

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

May 12, 2010

Ty James Tyjewski
3456 Abington Court
Brunswick, OH 44212

RE: Case No. 09-CRF-074

Dear Mr. Tyjewski:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davison, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 12, 2010, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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 of the Notice of Appeal 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3133 2392
RETURN RECEIPT REQUESTED

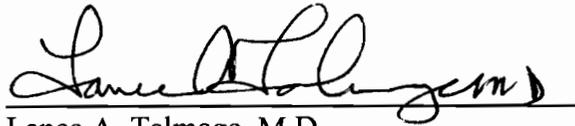
Cc: John N. Porter, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3936 3133 2408
RETURN RECEIPT REQUESTED

Mailed 5-13-10

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 12, 2010, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Ty James Tyjewski, Case No. 09-CRF-074, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

May 12, 2010
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

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CASE NO. 09-CRF-074

*

TY JAMES TYJEWSKI

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 12, 2010.

Upon the Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby **ORDERED** that:

The application of Ty James Tyjewski for a certificate to practice massage therapy in Ohio is PERMANENTLY DENIED.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

May 12, 2010

Date

2010 APR 15 PM 2: 31

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 09-CRF-074

Ty James Tyjewski,

*

Hearing Examiner Davidson

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

In a letter dated June 10, 2009 [the Notice], the State Medical Board of Ohio notified Ty James Tyjewski that the Board intended to determine whether or not to deny his application for a certificate to practice massage therapy in Ohio and/or impose discipline. The Board set forth factual allegations including that Mr. Tyjewski had pleaded no contest to, and been found guilty of, one misdemeanor count of Public Indecency. The Board alleged that the conviction involved an incident in which Mr. Tyjewski had exposed himself to a female customer in the women's underwear department of a Kmart store. (St. Ex. 1A)

The Board charged that the conviction for public indecency 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 misdemeanor involving moral turpitude," as that language is used in Ohio Revised Code Section [R.C.] 4731.22(B)(13). The Board received Mr. Tyjewski's request for hearing on June 25, 2009. (St. Ex. 1A, 1B)

Appearances

Richard Cordray, Attorney General, and Kyle C. Wilcox, Assistant Attorney General, for the State. John N. Porter, Esq., for the Respondent.

Hearing Date: January 26, 2010

PROCEDURAL MATTER

On January 25, 2010, the Hearing Examiner received a copy of the following letter, sent by facsimile transmission from Mr. Tyjewski's attorney:

Dear Ms. Davidson,

Mr. Tyjewski recently started a new job in Cleveland and has decided that he cannot risk his new job by missing a day's work.

Therefore, we will not be appearing at tomorrow's hearing. We apologize for the late notice, however, circumstances did not permit an earlier decision.

Mr. Tyjewski is requesting that with this letter he be allowed to Withdraw his Application.

If the Board will not allow him to withdraw his application, then kindly do not make the denial permanent. Other than the Middleburg Hts. misdemeanor conviction, Mr. Tyjewski has no other convictions or arrests. He has been married for many years and has two adopted children from Russia. He has a good work history. He should be allowed to reapply in the future.

We thank you and Mr. Wilcox for your time and consideration.

(Resp. Ex. A)

On January 26, 2010, neither Mr. Tyjewski or his attorney appeared at the hearing, and the Hearing Examiner read the letter into the hearing record. The Hearing Examiner then concluded that, by means of this letter, Mr. Tyjewski had duly submitted a written request for leave to withdraw his application for licensure.

Next, the Hearing Examiner noted that R.C. 4731.22(M)(2) provides that "An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board." Accordingly, the Hearing Examiner stated that she would not rule on the Respondent's request at that time, but would present the request to the Board as part of the Report and Recommendation. (Tr. at 4-6) The issue is addressed after the Summary of Evidence.

Second, the Hearing Examiner concluded that the letter constitutes the Respondent's presentation of his "position, arguments, or contentions in writing," which may be presented without appearing in person at the hearing. See Ohio Admin. Code Section 4731-13-01(E). Accordingly, the Hearing Examiner marked the letter as Respondent's Exhibit A and offered it into evidence. The State did not object, and the exhibit was admitted. (Tr. at 7, 17-18)

The Hearing Examiner notes that the factual assertions in the letter were not submitted under oath in an affidavit, nor were they subject to cross-examination under oath at the hearing. Such factors may tend to lessen the weight given to the evidence by the finder of fact. Nonetheless, the exhibit is part of the hearing record, and the Board may consider these statements and give them such weight as the Board deems appropriate.

