Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Occupational Therapy Section
November 16, 2010
9:00 a.m.

Members Present
Rebecca Finni, OTR/L (arrived from OTERP @ 9:30 am)
Jean Halpin, OTR/L, Secretary
Kimberly Lawler, OTR/L
Nanette Shoemaker, COTA/L
Mary Stover, OTR/L, Chairperson

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

Legal Counsel
Yvonne Tertel, AAG

Guests
Jacquelyn Chamberlin, OOTA
Heather Meredith
Molly Murray
Krista Fylak

Call to Order
Mary Stover, Chairperson called the meeting to order at 9:04a.m.

The Section began the meeting by reading the vision statement.

The Occupational Therapy Section is committed to proactively:

- Provide Education to the Consumers of Occupational Therapy Services;
- Enforce Practice Standards for the Protection of the Consumer of Occupational Therapy Services;
- Regulate the Profession of Occupational Therapy in an Ever-Changing Environment;
- Regulate Ethical and Multicultural Competency in the Practice of Occupational Therapy;
- Regulate the Practice of Occupational Therapy in all Current and Emerging Areas of Service Delivery.

Approval of Minutes
Action: Kimberly Lawler moved that the minutes from the September 9, 2010 meeting be approved as submitted Nanette Shoemaker seconded the motion. Rebecca Finni was absent for the vote. The motion carried.

Executive Director's Report

- The Executive Director informed the Section that the election results will potentially impact the Board's budget for FYs 2012-2013.
- The Executive Director has been working collectively with a group of directors over the past year to discuss strategies and talking points to be proactive in addressing potential consolidation proposals for boards and commissions.
- The Executive Director submitted the agency budget request for FYs 2012-2013 to OBM on November 1, 2010.

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

Discussion of Law Changes
Action: Jean Halpin moved that the Section file the proposed amendments for rules 4755-1-01, 4755-1-03, 4755-3-01, 4755-3-05, 4755-3-10, 4755-3-12, 4755-5-02, 4755-7-05, 4755-7-06, 4755-7-07, 4755-7-08, 4755-7-11, and 4755-9-01, and no change rules 4755-1-02, 4755-3-02, 4755-3-03, 4755-3-04, and 4755-3-07. Rebecca Finni seconded the motion. The motion carried.

Administrative Reports

Continuing Education Report

Nanette Shoemaker recommended that the Section approve 87 applications and deny 2 applications for contact hour approval. **Action:** Kimberly Lawler moved that the Section approve 87 applications and deny 2 applications for contact hour approval. Mary Stover seconded the motion. The motion carried.

Licensure Report

Action: Kim Lawler moved that the Occupational Therapy Section ratify, as submitted, the occupational therapist and occupational therapy assistant limited permits and licenses issued by examination, endorsement, reinstatement, and restoration by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from September 9, 2010 through November 16, 2010, taking into account those licenses subject to discipline, surrender, or non-renewal. Mary Stover seconded the motion. Nanette Shoemaker abstained from voting on the occupational therapy assistant examination applications for Robin Bauer, Nicole Davis, Bryanna Dykes, Bethany Haas, Susan Hartke, Katharine, Hill, Mary Lemon, Katy Marconett, Stacy Martin, Andrea McBain, Timothy Meeks, Erica McIntosh, Stephanie Norden, Sarah Prall, Annette Ryder, and Regina Smolos. Kimberly Lawler abstained from voting on the occupational therapy assistant examination applications for Jessica Batross, Kaylie Byers, Denice Cochran, Kimberly Danford, Cecilia Earich, Jodi Edgell, Teresa Garrett, Roberta Joy, Tasha Shook, Victoria Tharp, Lori Williams, and Stacy Wintgens. Kimberly Lawler abstained from voting on the occupational therapy assistant limited permit applications for Victoria Dawson, Terrin Greene, Jessica Seeley, and Jill Wagner. The motion carried.

Occupational Therapist – Examination

Bielata, Danielle	Biro, Jennifer	Corso, Jennifer
Fanning, Brandalyn	Gardner, Elise	Jensen, Beth
Laumann, Courtney	Lawson, Hannah	McCluer, Emili
Rauen, Rebeka	Vasiladis, Alicia	Zarnoch, Nichole

