

**CONSENT AGREEMENT
BETWEEN
MICHAEL ERIN DONAHUE, M.T.
AND
THE STATE MEDICAL BOARD OF OHIO**

**STATE MEDICAL BOARD
OF OHIO
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This Consent Agreement is entered into by and between Michael Erin Donahue, M.T, [Ms. Donahue], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Ms. Donahue 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), 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 violation of Section 4731.22(B)(26), Ohio Revised Code, "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;" and/or and/or Section 4731.22(B)(9), Ohio Revised Code, based upon "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a felony."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26) and (9), to wit: Section 90-95(H)(4A), North Carolina General Statute, Traffic in Drugs by Possession of LSD, as set forth in Paragraph E, 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. Donahue has submitted an application for a certificate to practice massage therapy in the State of Ohio, and said application is currently pending.
- D. Ms. Donahue states that she is not licensed to practice massage therapy in any other state or jurisdiction.
- E. Ms. Donahue admits that she first started using alcohol and marijuana between the ages of 12 and 14. She further admits that as she started using alcohol and drugs more heavily, she began using LSD and tried ecstasy and cocaine, but preferred the more hallucinogenic drugs of LSD and marijuana. Ms. Donahue further admits that on or about May 10, 1999, she was arrested at a concert for possession of LSD, and she was subsequently convicted of Traffic in Drugs by Possession of LSD, a violation of Section

90-95(H)(4A), North Carolina General Statute. Ms. Donahue admits that she served 35 months in prison, during which she participated in inpatient chemical dependency treatment from May 2002 through October 2003. Ms. Donahue was released from said treatment program and prison on October 31, 2003.

Ms. Donahue admits that she relapsed on alcohol during Christmas 2003, and that after said relapse she returned to drinking. Ms. Donahue further admits that as a result of her drinking, in 2004 she was arrested and convicted in two separate incidents of Driving Under the Influence of Alcohol [DUI]. Ms. Donahue admits that both of her misdemeanor DUI convictions occurred in Clermont County, Ohio, and pursuant to a court order she entered treatment with Brown County Counseling, where she was diagnosed with alcohol and cannabis dependence and participated in an intensive outpatient program from September 30, 2004 through May 10, 2005. Additionally, Ms. Donahue admits that pursuant to court order she received three years probation and that as of November 2005 her probation was modified to court-monitored supervision.

Ms. Donahue further states that her sobriety date is September 8, 2004; that she continues her participation in the Twelve Step Program in Alcoholics Anonymous [A.A.]; that she currently attends two to three A.A. meetings a week; and that she sponsors other young women in their recovery. The Board acknowledges receipt of information from Ms. Donahue's A.A. sponsor verifying that Ms. Donahue regularly attends A.A. meetings, and from a Clermont County Municipal Court Probation Officer verifying that Ms. Donahue continues to remain in good standing with the Clermont County Courts.

Further, Ms. Donahue states, and the Board acknowledges receipt of information to support, that Raymond H. Hellmann III, M.D., Medical Director of Bethesda Alcohol and Drug Treatment Programs, a Board-approved treatment provider, and David S. Williams, M.D., Medical Director of Center for Chemical Addictions Treatment, a Board-approved treatment provider, have each provided a written report indicating that Ms. Donahue's ability to practice has been assessed and that she has been determined to be capable of practicing massage therapy according to acceptable and prevailing standards of care, subject to certain monitoring and conditions.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the Board agrees to grant a certificate to practice massage therapy to Ms. Donahue upon receipt of all necessary and appropriate documentation, and Ms. Donahue knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Ms. Donahue shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.

2. Ms. Donahue 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 Consent Agreement. The first quarterly declaration must be 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. Donahue shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. 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.
4. Ms. Donahue 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. Donahue 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. Donahue 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. Donahue's history of chemical dependency.
7. Ms. Donahue shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

8. Ms. Donahue shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Ms. Donahue 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. Donahue 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. Donahue shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Ms. Donahue 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. Donahue. Ms. Donahue 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. Donahue 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. Donahue must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Ms. Donahue 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. Donahue's quarterly declaration. It is Ms. Donahue's responsibility to ensure that reports are timely submitted.

The Board expressly reserves the right to disapprove any person or entity proposed to serve as Ms. Donahue's designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Ms. Donahue's designated supervising physician, in the event that the Secretary and Supervising Member of the Board determine that any such supervising physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

9. The Board retains the right to require, and Ms. Donahue agrees to submit, blood or urine specimens for analysis at Ms. Donahue's expense upon the Board's request and without prior notice. Ms. Donahue'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. Donahue shall undertake and maintain participation in an alcohol and drug rehabilitation program, such

as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Ms. Donahue 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. Donahue's quarterly declarations.

Releases

11. Ms. Donahue shall provide continuing authorization, through appropriate written consent forms, for disclosure by her treatment provider to the Board, to treating physicians, 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. Donahue 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. Donahue 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. Donahue 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. Donahue 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. Donahue 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. Donahue shall provide a copy of this Consent Agreement to all persons and entities that provide Ms. Donahue chemical dependency treatment or monitoring.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Ms. Donahue 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. Donahue has violated any term, condition or limitation of this Consent

Agreement, Ms. Donahue 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. Donahue shall not request termination of this Consent Agreement for a minimum of five years. In addition, Ms. Donahue 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. Donahue 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. Donahue 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. Donahue 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 ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



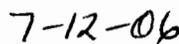
MICHAEL ERIN DONAHUE, M.T



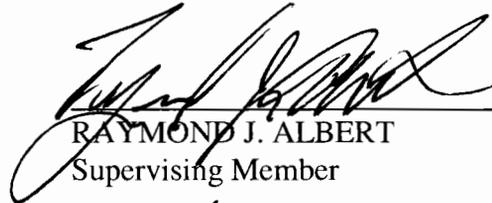
LANCE A. TALMAGE, M.T
Secretary



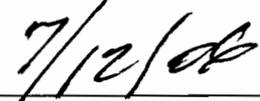
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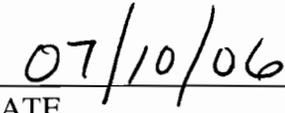
RAYMOND J. ALBERT
Supervising Member



DATE



ANGELA M. SCOTT
Enforcement Attorney



DATE