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

2005 - Criminal Conviction

1. On April 20, 2005, an incident occurred at a Kmart store in Middleburg Heights, Ohio, that led to the arrest of Ty James Tyjewski. The Middleburg Heights Police Department prepared

a report regarding the events that led to the arrest, including a detailed report by the investigating officer and three handwritten reports from witnesses who described the incident at the store. (St. Ex. 3)

2. The investigating officer's report includes the following information:

- In an interview with police, Donna Smith stated that she had been shopping in the bra area at the Kmart store with her friend, Georgette Krall, on April 20, 2005, when they noticed a white male, balding and wearing glasses, following them. Georgette left Donna to use a fitting room to try on clothes and later rejoined Donna in the shopping area. Donna noticed that the man was still hanging around where she was shopping, and she went to another area to get away from him. At one point she looked toward the man, and he had exposed his penis and was masturbating. She started yelling at him and calling him a pervert. Georgette heard her friend yelling that the man had exposed himself, and she heard the man deny it. The man, later identified as Mr. Tyjewski, dropped the items he was carrying and hid behind clothes racks in an attempt to leave the store.
- Another witness, Judy Vesey, stated that she was shopping in the women's department when she heard a woman, Donna Smith, screaming "Look, look, he showing his fucking dick." Judy did not see, at that time, the man at whom Donna was yelling. Judy noticed that Donna had called to her friend, Georgette, and Judy assisted the two women in looking for the man. They observed him hiding behind clothes racks, going from aisle to aisle. Donna was still yelling, calling him a pervert and calling for security. Judy observed that the man was attempting to conceal his face with some shorts he was carrying. Judy observed him step behind a display wall, and when he rounded the corner he no longer had the shorts. As the man exited the store, Judy noted specific details regarding the man's shirt and also noticed that his pants zipper was down. She saw the man enter a black extended-cab Ram 1500. Judy exited the store with Donna, Georgette and a store associate, and they followed the man, observing details regarding the man's vehicle.
- A Kmart employee called the police on April 20, 2005, stating that a customer had reported that a man had exposed himself to her. The police were informed that Donna Smith, accompanied by her friend, Georgette Krall, had followed the suspect out of the store and had obtained the make, model and license plate number of his vehicle. The witnesses described a black Dodge Ram pickup bearing Ohio license plate BAQ3809, last seen traveling northbound on Engle Road. The officer reported that, as he approached the area, he observed a black Dodge Ram pickup and saw that the plate number was BAQ3809. The officer stopped the vehicle, and Mr. Tyjewski exited and was searched for weapons. The officer reported that, when he told Mr. Tyjewski the reason for the stop, Mr. Tyjewski laughed and denied exposing himself.
- The officer reported that, as he was seating Mr. Tyjewski in the police vehicle, the officer noted that Mr. Tyjewski's pants zipper was down. After receiving a Miranda warning,

Mr. Tyjewski admitted that he had been in the women's department at Kmart, shopping for bras for his wife. When the officer asked why Mr. Tyjewski's zipper was down, Mr. Tyjewski explained he had been trying on a belt in the women's department and had unzipped his pants while fitting the belt around his waist. He explained that he had planned to buy a swimsuit and belt, and had carried them with him into the women's department.¹³

- Mr. Tyjewski further told the officer that a woman he did not know had started yelling at him, calling him a pervert. The officer reported: "Tyjewski states he was embarrassed, dropped the items he was going to purchase and left the store."
- Ms. Smith and Ms. Krall were brought to the location where the officer remained with Mr. Tyjewski, and Ms. Smith identified Mr. Tyjewski as the individual who had exposed his penis to her and masturbated in front of her. Ms. Krall stated that she had not seen the man exposing himself but identified Mr. Tyjewski as the man at whom Ms. Smith had been yelling in the women's department.

(St. Ex. 3)

3. In Case Number 05CRB-00032 in the Middleburg Heights Mayor's Court, the Case Summary includes the following information:
 - Mr. Tyjewski was charged with the offense of Public Indecency committed on April 20, 2005, in violation of Section 660.060A2. One misdemeanor count was charged in Ticket Number MD 0500962.
 - Mr. Tyjewski appeared in court on May 4, 2005, represented by counsel. He pleaded No Contest to the charge, and was convicted.
 - The court ordered Mr. Tyjewski to pay a fine and costs totaling \$215.

