



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Athletic Trainers Section
January 13, 2010
9:30 a.m.

Members Present

Rebekah Bower, AT, Secretary
Aaron Galpert, AT
Brian Hartz, AT, PhD
Vincent O'Brien, AT, Chairperson

Legal Counsel

Yvonne Tertel, AAG

Staff

H. Jeffery Barker, Investigator
Diane Moore, Executive Assistant
Lisa Ratinaud, Enforcement Division Supervisor
Jeffrey Rosa, Executive Director
Andrew Snouffer, Investigator

Guest

Gary Lake, OATA
Bill Hills, JCARR
Sheryl Bennett, Court Reporter

Call to Order

The meeting was called to order by the Section Chair, Vincent O'Brien, at 9:30 a.m.

Approval of Minutes

Action: Brian Hartz moved that the minutes from the November 4, 2009 meeting be approved as submitted. Rebekah Bower seconded the motion. The motion carried.

Executive Director Report

- The Executive Director reported that the Board continues to monitor spending and the Board is following the budget projections as planned.
- The Executive Director reported that the physical therapist renewal is moving at a steady pace. Approximately sixteen percent of licensees have not renewed.
- The Executive Director reported that he is working on planning the next Board Sponsored CE Presentations, with Cincinnati and Cleveland being the likely locations.

The formal Executive Director's report is attached to the minutes for reference.

Special Elections

Action: Brian Hartz moved that the Section extend the current terms of officers and liaisons through the September 9, 2010 Section meeting. Aaron Galpert seconded the motion. The motion carried.

Action: Brian Hartz moved that the Section authorize the Executive Director to accept or reject consent agreements on the Section's behalf for the period beginning January 13, 2010 and ending December 31, 2010. Rebekah Bower seconded the motion. The motion carried.

Action: Brian Hartz moved that the Section authorize the use of signature stamps or electronic signatures by the Section Chairperson, Section Secretary, and the Executive Director for the period beginning January 13, 2010 and ending December 31, 2010. Aaron Galpert seconded the motion. The motion carried.

Action: Brian Hartz moved that the Section authorize the Executive Director to make editorial changes to motions for the period beginning January 13, 2010 and ending December 31, 2010. Rebekah Bower seconded the motion. The motion carried.

Action: Brian Hartz moved that the Section authorize the use of hearing officers for the period beginning January 13, 2010 and ending December 31, 2010. Rebekah Bower seconded the motion. The motion carried.

Action: Brian Hartz moved that the Section authorize the staff to issue licenses to applicants with completed applications and that the Section ratify all licenses issued by the staff at the Section meeting following the issuance of the license for the period beginning January 13, 2010 and ending December 31, 2010. Aaron Galpert seconded the motion. The motion carried.

Administrative Reports

Continuing Education

There were zero athletic training continuing education applications approved since the November 4, 2009 Section meeting.

Licensure Applications

Action: Vincent O'Brien moved that the Athletic Trainers Section ratify, as submitted, the athletic training licenses issued by examination, endorsement, and reinstatement by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from November 5, 2009, through January 13, 2010, taking into account those licenses subject to discipline, surrender, or non-renewal. Brian Hartz seconded the motion. The motion carried.

Examination Applicants

Antonacci, Tyler
Flood, Lauren
Orihel, Christine

Brown, Kevin
Krieger, Barbara

DeMichele, Pietro
Miller, Jennifer

Endorsement Applicants

Chulskiy, Yuriy
Sugimoto, Daisuke

Hemenway, Erik

Higgins, Timothy

Reinstatement Applicants

Bird, Brent

Brobst, Steven

Osburn, Keith

Assistant Attorney General Report

Yvonne Tertel, AAG, had no formal report.

Case Review Liaison Report

The Enforcement Division opened two new cases and closed zero cases since the November 4, 2009 meeting. There are currently eight open cases. There is one disciplinary consent agreements being monitored. There is one non-disciplinary consent agreement being monitored

Aaron Galpert informed the Section that Thomas Rice complied with all terms and conditions and was released from his disciplinary consent agreement.

Enforcement Division Actions

Aaron Galpert recommended that the Section issue a notice of opportunity for hearing for case number AT-FY10-010 for failure to respond to the 2009 continuing education audit. **Action:** Brian Hartz moved that the Section issue a notice of opportunity for hearing for case number AT-FY10-010 for failure to respond to the 2009 continuing education audit. Rebekah Bower seconded the motion. Aaron Galpert abstained from voting. The motion carried.

Aaron Galpert recommended that the Section issue a notice of opportunity for hearing for case number AT-FY10-006 for ethical violations based on sexual harassment. **Action:** Brian Hartz moved that the Section issue a notice of opportunity for hearing for case number AT-FY10-006 for ethical violations based on sexual harassment. Rebekah Bower seconded the motion. Aaron Galpert abstained from voting. The motion carried.

