

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

June 11, 2008

Brian Matthew Gease
3015 Castlebrook Avenue
Hilliard, OH 43026

RE: 08-CRF-024

Dear Mr. Gease:

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 June 11, 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:jam
Enclosures

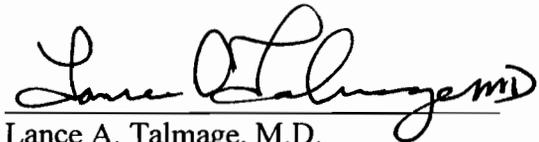
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3688 8902
RETURN RECEIPT REQUESTED

Mailed 6-12-08

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 June 11, 2008, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Brian Matthew Gease, Case Number 08-CRF-024, 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)

June 11, 2008 _____

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
 : Case No. 08-CRF-024
BRIAN MATTHEW GEASE :

FINDINGS, ORDER AND JOURNAL ENTRY

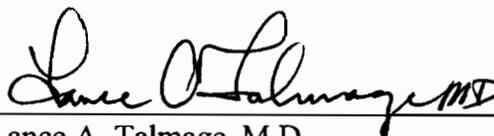
This matter came on for consideration before the State Medical Board of Ohio on June 11, 2008, pursuant to a Notice of Opportunity for Hearing issued to Brian Matthew Gease, on March 12, 2008. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Patricia 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 March 12, 2008, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

The application of Brian Matthew Gease for a certificate to practice massage therapy in the State of Ohio is hereby DENIED.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

June 11, 2008

Date

**PROPOSED FINDINGS AND PROPOSED ORDER
IN THE MATTER OF BRIAN MATTHEW GEASE
Case No. 08-CRF-024**

The Matter of Brian Matthew Gease was reviewed by Patricia Davidson, Hearing Examiner for the State Medical Board of Ohio.

INTRODUCTION

Basis for the Review

- A. On March 12, 2008, the State Medical Board of Ohio [Board] issued a notice of opportunity for hearing [Notice] to Brian Matthew Gease notifying him that the Board proposed to deny his application for a certificate to practice massage therapy in Ohio or to impose discipline based on allegations including the following: that, following a 72-hour inpatient examination, a Board-approved treatment provider had determined that Mr. Gease is impaired in his ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, and other substances that impair ability to practice. (Ex. 1)

Pursuant to R.C. 4731.22(B)(26), the Board alleged that the facts establish “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.” Accordingly, the Board notified Mr. Gease that he was entitled to a hearing if requested in writing within 30 days of the Notice’s mailing. (Ex. 1)

- B. On March 13, 2008, the Board mailed the Notice by certified mail, return receipt requested, to Mr. Gease at his most recent address of record. A signed, certified-mail receipt was received by the Board, documenting that the Notice was delivered on March 14, 2008. (Exs. 1-3)
- C. The Public Services Administrator for the Board attested in an affidavit signed April 23, 2008, that, as of that date, the Board had not received a hearing request from Mr. Gease. (Ex. 3)
- D. In a memorandum dated April 28, 2008, the Board’s Public Services Administrator requested that a Hearing Examiner review the evidence in the *Matter of Brian Matthew Gease* and prepare a report of proposed findings and a proposed order for the Board’s consideration. (Ex. 5)

EVIDENCE EXAMINED

Exhibit 1: Notice of Opportunity for Hearing, with receipt documentation.

Exhibit 2: Affidavit of Barbara Jacobs, Public Services Administrator.

Exhibit 3: Certified copy of two applications submitted by Mr. Gease, seeking a certificate to practice massage therapy in Ohio: an application filed in August 2006, and a re-application filed in May 2007, including copies of certified court documents submitted to the Board. [Social Security numbers redacted]

Exhibit 4: Affidavit of Rebecca J. Marshall, Chief Enforcement Attorney for the Board, with the following attachments:

Exhibit 4-1: Magistrate's Decision and Entry in Case Number 05TJ-03-987 in the Franklin County Court of Common Pleas, Juvenile Division.

Exhibit 4-2: The docket of the Municipal Court in *City of Columbus v. Brian M. Gease*, Case No. 2006-TRC-128067.

Exhibit 4-3: November 2007 letter from the Board to Mr. Gease, ordering him to report for a 72-hour inpatient examination at Glenbeigh Hospital.