Occupational Therapy Assistant – Examination

Abeidi, Jessica	Bair, Jeramey	Baker, Leigh
Batross, Jessica	Bauer, Robin	Byers, Kaylie
Cochran, Denice	Cockrell, Michelle	Danford, Kimberly
Davis, Nicole	Dykes, Bryanna	Earich, Cecilia
Edgell, Jodi	Edingfield, Miranda	Frye, Cortney
Garrett, Teresa	Haas, Bethany	Hartke, Susan
Hauck, Margaret	Hill, Katharine	Hinshaw, Andrea
Johnson, Kaycie	Johnson, Trisha	Joy, Roberta
Kuhn, Natalie	Lemon, Mary	Machunas, Kristi
Marconett, Katy	Marquez, Katherine	Martin, Stacy
McBain, Andrea	McEndree, Robert	McIntosh, Erica
Meeks, Timothy	Merkich, George	Moon, Shirley
Norden, Stephanie	Pardee, Denise	Pennybaker, Ashley
Phoenix, Michelle	Porter, Natiata	Prall, Sarah
Rummell, Paula	Ryder, Annette	Sampsell, Holly
Savu, Steven	Settles, Michelle	Sherrick, Stephanie
Shook, Tasha	Smolos, Regina	Snovak, Linda
Stefl, Rose	Szwejkowski, Danielle	Tharp, Victoria
Walker, Ameka	Williams, Lori	Wintgens, Stacy
Wolf, Tracy	Woodside, Patricia	

Occupational Therapist – Endorsement

Barbaglia, Kate	Coriell, Brooke	Cothrel, Janette
Hustead, Marianne	O'Shea, James	Sheesley, Kara
Skujins, Christine	Stillberger, Andrew	Stohrer, Amanda
Tipton, Anna	Wright, Rochelle	

Occupational Therapy Assistant – Endorsement

Ely, Stephanie	Krolopp, Chelsey	Miller, Clifton

Thompson, Andrea

Occupational Therapist – Reinstatement

Eucker, Terri	Fontana, Paul

Occupational Therapy Assistant – Reinstatement

French, Nalena	Ludwig, Rebecca	Powell, Lindsey
Rice, Kelly	Schaefer, Deborah	

Occupational Therapist –Escrow Restoration

Bonner, Joeleen	Oinonen, Wendy

Occupational Therapist – Limited Permit

Eagon, Candice	Peterson Selfe, Emily

Occupational Therapy Assistant – Limited Permit

Antolik, Adam	Borchard, Tiffany	Dawson, Victoria
Greene, Terrin	Knapp-Kreul, Pamela	Scott, Whitney
Seeley, Jessica	Wagner, Jill	

Limited License Agreements

Mary Stover informed the Section that Alisa Lajiness complied with all terms and conditions and was released from her limited license agreement.

Kimberly Lawler recommended that, pursuant to rule 4755-3-01 (D) of the Administrative Code, the Section offer a limited license agreement to occupational therapy assistant examination applicant #5007468. **Action:** Jean Halpin moved that the Section grant a limited occupational therapy assistant license agreement to examination applicant #5007468. Rebecca Finni seconded the motion. Kimberly Lawler and Nanette Shoemaker abstained from voting. The motion carried. The Section granted a limited license agreement to Maggie M. Mason.

Kimberly Lawler recommended that, pursuant to rule 4755-3-01 (F) of the Administrative Code, the Section offer a limited license agreement to occupational therapist endorsement applicant #5015347. **Action:** Jean Halpin moved that the Section grant a limited occupational therapist license agreement to endorsement applicant #5015347. Nanette Shoemaker seconded the motion. Kimberly Lawler abstained from voting. Rebecca Finni was absent for the vote. The motion carried. The Section granted a limited license agreement to Traci L. Raiff.

Kimberly Lawler recommended that, pursuant to rule 4755-3-12(D) of the Administrative Code, the Section request additional information regarding the applicants employment history to determine if applicant has work 500 hours or less in the past five years for occupational therapy assistant reinstatement applicant #5009248. **Action:** Jean Halpin moved that the Section grant Kimberly Lawler the authority to make the decision on behalf of the Section to grant a limited occupational therapy assistant license agreement to reinstatement applicant #5009248 if the additional employment history findings confirm that the applicant has not worked for a minimum of 500 hours in the past five years. Nanette Shoemaker seconded the motion. Kimberly Lawler abstained from voting. Rebecca Finni was absent for the vote. The motion carried.

Mary Stover recommended that the Section modify the terms of the limited license agreement when working in a non-traditional setting for occupational therapist reinstatement file #4877732 based on the documentation submitted to the Section. **Action:** Jean Halpin moved that the Section modify the limited occupational therapist license agreement for reinstatement applicant #4877732 to include the supervision requirements for working in a non-traditional work setting. Nanette Shoemaker seconded the motion. Mary Stover abstained from voting. The motion carried. The Section modified the occupational therapist limited license agreement for Rita Pirro.

Mary Stover recommended that the Section grant an extension for occupational therapist limited license agreement for restoration application file 4883173. **Action:** Nanette Shoemaker moved that the Section grant an extension to complete the terms of the limited licensure agreement restoration application file #4883173 based on the documentation provided. The deadline to complete the terms of the limited licensure agreement is June 30, 2011.

The Section will inform the applicant that shadowing does not count as supervised practice. Rebecca Finni seconded the motion. Mary Stover abstained from voting. The motion carried. The Section granted an extension for Patricia Riegelsberger.