Aaron Galpert recommended that the Section accept the consent agreement for case AT-FY10-005 in lieu of going to a hearing. **Action:** Brian Hartz moved to accept the consent agreement for case AT-FY10-005 in lieu of going to

a hearing. Rebekah Bower seconded the motion. Aaron Galpert abstained from voting. The motion carried. The Section accepted the consent agreement for Todd Colao, AT.

Affidavit Hearing

Good afternoon. My name is Vincent O'Brien, Chairman of the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board. Let the record show that these proceedings were called to order at 11:09 am on January 13, 2009, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. The Executive Director called the roll. Members of the Board present for the proceedings are:

Rebekah Bower	Present
Aaron Galpert	Present
Brian Hartz	Present
Vincent O'Brien	Present

It will be noted for the record that a majority of the members of the Board are present. There will be one adjudication proceeding today. The proceeding is in the matter of case number AT-10-009, Julie Sich, AT.001383.

This proceeding shall be an affidavit-based adjudication relative to a Notice of Opportunity for Hearing mailed to the respondent in the aforementioned case and believed to have been properly serviced according to the Administrative Procedures Act (Chapter 119. of the Ohio Revised Code).

As the respondent did not properly request a hearing in the case, this proceeding will be held before the board pursuant to *Goldman v. State Medical Board of Ohio*. The individual named does not have the ability to present written or oral testimony today, but may be present to hear the proceedings and outcome.

You have already received a sworn affidavit from the Board Investigator and accompanying exhibits for the Goldman Proceeding in your board packet.

The affidavit contains the evidence and testimony upon which you will deliberate. I trust that each of you has had the opportunity to review the affidavit and accompanying exhibits. If not, you may review it now.

In lieu of a stenographic record being made, let the minutes reflect the sworn affidavit and exhibits shall be kept as the official record of the proceeding in the aforementioned matter in the Board office.

I will now recognize Assistant Attorney General, Yvonne Tertel, for the purpose of providing a brief synopsis of the case.

Ms. Tertel reviewed the case for the Board.

Having heard Ms. Tertel's synopsis, may I now have motion to admit the sworn affidavit and the accompanying exhibits in the aforementioned case into evidence?

Action: Brian Hartz moved to accept the facts and exhibits outlined in the affidavit for Julie Sich, case AT-10-009. Rebekah Bower seconded the motion. Aaron Galpert abstained from voting. The motion carried.

There being no further evidence to come before the board, these proceedings are now closed at 11:13 am.

The procedural and jurisdictional matters having being satisfied, we will now continue with the proceeding by deliberation on the sworn affidavit and exhibits. A written copy of the board's decision will be mailed to the respondent.

At this time, is there a motion to go into private session for the purpose of quasi-judicial deliberation on this matter?

Action: Brian Hartz moved to go into private session for the purpose of quasi-judicial deliberation on this matter. Rebekah Bower seconded the motion.

Jeffrey Rosa called roll:

Rebekah Bower	Yes
Aaron Galpert	Yes
Brian Hertz	Yes
Vincent O'Brien	Yes

The Section went into private session at 11:15 am and came out at 11:18 am. Aaron Galpert left the room during private session and did not participate in the deliberations.

Action: Rebekah Bowers moved to revoke the license of Julie Sich, AT.001383, based on the affidavit and information before us. Brian Hertz seconded the motion. Aaron Galpert abstained from voting. The motion carried.

Correspondence

1. **Carl Berasi:** Dr. Berasi asked the Section if an athletic trainer is required to have a physician prescription to use electrical stimulation and ultrasound when treating high school athletes and whether a parental consent is required when performing these modalities. **Reply:** Pursuant to section 4755.60 (A) of the Revised Code and rule 4755-42-02 of the Administrative Code, athletic trainers must practice upon the referral of an individual licensed in Ohio to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, chiropractic, dentistry, or physical therapy. Athletic trainers may not accept direct referrals from physician assistants or practitioners of the limited branches of medicine. A referral relationship between a team physician and an athletic trainer should be one consisting of a protocol of care communicated between a team physician and the athletic trainer. This agreement should include procedures for prevention, recognition, assessment, management and treatment of athletic injuries. Please refer to the individual school or practice setting policy for consent to treat guidelines. There is nothing in the Ohio Athletic Training Practice Act that prohibits an athletic trainer from using an ultrasound or electrical stimulation machine, so long as the athletic trainer can demonstrate competency in procedure and equipment being used.
2. **Dustin Grooms:** Mr. Grooms asked the Section whether there is anything in the Ohio Athletic Training Practice Act that addresses whether an athletic trainer can perform manual therapy technique. **Reply:** There is nothing in the Ohio Athletic Trainers Practice Act that would prohibit an athletic trainer from performing manual therapy techniques. However, the athletic trainer must demonstrate and document competence to safely perform this activity. All treatment should be rendered in accordance with any established protocol for the venue. Physician directives should be followed at all times. Permission to treat should be obtained. Athletic trainers should not attempt any treatment measure unfamiliar to them or outside the scope of athletic training practice. Some variance may be seen in treatment, depending upon educational background, facility or setting limitations, and patient response.