Exhibit 4-4: January 2007 letter from Christopher Adelman, M.D., to an Enforcement Attorney for the Board.

Exhibit 5: April 2008 Memorandum from the Board's Public Service Administrator to the Board's Chief Hearing Examiner requesting a review and report from the Hearing Unit.

SUMMARY OF THE EVIDENCE

All exhibits, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Proposed Findings and Proposed Order.

August 2006 Application for Licensure

1. On August 18, 2006, Brian Matthew Gease submitted an application to the Board for a certificate to practice massage therapy, seeking to take the December 2006 examination.
2. In the application, under the heading "Additional Information," Question 11 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. (Emphasis in original)

(Ex. 3A) Mr. Gease also answered "Yes" to question 12 regarding being "summoned into court as a defendant," and he provided a certified copy of the docket sheet in *State (City of Columbus) v. Gease*, Case No. 2006-TRC-128067 (Municipal Court, Franklin County, Ohio). (Ex. 3A)

3. Mr. Gease submitted two explanatory statements to the Board regarding his affirmative answers to the questions in the "Additional Information" section. Each explanation was on a separate sheet, and each was accompanied by certified copies of court documents.¹ (Ex. 3A)

¹ The Hearing Examiner cannot determine the date when the explanations and accompanying court documents were submitted to the Board because these pages do not have a date-stamp showing when the Medical Board received them. However, the court's clerk appears to have certified all or some of the court documents on October 6, 2006. (Ex. 3A)

In his first explanation, Mr. Gease stated:

On February 26, 2005, I was at my friend's [name 1 omitted] house. There were a few people over playing cards and drinking. I wanted to go home and go to sleep. I ended up taking [name 2 omitted] home. He took me th[r]ough a neighborhood for a short cut. I was driving down Beacon Hill and rolled a stop sign. There was a cop sitting there and pulled me over. This was the greatest mistake of my life.

(Ex. 3A)

4. The court documents show Mr. Gease's arrest for the offense of operating a motor vehicle under the influence of alcohol or drugs in violation of R.C. 4511.19. The arresting officer noted a blood alcohol concentration of .128 pursuant to a breath test, and the ticket indicates that Mr. Gease was 17 years old and was ordered to appear in Franklin County Juvenile Court. (Ex. 3A)

The court documents include two Magistrate's Decisions in the *Matter of Brian M. Gease*, Case No. 05TJ-03-987 (Franklin County Common Pleas Court, Juvenile Division, July 13, 2005). These documents show that, as part of a plea bargain, the court dismissed charges of a seatbelt violation, stop-sign violation, and one of two "OMVI" counts. Mr. Gease admitted to one OMVI count in violation of R.C. 4511.19(a)(1), although the statutory section was amended to reflect the correct statute, R.C. 4511.19(B), which applies to persons under 21 years of age. The court assessed a fine of \$75 and court costs. An additional note states that "juvenile has completed Maryhaven 12 hr. programs. Complete JDIP." The decision was approved by the judge. (Ex. 3A, Ex. 4-1)

On August 16, 2005, an Entry and a Magistrate's Decision reflected that Mr. Gease had completed the JDIP (Juvenile Driver Intervention Program) and had paid his fine and court costs. The case was closed at that time. (Ex. 3A, Ex. 4-1)

5. On a separate sheet, Mr. Gease provided an explanation to the Board regarding a subsequent offense and court proceedings:

On March 17, 2006, I was at my friend's [name 3 omitted] house working on his car, and drank a couple of beers. I left there to go to my friend's [name 4 omitted] house, who was having a few people over. On my way there I had passed his house, and turned around in an apartment complex. I turned back onto Bethel Rd. I was pulled over 15 seconds later. The Police Officer said I had cut him off and was speeding. This was the second greatest mistake of my life.

(Ex. 3A) Mr. Gease also submitted a certified copy of the municipal court's docket sheet in *State (City of Columbus) v. Gease*, Case No. 2006-TRC-128067 (Municipal Court, Franklin County, Ohio).