Mary Stover recommended that the Section accept the revised occupational therapist limited licensure agreement for restoration file #5002463 based on the documentation provided. **Action:** Rebecca Finni moved that the Section accept the revised limited licensure agreement for restoration file #5002463. Kimberly Lawler seconded the motion. Mary Stover abstained from voting. The motion carried. The Section accepted the occupational therapist limited licensure agreement for Donna Laubenthal.

Assistant Attorney General's Report
Yvonne Tertel, AAG, had no formal report for the Section.

Case Review Liaison Report
The Enforcement Division opened twenty-two new cases and closed four cases since the September 9, 2010 meeting. There are currently twenty-nine cases open. There are five disciplinary consent agreements and one adjudication order being monitored.

Rebecca Finni informed the Section that Nancy DiPaolo, Katrina McWilliams, and Molly Murray complied with all terms and conditions and were released from their disciplinary consent agreements.

Affidavit Hearing
Good afternoon. My name is Mary Stover, Chair of the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board. Let the record show that these proceedings were called to order at 11:06 am on November 16, 2010, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. Yvonne Tertel, AAG looked in the hallway and around the 31st floor for Kathryn B. Hughes prior to the start of the hearing and did not see her. Members of the Board present for the proceedings are:

Jeffrey Rosa called roll:

Rebecca Finni	Present
Jean Halpin	Present
Kimberly Lawler	Present
Nanette Shoemaker	Present
Mary Stover	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 the eligibility of Kathryn B. Hughes to have her license to practice as an occupational therapist be reinstated in the state of Ohio (case number OT-FY10-040).

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 has withdrawn her request for a hearing in the case, these proceedings 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 proceeding and outcome.

You have already received sworn affidavit from the Board's Investigator and accompanying exhibits for the Goldman Proceedings 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 them now.

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

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

Ms. Tertel reviewed the case for the Board.

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

Action: Jean Halpin moved to accept the facts and exhibits outlined in the affidavit for Kathryn B. Hughes, case number OT- FY10-040. Kimberly Lawler seconded the motion. Rebecca Finni abstained from voting. The motion carried.

There being no further evidence to come before the board, these proceedings are now closed at 11:15 am.

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

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

Action: Jean Halpin moved to go into private session for the purpose of quasi-judicial deliberation on this matter. Kimberly Lawler seconded the motion.

Jeffrey Rosa called roll:

Rebecca Finni	Yes
Jean Halpin	Yes
Kimberly Lawler	Yes
Nanette Shoemaker	Yes
Mary Stover	Yes

The Section went into private session at 12:11 p.m. and came out at 12:24 p.m. Rebecca Finni left the room during private session and did not participate in the deliberations.

Action: Kimberly Lawler moved to uphold the decision to deny the application for occupational therapist licensure by reinstatement for Kathryn B. Hughes, OT-FY10-040, based on the affidavit and information before us. Nanette Shoemaker seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Enforcement Actions

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-006 for failure to respond to the 2010 continuing education audit. **Action:** Jean Halpin moved that a notice of opportunity for hearing be issued for case OT-FY11-006 for failure to respond to the 2010 continuing education audit. Nanette Shoemaker seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-007 for failure to respond to the 2010 continuing education audit. **Action:** Jean Halpin moved that a notice of opportunity for hearing be issued for case OT-FY11-007 for failure to respond to the 2010 continuing education audit. Nanette Shoemaker seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-025 for failure to respond to the 2010 continuing education audit. **Action:** Jean Halpin moved that a notice of opportunity for hearing be issued for case OT-FY11-025 for failure to respond to the 2010 continuing education audit. Nanette Shoemaker seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-005 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that

a notice of opportunity for hearing be issued for case OT-FY11-005 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-008 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-008 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-009 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-009 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-010 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-010 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-011 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-011 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-012 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-012 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-013 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-013 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-014 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-014 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-015 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-015 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-016 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-016 for failure to complete the continuing education

hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-017 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-017 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-018 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-018 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-019 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-019 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-020 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-020 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-021 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-021 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that a notice for opportunity for a hearing be issued for case OT-FY 11-022 for failure to complete the continuing education hours required for the 2010 licensure renewal. **Action:** Kim Lawler moved that a notice of opportunity for hearing be issued for case OT-FY11-022 for failure to complete the continuing education hours required for the 2010 licensure renewal. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that the Section accept the consent agreement for case OT-FY10-047 in lieu of going to hearing. **Action:** Jean Halpin moved that the consent agreement for case OT-FY10-047 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca Finni abstained from voting. The motion carried. The Section accepted the consent agreement for Lisa McDaniel OTA.

