of one first degree misdemeanor count of Owner or Operator Allowing Another to Drive in violation of Section 335.05, Elyria City Ordinance.
- (9) On or about September 24, 2002, in the Elyria Municipal Court, located in Elyria, Ohio, you were found guilty of one misdemeanor count of Noise Disturbance in violation of Section 509.08, Elyria City Ordinance.
- (10) On or about March 28, 2003, in the Elyria Municipal Court, located in Elyria, Ohio, you were found guilty of one first degree misdemeanor count of No Operator's License in violation of Section 4507.02, Ohio Revised Code.
- (11) On or about June 14, 2007, during an interview with a Board Investigator, you stated that you disclosed your criminal convictions and provided explanations. However, you failed to disclose your criminal convictions in any way in your 2007 Application. In addition, you falsely stated during your interview with the

Board Investigator that your criminal convictions took place in 2001 and that you had none since that time.

On or about February 18, 2005, you caused to be submitted to the Board an Application for Certificate to Practice a Limited Branch Massage Therapy [2005 Application]. Further, you failed to disclose in your 2005 Application any of your criminal convictions that occurred prior to said submission.

- (12) In or about 2004, you caused to be made and distributed business cards that reflected that you were a “massotherapist” and that you were available to provide massotherapy. You are not currently, nor have you ever been, licensed to practice massotherapy in the state of Ohio.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (7) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, your pleas of guilty or the judicial findings of guilt as alleged in paragraphs (3), (5) and (6) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (11) 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.

Further, your acts, conduct, and/or omissions as alleged in paragraph (11) above, individually and/or collectively, constitute “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section,” as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (12) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 4731.41, Ohio Revised Code, Practice of Medicine or Surgery Without Certificate. Pursuant to

Section 4731.99(A), Ohio Revised Code, violation of Section 4731.41, Ohio Revised Code, constitutes a felony offense.

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

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

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy or to reprimand you or place you on probation.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3931 8317 6529
RETURN RECEIPT REQUESTED