

**Before The Ohio  
Occupational Therapy, Physical Therapy and Athletic Trainers Board**

**Athletic Trainers Section**

Jason D. Nutter  
2073 Center Avenue  
Alliance, OH 44604

IN RE:

The eligibility of Jason D. Nutter,  
AT.002639, to retain his license as an  
Athletic Trainer in the State of Ohio

Case No: AT FY12-007

**Surrender Consent Agreement**

This Consent Agreement ("Agreement") is entered into by and between **Jason D. Nutter**, ("**Nutter**") and the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD, ATHLETIC TRAINERS SECTION ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755 and all rules promulgated thereunder. **Nutter** hereby enters into this Agreement being fully informed of his rights, including those under Chapter 4755 and Chapter 119, Ohio Revised Code, including the right to representation by counsel and an adjudication hearing.

In consideration of the forgoing and mutual promises hereinafter set forth, **Nutter** and the Board hereby agree as follows:

**Jurisdiction and Predicate Facts**

1. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section, is empowered by section 4755.64(A) of the Ohio Revised Code to suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine or place a licensee on probation, for any of the following:
  - (2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;
  - (4) Negligence or gross misconduct in the practice of athletic training;
  - (5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;
2. **Nutter** was initially licensed as an athletic trainer in the State of Ohio on January 13, 2006.
3. On August 30, 2012, Jeff Barker, an Investigator with the Enforcement Division of the Board, contacted **Nutter** via telephone to address a complaint the Board received. During the course of the interview, **Nutter** admitted that he engaged in an

inappropriate relationship with a minor child/student at Indian Valley High School from on or about April, 2012 to on or about May, 2012. Said conduct constitutes a violation of Ohio Revised Code sections 4755.64(A)(2), (4) & (5), and Ohio Administrative Code rule 4755-41-01.

4. **Nutter** currently holds a license to practice as an athletic trainer in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of athletic training.

### Admissions

1. **Nutter** admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
2. **Nutter** admits that the Board has jurisdiction in this matter pursuant to section 4755.64 of the Ohio Revised Code.
3. **Nutter** admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. **Nutter** admits that the facts set forth above constitute a violation of Ohio law thereby subjecting him to disciplinary action by the Board, pursuant to section 4755.64 of the Ohio Revised Code.

### Terms

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action, **Nutter** and the Board, knowingly and voluntarily agree to the following terms:

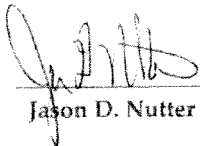
1. **Nutter** shall voluntarily surrender and the Board hereby simultaneously revokes his license to practice as an athletic trainer in the State of Ohio. **Nutter's** original license certificate shall be submitted simultaneously with the signed Surrender Consent Agreement to the Enforcement Division of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board at 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215.
2. **Nutter** understands that he is not eligible to apply for license reinstatement in Ohio for at least one year after the effective date of this agreement.
3. **Nutter** hereby releases the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.
4. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.
5. All parties to this Agreement understand that this information will be sent to the Federal Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB), pursuant to 42 U.S.C. §1320a-7e(b), 5 U.S.C. §5525a, and 45 C.F.R. pt. 61
6. By his signature on this Agreement, **Nutter** agrees that in the event the Board, in its discretion, does not approve this Agreement, this settlement offer is withdrawn and

shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Nutter agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

7. By adopting and executing this Agreement, the Board hereby acknowledges that this Agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against Nutter resulting from the aforementioned conduct.
8. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

I, Jason D. Nutter, have carefully read the above agreement and enter into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of my rights under Ohio law. By executing this agreement, I recognize that if, in the discretion of the Board it appears that I have breached any terms or conditions of this consent agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the consent agreement. If the Board finds a breach of this consent agreement, it may impose any disciplinary remedy available under Ohio law.

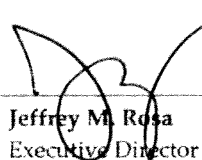
The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its approval.

