

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

Athletic Training Section

Megan Webb
8140 County Road 215
Kenton, Ohio 43326-9290

IN RE:

The eligibility of **Megan Webb, AT005599**, to retain her license as an Athletic Trainer in the State of Ohio

Case No: AT-20-054

Issue Date: October 07, 2020

Notice of Summary Suspension and Notice of Opportunity for a Hearing

Introduction and Jurisdiction

The Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board has determined that evidence exists indicating that you have violated Ohio Rev. Code § 4755.64(A)(2), (A)(4), & (A)(5), and Ohio Administrative Code § 4755-41-01 (B)(1), (E)(4), and (E)(4)(b), and has further determined that your continued practice poses an immediate threat to the public pursuant to section 4755.64(D) of the Ohio Revised Code, as set forth below:

Section 4755.64(A) of the Ohio Revised Code states:

(A) In accordance with the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may 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;

Section 4755.64(D) of the Ohio Revised Code states:

On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119 of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119 of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Therefore, pursuant to section 4755.64(D) of the Ohio Revised Code, the Athletic Trainers Section has determined that based upon the complaint against you, you possess an immediate threat to the public. You are hereby notified that, as set forth in the attached Entry of Order, your license to practice as an Athletic Trainer in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice Athletic training in Ohio.

Furthermore, in accordance with Chapter 119 and section 4755.64(D) of the Ohio Revised Code, you are hereby notified that the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "**Board**") intends to determine whether or not to suspend or revoke your Athletic Trainer's license, or reprimand, fine, or place you on probation for the following reason:

Count 1

On or about February 2019, **Megan Webb**, while employed at the University of Toledo located at 2801 W. Bancroft St. Toledo, OH 43606 while working as an Athletic Trainer at Waite High School located at 301 Morrison Dr. Toledo, OH. 43605, entered into an inappropriate relationship with a patient, who was also a minor and high school student (herein identified as **Patient 1**). In the month of May of 2019, said relationship between **Webb** and **Patient 1** became sexual in which Webb admitted to having sexual intercourse and providing **Patient 1** with oral sex. This said conduct is a violation of Ohio Revised Code sections 4755.64(A)(2), (A)(4) & (A)(5) and Administrative Code § 4755-41(B)(1), (E)(4), and (E)(4)(b).

4755-41-01 Code of ethical conduct.

The following basic principles make up the code of ethical conduct for the practice of athletic training in the state of Ohio. When a person becomes a licensed athletic trainer they assume certain ethical obligations and responsibilities. An athletic trainer whose conduct is not in accordance with the principles set forth in the following code of ethical conduct shall be considered in violation of the Revised Code.

(B) Athletic trainers shall comply with the laws and regulations governing the practice of athletic training.

(1) Athletic trainers shall comply with the laws and rules of the state of Ohio and any applicable local and federal laws governing the practice of athletic training.

(E) Athletic trainers shall not exploit persons served professionally.

(4) Athletic trainers shall not have a romantic or dating relationship or engage in any sexual activity with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a practitioner/ patient relationship exists. In the case of minors, the practitioner/ patient relationship extends to the minor's parent or guardian.

(b) An athletic trainer shall not engage in a conversation with a patient that is sexually explicit or tacitly imply sexually implicit intentions during the athletic training plan of care.

Hearing Procedures

Pursuant to sections 4755.64(D) and 119.07 of the Ohio Revised Code, you have the right to request a hearing on these charges, if your written request for a hearing is received by the Board office, located at 77 South High Street, 16th Floor, Columbus, OH 43215, within thirty (30) days of the mailing of this Notice. Further, you are advised that you are entitled to appear at such hearing in person, or by an attorney, or by such other representative who is permitted to practice before the agency. At the hearing, you may present evidence and examine witnesses appearing for or against you. Also, in lieu of personally appearing, you may present your positions, arguments or contentions in writing.

If you do not timely request such a hearing, the Board, upon consideration of the charges cited, may, in your absence, take such disciplinary action it deems appropriate. This action may include, but is not limited to, suspension or permanent revocation of your license.

Please be advised that under section 4755.031 of the Ohio Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing (if one is requested and held) including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging

and travel, as determined by the appropriate Section of the Board. The fee shall be collected by the appropriate Section.

By Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board:
Athletic Trainers Section



Melissa Anthony
Executive Director

Certified Mail: 7017 3380 0000 1537 1273
Return Receipt Requested

cc: Emily Pelphrey, Senior Assistant Attorney General

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

IN RE:

The eligibility of **Megan Webb, AT005599**, to retain her license as an Athletic Trainer in the State of Ohio

Case Number: **AT-20-054**

Adjudication Order

This matter came for deliberation and decision before the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter "**Board**") on the 20th of November, 2020 at a regular meeting of the Board.

The State was represented by Senior Assistant Attorney General, Emily Pelphrey. Megan Webb (hereinafter "**Webb**") was not present nor was she represented by counsel in the hearing.

The State admitted into evidence an Affidavit and Exhibits (1-7) from Board employee, Jeffery Duvall:

- Exhibit 1. A copy of **Webb's** licensure information, retrieved on or about November 18, 2020, from the Ohio Elicense portal reflecting **Webb's** licensure as an athletic trainer.
- Exhibit 2. Confidential patient key providing the identification of Patient 1.
- Exhibit 3. A copy of the board's subpoena sent to the University of Toledo dated July 21, 2020.
- Exhibit 4. Notification of proper service from the certified mail receipt signed and dated August 10, 2020 by University of Toledo staff.
- Exhibit 5. A copy of the compliance investigation on allegations of an inappropriate relationship with a patient/minor concerning **Webb** received from The University of Toledo on September 22, 2020 with certification letter that also included the following:
 - Exhibit 5a. An e-mail dated February 7, 2020 with a facebook posting of a photograph depicting **Webb** and patient 1 with patient 1's right arm around **Webb**.
 - Exhibit 5b. A copy of the interview notes taken during the interview of **Webb** dated February 12, 2020.

- Exhibit 5c. A copy of an e-mail from **Webb** acknowledging that the interview notes taken are accurate dated February 19, 2020.
- Exhibit 5d. A letter sent to **Webb** on May 29, 2020 with the results of an administrative hearing held on May 21, 2020 that found Megan Webb responsible for sexual misconduct.
- Exhibit 5e. A copy of a letter dated March 30, 2020 from the Lucas County Children Services substantiating on the case involving Patient 1.
- Exhibit 6. On October 07, 2020 the board summary suspended **Webb's** license and issued a Notice of Summary Suspension and Notice of Opportunity for a Hearing that was sent via certified mail to **Webb's** forwarding address of record.
- Exhibit 7. The United States Postal Service tracking results of Exhibit 6 and a copy of the certified mail return receipt reflects that the certified mail letter was delivered to recipient "**M. Webb**" on October 15, 2020.

Based on a thorough review of the evidence, the Board found that the following Findings of Fact were proved by a preponderance of the evidence:

1. **Webb** was employed with the University of Toledo while working as an Athletic Trainer at Waite High School in the month of February 2019.
2. Patient 1 was a patient of **Webb** during the month of February 2019.
3. **Webb** did enter into an inappropriate relationship in the month of February 2019 that evolved into a sexual relationship with Patient 1.

Based on thorough review of the evidence, the Board made the following Conclusions of Law based upon a preponderance of evidence:

1. **Webb** was properly served with the Notice of Opportunity for a Hearing pursuant to R.C. 119.07.
2. R.C. 119.07 required **Webb** to request a hearing within thirty (30) days of the mailing of the Notice in which **Webb** did not comply.
3. The Board had jurisdiction to conduct a hearing in this matter pursuant to *Goldman v. State Medical Board of Ohio*, 110 Ohio App. 3d 124; 673 N.E.2d 677 (1996).

4. **Webb** entering into a sexual relationship with a patient/minor/student during the course of her practice as an Athletic Trainer violates Ohio Revised Code sections 4755.64(A)(2), (A)(4) & (A)(5) and Administrative Code § 4755-41(B)(1), (E)(4), and (E)(4)(b).

Based upon a preponderance of the evidence, and Findings of Fact and Conclusions of Law stated above, it is the conclusion of the Board that the athletic trainers license of **Webb** shall be disciplined.

Thereafter, the Board voted to enter upon its Journal the following Order:

- The Athletic Trainers license of Megan Webb is hereby REVOKED.

The decision of the Athletic Trainers Section of the Board shall take effect immediately.

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.



Melissa Anthony, Executive Director

December 11, 2020

Date of Mailing

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, Physical therapy Section entered on its journal, on the 20th day of November, 2020.

Melissa Anthony

Melissa Anthony, Executive Director



December 11, 2020

Date