AT/PT Joint Correspondence

- JB1. Fred Wilson:** Mr. Wilson asked the Sections questions regarding whether it is unethical/illegal for a physical therapist/athletic trainer to conduct general informational seminars for back care and body mechanics. **Reply:** There is nothing in the Ohio Physical Therapy and Athletic Trainers Practice Acts that prohibits a physical therapist, physical therapist assistant, or athletic trainer from giving health and wellness lectures and demonstrations or general information on the benefits of different types of exercise. If fitness or wellness programs are not represented as physical therapy or athletic training, they do not fall under the jurisdiction of the Ohio Physical Therapy and Athletic Trainers Practice Acts. While physical therapists, physical therapist assistants, or athletic trainers providing such services may include their educational degrees in published materials, they should not use the credentials "PT", "PTA", or "AT" and should not state that the programs are led by physical therapists, physical therapist assistants, or athletic trainers.

Old Business

Public Rules Hearing

The Section held a public rules hearing from 10:59 am to 11:06 am to receive input on the proposed changes to rules 4755-41-01, 4755-43-10, 4755-44-02, 4755-45-01, and 4755-47-01.

Action: Brian Hartz moved refile rule 4755-44-02 as amended. Rebekah Bower seconded the motion. The motion carried.

Athletic Trainers Jurisprudence Examination

Rebekah Bower provided a handout on the jurisprudence examination content outline. Ms. Bower identified four new content areas to incorporate into the revised examination. The Board members will draft new questions for each category. The Board assigned the following categories to each member:

1000	Legislative Intent and Definitions	Vincent O'Brien
2000	Powers and Duties of the Board	Vincent O'Brien
3000	Licensure and Examination	Brian Hartz
4000	Patient Care Management	Rebekah Bower
5000	Disciplinary Actins, Unlawful Practice, and Ethical Conduct	Aaron Galpert
6000	Consumer Advocacy	Aaron Galpert

The Section will review the draft questions at the March 2010 Section meeting.

Consumer Education

The Section reviewed the public member's recommendations and made revisions to the consumer education document to include information regarding insurance providers and reimbursement for athletic training services. The Executive Director will post the final draft on the Board website.

Ohio Department of Education - PAV Update

Jason Montgomery (ODE) forwarded a list of contagious and communicable diseases for the Section to review to determine which, if any, should be covered in the new PAV curriculum. The Section recommends that the contagious and communicable disease training include the following: MRSA, general infection, all fungal related issues, flu/communicable disease prevention, and blood borne pathogen prevention. Vincent O'Brien will forward the Section's recommendations to Mr. Montgomery.

New Business

Requirements to Carry Emergency Inhalers and Epi-pens

The Section reviewed Mark Doughty's email regarding the Ohio State Board of Pharmacy's requirements for carrying emergency inhalers/epi-pens for athletes. The Section recommends that athletic training departments follow the NATA guidelines and Ohio State Board of Pharmacy policy on carrying emergency inhalers and epi-pens for athletes.

The Section will work with the Ohio State Board of Pharmacy to draft a position paper on the appropriate use of emergency inhalers/epi-pens in athletic training practice. The Section will also add this topic to the Section's frequently asked questions. The Section will suggest this topic for the next OATA conference. The Section will review the draft position paper and FAQ question at the May 2010 Section meeting.

Board Member Name Plates

The Section was in favor of adding the titles only for doctoral-level degrees (e.g.: PhD) to the name plate. The administrative cost to update the name plates would be minimal due to the Board staff's ability to update the name plates in the Board office.

Discussion on Board Sponsored CE Presentation

The planned locations for the next Board Sponsored CE Presentations will be Cincinnati and Cleveland. The Executive Director anticipates offering the presentations in Spring and Fall of 2010. The Board is still looking into offering a webinar in the future.

Preparation for OATA Presentations

Vincent O'Brien reported that there are no slots available to present at the 2010 OATA conference. Starting 2011, the Section will present at the OATA conference every other year.

CE Audit Percentages

Effective this year, the Section will lower the continuing education audit percentages from twenty-five percent to twenty percent.

Ohio Athletic Trainers Association (OATA)

There was no formal report.

Items for the Next Meeting

- Ohio Jurisprudence Examination Revisions
- Planning Summer Retreat

Next Meeting Date

The next meeting date of the Athletic Trainers Section will be Thursday, March 4, 2010.

Adjournment

Aaron Galpert moved that the meeting be adjourned. Rebekah Bower seconded the motion. The motion carried. The meeting adjourned at 11:54 a.m.

Respectfully submitted,
Diane Moore

Vincent O'Brien, AT, Chairperson
Ohio Occupational Therapy, Physical Therapy, and
Athletic Trainers Board, Athletic Trainers Section

Rebekah Bower, AT, Secretary
Ohio Occupational Therapy, Physical Therapy, and
Athletic Trainers Board, Athletic Trainers Section

Jeffrey M. Rosa, Executive Director
Ohio Occupational Therapy, Physical Therapy, and
Athletic Trainers Board

RB:jmr:dm