(St. Ex. 5)

2008 - License Application

4. On or about August 14, 2008, Mr. Tyjewski submitted to the Board an Application for Certificate to Practice a Limited Branch – Massage Therapy. According to his application, Mr. Tyjewski was born in 1969 in Cleveland, Ohio, and currently resides in Brunswick, Ohio. In 2008, he graduated from the Cleveland Institute of Medical Massage in Middleburg Heights, Ohio. His application sets forth his history of employment and additional background information. (St. Ex. 2)
5. On his application, Mr. Tyjewski answered "yes" when asked whether he had ever been convicted or found guilty of a violation of any law. In October 2008, the Board asked Mr. Tyjewski to provide a personal, detailed explanation. (St. Ex. 2 at 5)

6. In November 2008, the Board received Mr. Tyjewski's explanation. He described how the incident had occurred, indicating that the whole thing had been a misunderstanding of innocent actions on his part. Among other things, he asserted that he had realized upon arriving at work that he had forgotten his usual belt. He stated that, because he had lost weight, his pants fell down when he stood up from his desk and when he would "walk any length of time." He stated that he went to the Kmart during his lunch break to buy a belt. (St. Ex. 2 at 13)
7. Mr. Tyjewski further asserted that he had shopped for a belt and other items, and then, realizing that his time was running out, had taken a shortcut through the women's department on the way to pay at the registers. He said that he occasionally had to stop and pull up his trousers. Mr. Tyjewski further stated that, upon stopping to pull up his trousers at one point, a woman suddenly started yelling vulgar obscenities at him. Mr. Tyjewski stated that, despite his repeated attempts to reassure the woman that he meant "no ill intentions, her tirade continued on." He stated that, "after finally realizing" that his efforts were pointless, he simply put down his intended purchases and excused himself from a very embarrassing situation. (St. Ex. 2 at 13)
8. In addition, Mr. Tyjewski recounted that, as he left the store feeling totally humiliated, he thought to himself, "This cannot be happening!" He said that he began driving back to work, but was stopped within a short time and ultimately charged with public indecency. He asserted that he had pleaded no contest "because this was my first time ever of dealing with this type of situation," and because he wanted to prevent "any further embarrassment" to his wife, children, friends, employer, and "obviously wanted to put an end to this situation." (St. Ex. 2 at 14)
9. Mr. Tyjewski also urged the Board to consider the following:

Please let me mention that I have no criminal incidents both prior to and/or after the aforementioned incident, and also, my wife and I agreed to submit to B.C.I.F., F.B.I., and C.I.A. background investigations and were cleared for the adoption of our 2 children from Russia in December of 2003. These facts alone should prove my character and professionalism.

I look forward to taking the licensure exam for masso-therapist and becoming a business owner in the near future!

Please accept my apologies for any in conveniences [*sic*] this may have caused you, and your office.

(St. Ex. 2 at 14-15)

10. During the Board's investigation, Donna Smith gave a sworn statement to Michael Giar, a Board Investigator:

My friend and I were shopping in the bra area [and] we notice[d] a white male, balding with glasses following us around the store[;] my friend went to try on clothes and came out of the dressing room. The guy was still hanging around. I looked at him and then he unzipped his pants and pulled out his penis. I started yelling and he denied it. Drop[p]ed his stuff and ran out the store. We followed him to his truck and got his license plate number. Police picked up me and my girlfriend and we identify[ied] the male.

(St. Ex. 4)

CREDIBILITY

The Hearing Examiner finds that Mr. Tyjewski's exculpatory statements to the Board in his November 2008 explanation are incredible. The reasons include the following. In his story to the Board, Mr. Tyjewski said he was in the women's bra department because he was taking a shortcut to the checkout registers, but he told the police he was shopping for bras for his wife. He told the police that he had unzipped his pants to try on a belt, but he told the Board that he had merely stopped to pull up his trousers when the woman began yelling at him. Further, the story about trying on a belt does not explain why he decided to try on the belt in the women's underwear department rather than near the display of belts in case the fit was incorrect, nor does it explain why he needed to unzip his pants in order to try on the belt if his pants were as loose as he claimed. In addition, the story about unzipping his pants to try on a belt does not explain how the witness was able to see Mr. Tyjewski's penis in his hand, which would not ordinarily occur when putting on a belt, especially when putting on a belt in public. Likewise, the witness was unlikely to confuse a man's hitching up his trousers with a man's unzipping his pants and exposing his penis. Mr. Tyjewski's explanation was also not credible when he stated that he had pleaded no contest to public indecency, despite his innocence, because he was inexperienced with being charged with public indecency and wanted to avoid further embarrassment to other people. The record reflects that he had legal counsel to assist him in the unfamiliar situation. Most importantly, Mr. Tyjewski pleaded no contest in the court and was convicted of the crime, which conclusively establishes his culpability.