  
\_\_\_\_\_  
Jason D. Nutter

8-31-12  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
Counsel to Jason D. Nutter  
(If represented)

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Jeffrey M. Rosa  
Executive Director

9-6-12  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Yvonne Tertel  
Principal Assistant Attorney General

9/6/2012  
\_\_\_\_\_  
DATE



**Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board**  
77 South High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215-6108

Governor  
*John Kasich*  
Executive Director  
*Jeffrey M. Rosa*

July 28, 2014

Jason D. Nutter  
2073 Center Avenue  
Alliance, OH 44601

Dear Mr. Nutter:

Enclosed please find a copy of the Adjudication Order approved and confirmed by the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board on July 9, 2014.

Pursuant to section 119.12 of the Ohio Revised Code, you may have the right to appeal this Order. Information on filing an appeal is contained within the adjudication order.

Sincerely,

**Jeffrey M. Rosa**  
Executive Director

cc: Melissa L. Wilburn, Assistant Attorney General, Athletic Trainers Section

Certified Mail Number: 7011 1150 0001 6788 8042  
Return Receipt Requested

Enclosures

**Before the Ohio  
Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

**Athletic Trainers Section**

In Re:

The eligibility of Jason D. Nutter to have  
his license to practice as an Athletic  
Trainer reinstated in the State of Ohio

Case Number: AT-LD-FY14-001

**Adjudication Order**

This matter came for hearing before the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter "Board") on the 9th day of July, 2014.

The State was represented by Principal Assistant Attorney General Yvonne Tertel.

Jason D. Nutter (hereinafter "Nutter") was present.

The State presented an affidavit from Lisa Ratinaud, Enforcement Division Supervisor, and the following exhibits:

- Exhibit 1:** A copy of the consent agreement signed by Nutter, and ratified by the Board on September 6, 2012. In this consent agreement Nutter agreed to voluntarily surrender his athletic trainers license, and have it recorded by the Board as a revocation.
- Exhibit 2a:** A copy of the notarized statement from Nutter requesting that his athletic trainers license be reinstated.
- Exhibit 2b:** A copy of Nutter's athletic trainers reinstatement application.
- Exhibit 2c:** A copy of Nutter's employment history form.
- Exhibit 2d:** A copy of Nutter's continuing education reporting form, and accompanying continuing education certificates.
- Exhibit 2e:** A copy of the consent agreement Nutter entered into with the Board on September 6, 2012, which revoked his athletic trainers license. Nutter submitted this document with his application materials.
- Exhibit 2f:** A copy of the consent agreement Nutter entered into with the National Athletic Trainers' Association Board of Certification, Inc., which suspended his certification status. Nutter submitted this document with his application materials.
- Exhibit 2g:** A copy of the " Sealed Court documents from Tuscarawas County, Ohio, Court of Common Pleas, Juvenile Division."

- Exhibit 3:** A copy of Nutter's results on the Ohio AT Jurisprudence Examination required for his reinstatement application.
- Exhibit 4:** A copy of the remaining continuing education certificates required for Nutter's reinstatement application.
- Exhibit 5:** A copy of the verification screen from the National Athletic Trainers' Association Board of Certification, Inc., indicating that Nutter's certification status remains suspended.
- Exhibit 6:** A copy of the Notice of Opportunity for Hearing (hereinafter Notice) sent to Nutter certified mail on May 14, 2014.
- Exhibit 6a:** A copy of the certified mail receipt for the hearing scheduling letter signed for by "Kylene R. Nutter" on May 19, 2014.
- Exhibit 7:** A copy of the scheduling letter sent via regular mail to Nutter advising him of the July 9, 2014 affidavit proceedings.

After review of the evidence and testimony, the Board makes the following findings of fact:

1. Nutter's license to practice as an athletic trainer in the state of Ohio was revoked on September 6, 2012.
2. Nutter submitted an application to have his athletic trainers license reinstated in the state of Ohio on December 10, 2013.
3. Nutter was sent a Notice via certified mail on May 14, 2014. This mailing was signed for by Kylene R. Nutter on May 19, 2014. Nutter was required to request a hearing within thirty (30) days of the mailing date of the notice. Nutter failed to request a hearing within the thirty (30) day time period.
4. The Notice informed Nutter of the Board's intent to deny his application to have his license to practice as an athletic trainer reinstated in the state of Ohio for the following reasons:

Section 4755.64(A) of the Ohio Revised Code authorizes the Board to suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following:

- (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

Section 4755.64(C) authorizes the Board to accept or refuse an application for reinstatement. When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation.