The docket sheet shows that entries were filed on March 18, 2006, including an Arrest Information, Arraignment, and Bond Posting. The summaries for these entries indicate that Mr. Gease was arrested and jailed for the following: Speed, Failure to yield from private drive, Failure to signal, Seatbelt violation, and “OVI per se (18-20) - breath.” (Ex. 3A; see, also, Ex. 4-1)

The docket entries further indicate that Mr. Gease pleaded guilty to one count of OVI, which was stipulated to be a first offense, and that, on April 10, 2006, the judge imposed sentence including the following: 90 days in jail with 83 days suspended and credit for one day of time served, a fine of \$300 with \$50 suspended, suspension of his driver’s license for six months, requirement of “DUI sch” (not further explained), and “monitored time” for one year. (Ex. 3A)

March 2007 Application

6. Mr. Gease did not pass the licensure examination in 2006. Accordingly, on March 23, 2007, he submitted a “Massage Therapy Re-Examination Application,” seeking to take the June 2007 examination. (Ex. 3A; <<https://license.ohio.gov/lookup/default.asp?division=78>>, accessed April 30, 2008) This application remains pending.
7. In the March 2007 application, Mr. Gease again answered “Yes” to question 11 regarding a conviction for a violation of law other than a minor traffic violation, although he answered “No” to question 12. He again provided two narrative explanations regarding the two arrests and court proceedings, although he provided more information than he had previously provided in his 2006 application:

On February 26, 2005 I was at my friend’s [name 1 omitted] house. There were a few people over playing cards and drinking. I wanted to go home and go to sleep. I ended up taking [name 2 omitted] home. He took me though a neighborhood for a short cut. I was driving down Beacon Hill and rolled a stop sign. There was a cop sitting there and pulled me over. *I was convicted of an OVI.*

On March 17, 2006, I was at my friend’s [name 3 omitted] house working on his car, and drank a couple of beers. I left there to go to my friend’s [name 4 omitted] house, who was having a few people over. On my way there I had passed his house, and turned around in an apartment complex. I turned back onto Bethel Rd. I was pulled over 15 seconds later. The Police Officer said I had cut him off and was speeding. *This is when I realized I had a problem. I have been to counseling since and still go to AA meetings every week. I have been sober now for over eight months, and do not plan on drinking again. I’m trying to get my new life started with my massage therapy career.* (Emphasis added)

(Ex. 3A)

8. Mr. Gease submitted new certified copies of the court documents, which were essentially the same as before. However, a few additional pages were included. First, a copy of the sentencing entry dated April 10, 2006, shows that Mr. Gease received three days of credit for “Maryhaven (MESA) or equivalent through probation.” Second, an entry granting limited driving privileges shows that Mr. Gease was employed numerous hours delivering papers for the Columbus Dispatch and was also a student at Bryman Institute where he was carrying a class schedule. (Ex. 3A)

Board-Ordered Evaluation

9. In a letter dated November 29, 2007, the Board notified Mr. Gease that he must participate in a 72-hour evaluation for impairment:

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 your Application for Certificate to Practice a Limited Branch – Massage Therapy, you answered yes to Question 11 * * * and Question 12, which asked, among other things, whether you have ever been summoned into court as a defendant or had any lawsuit filed against you, other than a malpractice suit. To explain your affirmative answers, you submitted to the Board written responses and other supporting materials, which indicated the following:
 - (a) On or about February 26, 2005, in Prairie Township, Franklin County, Ohio, when you were 17 years old, you were charged with two counts of Operating a Motor Vehicle While Impaired [OMVI]; one count of Failure to Wear Safety Belt; and one count of Obeying Traffic Control Devices. The citation issued to you indicated that you had a blood alcohol concentration of 0.128. On or about July 13, 2005, in the Court of Common Pleas of Franklin County, Ohio, Division of Domestic Relations and Juvenile Branch, you pled guilty to and were convicted of OMVI. The remaining charges were dismissed. Your license was suspended from February 26, 2005 through February 26, 2006, and you were required to complete a juvenile driver intervention program.
 - (b) On or about March 18, 2006, in Columbus, Franklin County, Ohio, you were charged with Operating a Vehicle under the Influence [OVI]; Operating a Vehicle under the Influence per se (Breath/Age 18-20); Failure to Yield from Private Drive; Failure to Signal;

Speeding; and Failure to Wear Safety Belt. On or about April 10, 2006, in Franklin County Municipal Court, you were convicted of OVI, you were fined, and your license was suspended for 180 days. The remaining charges were dismissed.