Rebecca Finni recommended that the Section accept the consent agreement for case OT-FY11-003 in lieu of going to hearing. **Action:** Jean Halpin moved that the consent agreement for case OT-FY11-003 be accepted in lieu of going to hearing. Nanette Shoemaker seconded the motion. Rebecca Finni abstained from voting. The motion carried. The Section accepted the consent agreement for Sarah Endicott, OT.

Correspondence

1. **Lanece Williams:** Ms. Williams asked the Section questions regarding maintaining occupational therapy records. **Reply:** Although the Section does not have a policy for records retention, it is the position of the Occupational Therapy Section that the student records, such as IEPs and MFEs, ultimately belong to the school district. It is recommended that occupational therapists retain a copy of their therapy logs and intervention plans. The Section suggests that you contact your Medical Information Department and/or legal counsel regarding an appropriate record retention policy.

2. **Kathleen Lemon:** Ms. Lemon asked the Section if there are specific rules regarding occupational therapy practitioner administration of dexamethasone via iontophoresis. **Reply:** Pursuant to section 4755.04 (A)(6) of the Revised Code, occupational therapy includes the "administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs." Since dexamethasone is topical drug, it falls within the scope of practice of an occupational therapist. However, no procedure should be performed by an occupational therapist unless the practitioner documents and demonstrates competence in that procedure.

3. **Jared Cass:** Mr. Cass asked the Section if occupational therapy assistants can write discharge summaries based on a telephone order. **Reply:** The occupational therapy assistant may write the telephone order, but collaboration must be demonstrated and documented and the order must by co-signed by the occupational therapist. Pursuant to rule 4755-7-04 (H) of the Administrative Code, any documentation written by an occupational therapy assistant, student occupational therapist, or student occupational therapy assistant for inclusion in the client's official record shall be co-signed by the supervising occupational therapist. Pursuant to rule 4755-7-02(B)(1)(b) of the Administrative Code, an occupational therapy assistant may contribute to and collaborate in the preparation, implementation, and documentation of the treatment/intervention plan and the discharge plan. However, third party payer policies, other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act.

4. **Stacia Schaeffer:** Ms. Schaeffer asked the Section if occupational therapy assistants can discharge a client. **Reply:** Pursuant to rule 4755-7-02 (B) (1) (b) of the Administrative Code, the occupational therapy assistant may contribute to and collaborate in the preparation, implementation, and documentation of the treatment/intervention plan and the discharge plan. It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development, as indicated in rule 4755-7-03 of the Ohio Administrative Code. Pursuant to rule 4755-7-04 (H) of the Administrative Code, any documentation written by an occupational therapy assistant, student occupational therapist, or student occupational therapy assistant for inclusion in the client's official record shall be co-signed by the supervising occupational therapist. The collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the patient documentation. However, third party payer policies, other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act.

5. **Rebecca Stanley:** Ms. Stanley asked the Section questions regarding the regulation of continuing competence requirements for state licensure. **Reply:** Each state that regulates occupational therapy is empowered by state law to adopt regulations governing licensure, including requirements for continuing education/competence. Differences in renewal requirements would make it difficult for each state to have equal requirements. For example, the NBCOT certification period lasts for three years and the Ohio license lasts for two years. In the situation you described, if you were only working within the state of Indiana, even if you were a resident of Ohio, you would not be required to hold a license in Ohio. If, however, you were working at a facility that provided services in both states, you would be required to hold both an Indiana and Ohio license. When providing services within Ohio, you would be required to follow the Ohio Occupational Therapy Practice Act. The same would apply when providing services in Indiana. If you do hold licenses in multiple states, you must follow the renewal requirements for each state.

6. **Sarah Andrews:** Ms. Andrews asked the Section if an occupational therapy assistant can be supervised by physician and still function as an occupational therapy assistant. **Reply:** According to rule 4755-7-01, an "occupational therapy assistant" means a person who holds a license to provide occupational therapy techniques under the general supervision of an occupational therapist. An occupational therapy assistant could not provide services described as occupational therapy unless supervised by an occupational therapist. However, third party payer policies, other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act.

7. **Joyce Tyler:** Ms. Tyler asked the Section if continuing education credit can be obtained by shadowing another occupational therapist. **Reply:** Your experience may qualify for under the apprenticeship or informal independent study continuing education categories. The Section recommends that you submit an Individual CE Approval Request Form, which can be downloaded from the Board's website (http://otptat.ohio.gov). Rule 4755-9-01 (B)(9) of the Administrative Code defines apprenticeships as

supervised clinical experience aimed at developing specialized skills in occupational therapy and are acceptable for continuing education credit. Five contact hours shall be credited for each forty hour week. There is no limit to the amount of contact hours that can be earned under this category. Proof of completion is a signed letter from the clinical supervisor describing length and type of education experiences and an evaluation of the occupational therapists or occupational therapy assistant's performance. Apprenticeships must be served under the supervision of licensed occupational therapist whose license is in good standing and who has demonstrated expertise in the practice of occupational therapy or other individuals who have demonstrated expertise in specialized techniques as approved by the occupational therapy section. Rule 4755-9-01 (B)(11) of the Administrative Code states that for informal independent study one contact hour will be given for reading an evidence based book, chapter, or research journal article relating to the clinical practice, management, or education of occupational therapy practitioners and identifying how the information presented can be applied to one's own practice, management, or education situation. Proof of completion is a copy of the article's title page and the first page, and a written report summarizing the information and outlining how it can be applied by the licensee. One hour will be awarded for each chapter/article. A maximum of four contact hours may be earned in this category per renewal cycle.