PENDING REQUEST TO WITHDRAW APPLICATION

With regard to Mr. Tyjewski's request to withdraw his application, the Hearing Examiner notes that allowing him to withdraw his license application would render moot the allegations in the Notice, which were adjudicated at the hearing. The Hearing Examiner further notes:

1. Mr. Tyjewski sought to withdraw his application for licensure only after the Board had issued a notice of opportunity for hearing with regard to potential discipline or denial of licensure under R.C. 4731.22(B).

2. Mr. Tyjewski submitted his request to withdraw his application for licensure less than 24 hours before his hearing was scheduled to commence.
3. Mr. Tyjewski did not take the opportunity to appear at his hearing and tell his story openly under oath and submit to cross-examination. The hearing proceeded on the issue of the merits of the Board's allegations, and it would be fair and reasonable for the Board to reach a decision on the evidence that was adduced at hearing rather than allow the issues in the Notice to be rendered moot.

The Hearing Examiner recommends that the Board address the pending request to withdraw the application *before* it proceeds to address the Findings and Conclusions regarding the allegations in the Notice. Further, it is recommended that the Board deny the request.

FINDINGS OF FACT

1. On or about August 14, 2008, Ty James Tyjewski caused to be submitted to the Board an Application for Certificate to Practice a Limited Branch - Massage Therapy, which remains pending.
2. On May 4, 2005, in the Middleburg Heights Mayor's Court, located in Middleburg Heights, Ohio, Mr. Tyjewski pleaded no contest to, and was convicted of, one misdemeanor count of Public Indecency in violation of Section 660.060(a)(2), Middleburg Heights Ordinances. The acts underlying his conviction involved his having exposed himself to a female customer in the women's underwear department of a Kmart store in Middleburg Heights.

CONCLUSION OF LAW

The facts set forth above in Finding of Fact 2, 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).

Discussion of Proposed Order

As pointed out by the State's counsel in closing argument, persons being massaged by a licensed massage therapist are in a vulnerable, exposed situation. They must be able to trust the therapist. The public expects integrity from medical massage therapists together with an overarching dedication to the clients' health and healing, untainted by prurient interest in their bodies.

The crime at issue is a single misdemeanor, it is true, but the nature of the conduct is such that a denial of massage-therapy licensure is warranted. A man who has followed a woman through a store and exposed his penis to her should not be given a license to massage. Further, Mr. Tyjewski did not present a persuasive reason why he should be permitted to reapply for a massage therapy license in the future.

PROPOSED ORDER

It is hereby **ORDERED** that:

The application of Ty James Tyjewski for a certificate to practice massage therapy in 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

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EXCERPT FROM THE DRAFT MINUTES OF MAY 12, 2010

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Amato announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Amato asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of: Mahendra Kumar Mahajan, M.D.; Joseph F. Karre, D.O.; Azamuddin Khaja, M.D.; Sonia Iris Otero; Jordon James Scuralli; and Ty James Tyjewski. A roll call was taken:

ROLL CALL:	Dr. Stafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

Dr. Amato asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation.; A roll call was taken:

ROLL CALL:	Dr. Stafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

Dr. Amato noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in

further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Amato reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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TY JAMES TYJEWSKI

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Dr. Talmage exited the meeting prior to this discussion

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DR. MADIA MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF JORDON JAMES SCURALLI. DR. STEINBERGH SECONDED THE MOTION.

.....

A vote was taken on Dr. Madia's motion to approve and confirm:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Madia	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

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 10, 2009

Case number: 09-CRF- 074

Ty James Tyjewski
3456 Abington Court
Brunswick, OH 44212

Dear Mr. Tyjewski:

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 August 7, 2008, you caused to be submitted to the Board an Application for Certificate to Practice a Limited Branch Massage Therapy, which remains pending.
- (2) On or about May 4, 2005, in the Middleburg Heights Mayor's Court, located in Middleburg Heights, Ohio, you pled no contest to and were found guilty of one misdemeanor count of Public Indecency in violation of Section 660.060(a)(2), Middleburg Heights Ordinances. The acts underlying your conviction involved your having exposed yourself to a female customer in the women's underwear department of a K-Mart in Middleburg Heights.

The facts as alleged in paragraph (2) 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.

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.

Mailed 6-11-09

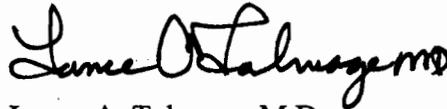
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 3936 3071 2072
RETURN RECEIPT REQUESTED