- (3) On or about October 9, 2007, you caused to be submitted to the Board your responses to The State Medical Board of Ohio's First Set of Interrogatories Directed to Brian Matthew Gease. Your responses to the interrogatories, along with documents that you submitted along with your responses, indicate that you voluntarily enrolled in the Maryhaven Juvenile Underage Drinking Program; that you attended the MADD Drunk Driving Impact Panel; that you attended the Chemical Assessment and Prevention Program [CAPP] as ordered by the Franklin County Municipal Court in lieu of jail time; and that you were referred by CAPP to Crossroads Recovery Services for outpatient treatment, which you attended every Saturday for 12 weeks, due to the fact that you had two alcohol-related driving offenses within a one year period of time.² [Paragraph numbering as in original]

* * * [Y]ou are ordered to submit to an examination. This examination will take place at **Glenbeigh Hospital, 2863 St. Rt. 45, Rock Creek, Ohio 44084, telephone number (440) 563-3400.** You are to report to the **Glenbeigh Admissions Office, on Monday, January 7, 2008, at 10:00 a.m.** for a 72-hour in-patient evaluation. * * *

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 the amount of \$1,800.00 made payable to **Glenbeigh Hospital** to the examiner 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.
(Emphasis in original)

(Ex. 4-3)

² The Hearing Examiner was not provided with the answers to interrogatories.

10. Mr. Gease attended the examination as required. On January 22, 2008, the Board received a report letter from Christopher Adelman, M.D., of Glenbeigh, who stated as follows:

Brian Gease was referred to Glenbeigh by the State Medical Board of Ohio for an evaluation for chemical dependency.

While at Glenbeigh, he was seen by a staff physician on January 10, 2008 for a complete history and physical examination, which was followed by a comprehensive biopsychosocial assessment which included a thorough chemical use history. He also saw our psychiatrist on January 10, 2008. As a result of my review of this information, my findings are that Brian Gease is not qualified, by impairment due to chemical dependence, to perform duties as a massage therapist in accordance to acceptable standards of care because of habitual and excessive abuse that has impaired his ability to practice his profession of massage therapy.

We, therefore, recommend inpatient treatment of twenty-eight days duration at a facility acceptable to the State Medical Board of Ohio.

(Ex. 4-4)

Notice of Opportunity for Hearing – Lack of Hearing Request

11. In a sworn statement on April 25, 2008, Rebecca J. Marshall, the Board's Chief Enforcement Attorney, stated that she had been responsible for supervising the investigation of this matter, and she averred that, as of that date, the Board had "received no information to indicate that Mr. Gease has entered into or completed 28 days of in-patient chemical dependency treatment." (Ex. 4)
12. The Board mailed a notice of opportunity for hearing [Notice] to Mr. Gease on March 13, 2008, and the Notice was served on Mr. Gease at his address of record on March 14, 2008. (Ex. 1) In a sworn statement on April 23, 2008, Barbara A. Jacobs, the Board's Public Services Administrator, averred that Mr. Gease had not submitted a request for a hearing. (Exs. 1-3)

PROPOSED FINDINGS

1. On August 18, 2006, and on March 23, 2007, Brian Matthew Gease, submitted to the Board applications for a certificate to practice massage therapy. The 2007 application remains pending.
2. By letter dated November 29, 2007, the Board notified Mr. Gease of its determination that it had reason to believe that he was in violation of Ohio Revised Code Section [R.C.] 4731.22(B)(26), and the Board ordered him to submit to a 72-hour inpatient evaluation beginning on January 7, 2008, at Glenbeigh Hospital, a Board-approved treatment provider

in Rock Creek, Ohio, in order to determine whether he suffered from an impairment as defined in R.C. 4731.22(B)(26). In its letter, the Board set forth the reasons for its determination, including a July 2005 conviction for Operating a Motor Vehicle While Impaired and an April 2006 conviction for Operating a Vehicle Under the Influence.