8. **Aventura Rodriguez:** Ms. Rodriguez asked the Section if occupational therapy assistants can complete the discharge portion of a client's discharge summary. **Reply:** It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development, as indicated in rule 4755-7-03 of the Ohio Administrative Code. The collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the patient documentation.

9. **Wendy Albright:** Ms. Albright asked the Section if a child can qualify for a 504 plan due to having visual perceptual deficits. **Reply:** The Section does not determine policy regarding how children qualify for occupational therapy services in a school setting. The Section recommends contacting the Ohio Department of Education, Office for Exceptional Children at www.ode.state.oh.us. However, according to rule 4755-7-08 of the Ohio Administrative Code, the "Occupational therapy practitioner shall demonstrate a concern for the well-being of the recipients of their services," and "Occupational therapy practitioners shall make every effort to advocate for recipients to obtain needed services through available means." Therefore, it is the responsibility of the occupational therapy practitioner to advocate for the client/student and act in the best interest of the client/student. The Ohio Occupational Therapy Association's pediatrics member support group chair may be able to assist you with many of your questions regarding school based 504 Plan issues, as well as questions regarding funding. You can contact the Ohio Occupational Therapy Association at www.oota.org. The Section suggests that you contact legal counsel regarding questions about due process.

10. **Jayme Albring:** Ms. Albring asked the Section if there is any general discharge criteria for school based occupational therapy. **Reply:** School-based occupational therapy practitioners may encounter situations in which they feel a student is ready to be dismissed from occupational therapy services but other team members and/or the student's family disagree. According to rule 4755-7-06 of the Ohio Administrative Code, "An occupational therapist or occupational therapy assistant shall not exploit persons served professionally by (A) accepting individuals for treatment if benefit cannot reasonably be expected to occur or (B) continuing treatment without reasonable expectation of further benefits." Communication between the team of professionals working with the student and the student's family is important as the IEP decision is a team decision. If, in his/her professional opinion, the occupational therapist does not expect the student to further benefit from continuing occupational therapy services, the occupational therapist must make it clear to the IEP team, including the family, that the therapist disagrees with continuing occupational therapy services. If the team of professionals developing the IEP decides to continue occupational therapy services after such communication, the occupational therapist may continue to provide services after the family is made aware that no further benefit is expected. In this situation, the occupational therapist would not be in violation of rule 4755-7-06.

11. **Gina Badanjek:** Ms. Badanjek asked the Section for clarification on what should happen to the supervision documents upon termination of employment. **Reply:** Pursuant to rule 4755-7-04 (C) (5) of the Administrative Code, it is the responsibility of the occupational therapist and occupational therapy assistant to establish evidence that the supervision occurred in accordance with the requirements of this rule. This evidence may include documentation in the client record, or it may exist as a separate document, such as a

collaboration log. If collaboration is documented in the medical record, medical records are retained at the facility or specified location for medical records management. If a collaboration log is maintained that does not contain medical record or client information, that log or a copy may be retained by both parties in collaboration. The Section does not have a policy for records retention. The Section recommends that you contact your legal counsel regarding an appropriate record retention policy. However, third party payer policies, other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act.

12. **Todd Beck:** Mr. Beck asked the Section if an occupational therapy assistant in a managerial role can make an evaluative decision that overrides the supervising occupational therapist prior recommendations to the plan of care. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act prohibiting occupational therapy assistants from administratively managing occupational therapists or other medical personnel in provisions of service external to the occupational therapy plan of care. In the situation you describe, the individual would be functioning as a manager with a degree or experience in management who also happens to be an occupational therapy assistant. Generally this is a human resource decision regarding the specific educational requirements for a given position. If the occupational therapy assistant also performs a clinical role as well as an administrative role, pursuant to rule 4755-7-02 (B)(1) to(B)(3) in the Administrative Code, the occupational therapy assistant may contribute to and collaborate in: (a) The evaluation process by gathering data, administering standardized tests and /or objective measurement tools, and reporting observations. (b) The preparation, implementation, and documentation of the treatment/intervention plan and the discharge plan. (c) Choosing the appropriate treatment interventions. (2) The occupational therapy assistant may independently: (a) Select the daily modality of choice according to the established treatment/intervention plan. (b) Document the progress and outcomes summary. (3) The occupational therapy assistant may not evaluate independently or initiate treatment/intervention before the supervising occupational therapist performs an evaluation. The Sections recommends that you check with the facility or corporation policies as they may be more restrictive than the Ohio Occupational Therapy Practice Acts.