Ohio Administrative Code rule 4755-43-10(B) authorizes the Board to consider the following when evaluating an application for reinstatement of a license:

- (1) The nature and severity of the acts that resulted in revocation or denial of license;
- (2) The time elapsed since the commission of the acts;
- (3) Possible additional violations occurring after the revocation or denial;
- (4) Compliance with previous orders of the athletic trainers section; and
- (5) Any evidence of rehabilitation that the applicant may submit to the section.

In accordance with Chapter 119 and section 4755.64 of the Ohio Revised Code, you are hereby notified that on May 7, 2014, the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "Board") voted to refuse (thereby denying) your application to reinstate your license to practice as an athletic trainer in the State of Ohio due to insufficient evidence of rehabilitation for the following prior disciplinary violations:

**Count 1**

On September 6, 2012, Nutter entered into a Consent Agreement with the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, in which Nutter agreed to voluntarily surrender and the Board simultaneously revoked his license to practice as an athletic trainer in the State of Ohio for engaging in an inappropriate relationship with a minor child/student at Indian Valley High School from on or about April 2012 to on or about May, 2012. Said conduct constituted a violation of Ohio Revised Code sections 4755.64(A)(2), (4) & (5), and Ohio Administrative Code rule 4755-41-01.

5. Nutter did not request a hearing on the aforementioned charges.
6. The Case came before the Board for an evidentiary review hearing on July 9, 2014.
7. Nutter's certification through the National Athletic Trainers' Association Board of Certification, Inc. remains suspended.
8. Nutter did not provide evidence of remorse, responsibility, or evidence of rehabilitation for his actions in his reinstatement letter.
9. Nutter did not provide any evidence from counselors, therapists, or psychologists documenting duration or detail regarding his rehabilitation plan or progress.

After review of the evidence and testimony, the Board makes the following conclusion of law:

1. Nutter was properly served with the Notice of Opportunity for Hearing pursuant to Revised Code section 119.07.
2. Nutter provided insufficient evidence of rehabilitation for prior disciplinary action.
3. Nutter violated Ohio Revised Code sections 4755.64(A)(2),(4), and (5), and Ohio Administrative Code rules 4755-41-01.

Wherefore, based on the evidence and the above findings, it is the conclusion of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section, that Nutter can be denied license reinstatement.

At the July 9, 2014 hearing, a vote was taken which resulted in the adoption of the following order:

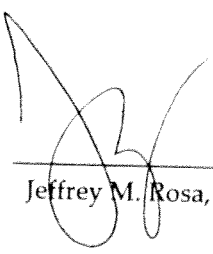
Therefore, it is the order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section that the application of Jason D. Nutter to have his license to practice as an Athletic Trainer reinstated in the state of Ohio is hereby DENIED.

The Board further orders that the court documents found in Exhibit 2g of the record be sealed.

#### TIME AND METHOD TO PERFECT AN APPEAL

Ohio Revised Code Section 119.12 may authorize an appeal from this Order. Such an appeal must be commenced by the filing of a Notice of Appeal with the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing from the order is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin County, Ohio. The Notice of Appeal must set forth the order appealed from and state that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. Both Notices of Appeal must be filed with the Board and the applicable court within fifteen days after mailing of this notice of the agency's order, and in accordance with the provisions of Ohio Revised Code section 119.12.

By order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board,  
Athletic Trainers Section.

  
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Jeffrey M. Rosa, Executive Director

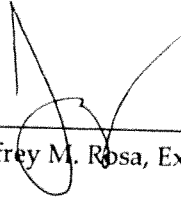
7-25-14  
\_\_\_\_\_  
Date



## CERTIFICATION

The State of Ohio,  
County of Franklin, SS

I, the undersigned Executive Director for the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section entered on its journal, on the 9<sup>th</sup> day of July, 2014.



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Jeffrey M. Rosa, Executive Director

7-28-14

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Date

(BOARD SEAL)