3. Pursuant to the November 2007 letter, Mr. Gease reported to Glenbeigh and participated in the evaluation as ordered in January 2008. As a result of the evaluation, Christopher Adelman, M.D., Medical Director of Glenbeigh, diagnosed Mr. Gease with chemical dependency and found him to be impaired in his ability to practice massage therapy according to acceptable standards of care because of habitual and excessive abuse of substances of abuse.
4. The evidence as set forth above in Proposed Findings 2 and 3 establishes Mr. Gease's "(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 language is used in R.C. 4731.22(B)(26).
5. The Board issued a notice of opportunity for hearing to Mr. Gease, which was duly served on him, and he did not request a hearing within 30 days. The Board may consider the evidence and determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate his certificate to practice massage therapy or to reprimand him or place him on probation.

* * * * *

The evidence demonstrates that Mr. Gease suffers from impairment due to chemical dependency, and that he has not obtained the required treatment. A denial of his application is, therefore, warranted.

However, the Hearing Examiner does not propose a permanent denial of the application. To his credit, Mr. Gease answered truthfully on his application when asked about his court-related history, and he provided copies of the court documents to the Board. In his 2007 application, he readily admitted to his drinking problem and stated that he is receiving counseling and attending Alcoholics Anonymous. Further, Mr. Gease attended the evaluation at Glenbeigh as instructed. In the future, Mr. Gease may complete the required 28-day treatment successfully and be able to meet all other requirements for licensure. For these reasons, the Hearing Examiner does not propose that the Board permanently bar this applicant from reapplying for licensure in the future.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Brian Matthew Gease for a certificate to practice massage therapy in the State of Ohio is hereby DENIED.

This Order shall become effective immediately upon the mailing of 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

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June 11, 2008

Brian Matthew Gease
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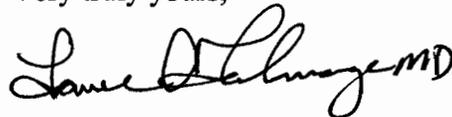
Dear Mr. Gease:

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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.
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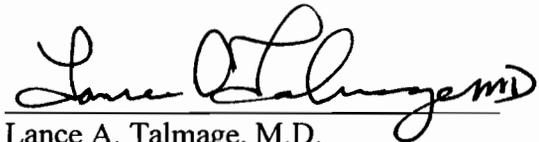
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CERTIFICATION

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 June 11, 2008, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Brian Matthew Gease, Case Number 08-CRF-024, 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)

June 11, 2008 _____

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BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
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 : Case No. 08-CRF-024
BRIAN MATTHEW GEASE :

FINDINGS, ORDER AND JOURNAL ENTRY

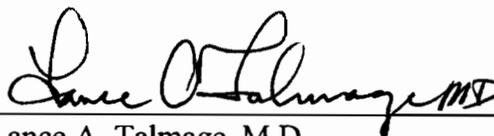
This matter came on for consideration before the State Medical Board of Ohio on June 11, 2008, pursuant to a Notice of Opportunity for Hearing issued to Brian Matthew Gease, on March 12, 2008. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Patricia 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 March 12, 2008, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

The application of Brian Matthew Gease for a certificate to practice massage therapy in the State of Ohio is hereby DENIED.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

June 11, 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
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March 12, 2008

Case number: 08-CRF-024

Mr. Brian Matthew Gease
3015 Castlebrook Avenue
Hilliard, OH 43026

Dear Mr. Gease:

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) In or around August 2006, you caused to be submitted to the Board an Application for Certificate to Practice a Limited Branch, Massage Therapy, which remains pending.
- (2) By letter dated November 29, 2007 [November 29, 2007 letter], the Board notified you of its determination that it had reason to believe that you were in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered you to submit to a 72-hour inpatient evaluation beginning on January 7, 2008, at 10:00 a.m., at Glenbeigh Hospital [Glenbeigh], a Board-approved treatment provider in Rock Creek, Ohio, in order to determine whether you were 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 the November 29, 2007 letter, including a July 2005 conviction for Operating a Motor Vehicle While Impaired, and an April 2006 conviction for Operating a Vehicle Under the Influence.

Pursuant to the November 29, 2007 letter, on or about January 7, 2008, you reported to Glenbeigh for your evaluation. As a result of your evaluation, Christopher Adelman, M.D., Medical Director of Glenbeigh, diagnosed you with chemical dependency and found you to be impaired in your ability to practice massage therapy according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable

To protect and enhance the health and safety of the public through effective medical regulation

Mailed 3-13-08



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, 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/LAZ/flb
Enclosures

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