13. **Brenda George:** Ms. George asked the Section questions regarding ethical conduct when establishing fees for occupational therapy services and billing practices. **Reply:** In accordance with the code of ethics established in rule 4755-7-08(A)(1) of the Administrative Code, (a) Occupational therapy practitioners shall provide services in a fair and equitable manner. They shall recognize and appreciate the cultural components of economics, geography, race, ethnicity, religious and political factors, marital status, sexual orientation, and disability of all recipients of their services. Occupational therapy practitioners should strive to understand culture and its impact on human performance and context while recognizing the strengths that exist in all cultures. (b) Occupational therapy practitioners shall strive to ensure that fees are fair, reasonable, and commensurate with services performed. The Section also recommends that you refer to the American Occupational Therapy Association's Occupational Therapy Code of Ethics and Ethics Standards at www.aota.org. Please be aware, however, third party payer policies, other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act.

14. **Brenda George:** Ms. George asked the Section for clarification of the comparison of responsibilities of occupational therapy practitioners in school-based practice document and whether the occupational therapist needs to specifically request that the occupational therapy assistant gather data for screenings and discharges. **Reply:** It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development, as indicated in rule 4755-7-03 of the Ohio Administrative Code. The collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the client documentation. It is the position of the Occupational Therapy Section that screens, or identification of candidates for therapy, may be performed by an occupational therapy assistant. The Section interprets a screen to be only data gathering and non-evaluative in nature. In accordance with rule 4755-7-03 of the Administrative Code, the occupational therapist interprets the data and makes necessary recommendations. All screens must be cosigned by the occupational therapist, and collaboration with the occupational therapist must be documented. Occupational therapy assistants can follow an established procedure and does not have to ask for permission to perform a screen. However, third party payer policies,

other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act.

OT/PT Joint Correspondence

JB1. **Kevin Adams:** Mr. Adams asked if assessing lung sounds is within the scope of occupational and physical therapy practice. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapist from assessing lung sounds provided that the occupational therapist has received training and demonstrated and documented competence in this activity. It is the position of the Physical Therapy Section that assessing lung sounds is consistent with the knowledge and skills of licensed physical therapists and is within the scope of the practice of physical therapy. As with any specialized procedure, the physical therapist must have training and demonstrate competency in the procedure. This training may be done by a professional skilled in this technique and who is able to assess competence following the instruction. Your final question relates to liability issues and not to the Ohio Occupational and Physical Therapy Practice Acts. The Sections recommend that you contact the appropriate liability insurance company or the legal sections of the American Occupational Therapy Association and the American Physical Therapy Association.

JB2. **Sara Wagner:** Ms. Wagner asked if occupational and physical therapists have to co-sign the assistant's daily notes or are initials adequate. **Reply:** A physical therapist may not co-sign for an occupational therapy assistant and an occupational therapist may not co-sign for a physical therapist assistant. The physical therapist and physical therapist assistant may only treat pursuant to the physical therapy evaluation and plan of care and the occupational therapist and occupational therapy assistant may only treat pursuant to the occupational therapy evaluation and plan of care. Occupational therapy and physical therapy practitioners may not treat pursuant to an evaluation and plan of care established by the other discipline. In accordance with rule 4755-7-01 of the Administrative Code, it is the position of the Occupational Therapy Section that if patient/client documentation includes any type of treatment grid, a single co-signature and date of review on the form is sufficient. Co-signature verifies that the supervisor reviewed the document and agrees with its content. It is the position of the Occupational Therapy Section that for any hand written documentation, the supervising occupational therapist must co-sign each entry into the patient/client medical record with their name, credential, and date. For any electronic documentation, the supervising occupational therapist must co-sign and reference the dates of the entries into the patient/client medical record. If needed, the occupational therapist may make a separate entry, referencing the date of the note(s) that are being reviewed with documentation referencing the review, noting agreement, and/or changes needed in the treatment plan. Rule 4755-27-03(E)(6) of the Ohio Administrative Code states that "All [physical therapist assistant] documentation shall be co-signed by the supervising physical therapist." It is therefore the position of the Physical Therapy Section that a signature is required and initials are not sufficient.

JB3. **Jayne Sabo:** Ms. Sabo asked if an occupational therapist can cover the pool/aquatic program in the absence of a physical therapist assistant. **Reply:** It is the position of the Occupational Therapy Section that if the aquatic services are pursuant to an occupational therapy plan of care and billed as occupational therapy then the services can only be carried out by an occupational therapist or occupational therapy assistant. If the aquatic service is not represented as occupational therapy or physical therapy and if the occupational or physical therapy practitioner happens to be qualified as an aquatic program instructor, then the Sections recommend that the practitioner ensures that appropriate medical screenings and disclosure are in place to ensure the safety of the participants. Occupational therapy assistant may only treat pursuant to the occupational therapy evaluation and plan of care and physical therapist and physical therapist assistant may only treat pursuant to the physical therapy evaluation and plan of care. Occupational therapy and physical therapy practitioners may not treat pursuant to an evaluation and plan of care established by the other discipline. In accordance with section 4755.40(C) of the Ohio Revised Code, a physical therapist assistant may only be supervised by a physical therapist and may not be supervised by any other person, including those persons licensed to practice in any other profession. Therefore, it is the position of the Physical Therapy Section that patients referred as you described to the aquatic program by an occupational therapist must be referred to physical therapy and receive a physical therapy evaluation with a physical therapy plan of care developed that indicates aquatic therapy. The evaluating physical therapist may then delegate the aquatic therapy portion of the physical therapy plan of care to the physical therapist assistant. When the physical therapist assistant is absent, the evaluating physical therapist may delegate the aquatic therapy to another discipline as other licensed personnel. However, occupational therapy practitioners cannot function

in this role. In accordance with section 4755-27-03(F) of the Ohio Administrative this must be done within with the scope of practice of the other licensed personnel's professional license, education and training, the level of competence as determined by the supervising physical therapist, and in consideration of the patient's overall needs and medical status. The physical therapist shall demonstrate involvement, in accordance with paragraph (F) of rule 4755-27-04 of the Administrative Code, in each treatment session in which a component of care is delegated. Documentation by other licensed personnel is restricted to an accounting of the activities provided, which includes the patient's response to intervention. The remainder of the documentation is the responsibility of the supervising physical therapist. The Sections recommends that you check with the facility policies as they may be more restrictive than the Ohio Occupational Therapy and Physical Therapy Practice Acts.

JB4. **Lucija Lekic:** Ms. Lekic asked if whether an occupational therapy assistant with a degree in management can supervise occupational, physical, and speech therapists. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act prohibiting occupational therapists or occupational therapy assistants from administratively managing speech language pathologists, physical therapy or other medical personnel in the provision of services external to occupational therapy plan of care. In the situation you describe, the individual would be functioning as a manager with a degree or experience in management who also happens to be an occupational therapy assistant. There is nothing in the Ohio Physical Therapy Practice Acts that specifies what degree, level of education, or level of professional licensure is required for managing physical therapists. The manager would be providing overall coordination of departmental services and not providing supervision of the physical therapists and physical therapist assistants as defined in rule 4755-27-04 of the Ohio Administrative Code. Generally this is a human resource decision regarding the specific educational requirements for a given position. Speech therapy practice does not fall under the jurisdiction of the Ohio Occupational Therapy, Physical Therapy, and Athletic Training Board. You can contact the Ohio Board of Speech-Language Pathology and Audiology at board@slpaud.ohio.gov. The Sections recommend that you check with the facility or corporation policies as they may be more restrictive than the Ohio Occupational Therapy and Physical Therapy Practice Acts.

JB5. **Tina Shelton:** Ms. Shelton asked if an occupational therapy assistant can serve as a rehab manager over occupational therapy, physical therapy, and speech therapy. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act prohibiting occupational therapists or occupational therapy assistants from administratively managing speech language pathologists, physical therapists, or other medical personnel in the provisions of services external to occupational therapy plan of care. In the situation you describe the individual would be functioning as a manager with a degree or experience in management who also happens to be an occupational therapy assistant. Generally this is a human resource decision regarding the specific educational requirements for a given position. There is nothing in the Ohio Physical Therapy Practice Acts that specifies what degree, level of education, or level of professional licensure is required for managing physical therapists. The manager would be providing overall coordination of departmental services and not providing supervision of the physical therapists and physical therapist assistants as defined in rule 4755-27-04 of the Ohio Administrative Code. Speech therapy practice does not fall under the jurisdiction of the Ohio Occupational Therapy, Physical Therapy, and Athletic Training Board. You can contact the Ohio Board of Speech-Language Pathology and Audiology at board@slpaud.ohio.gov. The Sections recommend that you check with the facility or corporation policies as they may be more restrictive than the Ohio Occupational Therapy and Physical Therapy Practice Acts.

JB6. **Cindy Hudson:** Ms. Hudson asked if occupational therapy assistants and physical therapist assistants can gather objective information about a patient's home for discharge planning. **Reply:** It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development, as indicated in rule 4755-7-03 of the Ohio Administrative Code. The collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the patient documentation. It is the position of the Physical Therapy Section that physical therapist assistants may gather and summarize objective information; however, they may not interpret this data. While a home assessment is the sole responsibility of the physical therapist, the physical therapist assistant may go into the home, without patient involvement, to perform an environmental survey (architectural barriers, floor plan, etc.). It is the responsibility of the physical therapist to interpret and make recommendations for the purpose of discharge

development. If there is collaboration between the physical therapist and the physical therapist assistant, the collaboration must be reflected in the patient documentation, but only the physical therapist may document the discharge evaluation and recommendations in the discharge summary. Even if the discharge evaluation and recommendations for follow-up care are included in the initial evaluation, a discharge summary must still be completed to document final discharge date and disposition. The discharge summary may refer to the last treatment note for patient status.

JB7. **Steven Johnson:** Mr. Johnson asked if there is a state listing of occupational and physical therapy abbreviations. **Reply:** The Occupational and Physical Therapy Sections do not maintain or approve a list of acceptable medical abbreviations. The Sections suggests that you work with the administration of your facility to select and adopt a list of medical abbreviations. You may also wish to check the web sites of the American Physical Therapy Association, the American Occupational Therapy Association and/or the Joint Commission for further information on the use of abbreviations.

JB8. **Melissa Loudon:** Ms. Loudon asked for clarification on the role of occupational and physical therapy practitioners in wound care. **Reply:** In accordance with section 4755.04(A) of the Ohio Revised Code and rule 4755-7-08 of the Ohio Administrative Code, it is the position of the Occupational Therapy Section that occupational therapy practitioners may perform wound care and select interventions including, but not limited to debridement, dressing treatments, and/or suture removal provided the occupational therapy practitioner demonstrates and documents the appropriate knowledge, skills and ability in the treatment(s) being performed and is practicing within the occupational therapy scope of practice. It is the position of the Physical Therapy Section that physical therapy includes wound and burn care with appropriate dressing and administration of topical drugs. Physical therapy also includes sharp wound debridement providing the physical therapist has been trained in the procedure. The physical therapist may delegate this component of care to a physical therapist assistant provided that both the physical therapist and the physical therapist assistant have demonstrated competency in these procedures.

Old Business

Occupational Therapy Jurisprudence Examination Revisions Update

There were three groups of occupational therapy students that took the pilot examination. The Section will compile the data and assess the questions to identify problem questions. Jacqueline Chamberlin will assist the Section in compiling the data. Ms. Chamberlin was instructed to shred the examination booklets after the data has been processed. The Section will discuss the data results at the January 2011 Section meeting.

Proposed Changes to the Code of Ethics

The Section reviewed the proposed changes to the Code of Ethics. The Section is ready to proceed with filing the proposed changes as amended. See Discussion of Laws and Rules Changes in the minutes above.

Discussion on Elimination of Escrow Status

The Section will conduct further research on the escrow statistics for the number of years a licensee has been in escrow and work on drafting a survey to obtain information on why licensees choose to be in escrow and how long they anticipate being in escrow. The Section will review the survey questions at the January 2011 Section meeting. The Executive Director will compile the escrow demographics for review at the January 2011 Section meeting. The Section goal is to complete the escrow survey by March 2011.

New Business

Public Rules Hearing

The Section held a public rules hearing from 11:16 am to 11:24 am for rules 4755-8-02, 4755-8-03, 4755-8-04, 4755-8-05, and 4755-8-06.

NBCOT Conference Update

Jean Halpin and Rebecca Finni attended the NBCOT Conference in October 2010. The Section discussed how other states utilize their public member. The State of Indiana gave a presentation on their electronic verification process.

Open Forum

Molly Murray and her mentor Krista Fylak gave an update to the Section on compliance with her consent agreement. Ms. Murray shared her mentorship experience with the Section. The mentorship experience improved her practice skills, challenged her to overcome personal obstacles, engage in ethics activities, and use the resources from the Board website. Ms. Murray encourages other occupational therapy practitioners to work with a mentor. Ms. Murray thanked the Section for the opportunity to go through this experience. Ms. Fylak thanked the Section for being able to serve as a mentor for Ms. Murray.

Ohio Occupational Therapy Association (OOTA) Report

Ms. Chamberlin reported that OOTA has concerns about elimination of the escrow status. However, OOTA had no recommendations on what could be done to address the association's concerns.

Items for Next Meeting

- Public Rules Hearing
- Records Retention Schedule for Enforcement Files
- Review Escrow Demographics
- Review Problem Questions on Pilot Jurisprudence Examination

Next Meeting Date

The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, January 20, 2011.

Action: Kimberly Lawler moved to adjourn the meeting. Nanette Shoemaker seconded the motion. The motion carried. The meeting adjourned at 3:30 p.m.

Respectfully submitted,
Diane Moore

Mary Stover, OTR/L, Chairperson
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section

Jean Halpin, OTR/L, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section

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

JH:jmr:dm