



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Occupational Therapy Section
September 12, 2013
9:00 a.m.

Members Present

Beth Ann Ball, OTR/L
Rebecca Finni, OTR/L, Secretary
Jean Halpin, OTR/L, Chair
Mary Beth Lavey, COTA/L
Kimberly Lawler, OTR/L

Staff

Adam Pennell, Investigator Assistant
Lisa Ratinaud, Enforcement Division Supervisor
Jeffrey Rosa, Executive Director

Legal Counsel

Yvonne Tertel, AAG

Guest

Jacquelyn Chamberlin, OOTA

Call to Order

Jean Halpin, Section Chair called the meeting to order at 9:25 a.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 July 24, 2013 meeting be approved as amended. Beth Ann Ball seconded the motion. The motion carried.

Action: Beth Ann Ball moved that the minutes from the July 25, 2013 retreat meeting be approved as amended. Mary Beth Lavey seconded the motion. The motion carried.

Action: Jean Halpin moved that the Section go into Executive Session to discuss personnel matters related to the employment of a state employee pursuant to ORC 121.22(G)(1). Kimberly Lawler seconded the motion.

Adam Pennell called the roll:

Beth Ball	Yes
Rebecca Finni	Yes
Jean Halpin	Yes
Mary Lavey	Yes
Kimberly Lawler	Yes

The Section went into Executive Session at 9:31 am and came out at 9:45 am. There was no action taken.

Special Orders

Election of Officers

Action: Jean Halpin moved that the Section extend the terms of the current officer and liaison positions through the November 2013 meeting. Beth Ann Ball seconded the motion. The motion carried.

Action: Jean Halpin moved to authorize the Executive Director to accept or reject consent agreements on the Section's behalf for the period beginning September 12, 2013 and ending on September 30, 2014. Mary Beth Lavey seconded the motion. The motion carried.

Action: Jean Halpin moved to authorize the use of signature stamps or electronic signatures by the Section Chairperson, Section Secretary, and the Executive Director for the period beginning September 12, 2013 and ending on September 30, 2014. Rebecca Finni seconded the motion. The motion carried.

Action: Jean Halpin moved to authorize the Executive Director to make editorial changes to motions for the period beginning September 12 2013 and ending on September 30, 2014. Kimberly Lawler seconded the motion. The motion carried.

Action: Jean Halpin moved to authorize the use of hearing officers for the period beginning September 12, 2013 and ending on September 30, 2014. Rebecca Finni seconded the motion. The motion carried.

Action: Jean Halpin moved to authorize the staff to issue licenses to applicants with completed applications and that the Section ratify the licenses issued by the staff at the Section meeting following issuance of license for the period beginning September 12, 2013 and ending September 30, 2014. Kimberly Lawler seconded the motion. The motion carried.

Discussion of Law Changes

The Section reviewed the stakeholders comments on the rules scheduled for Five-Year Review in 2014.

Administrative Reports

Continuing Education Report

Action: Mary Beth Lavey moved that the Section approve 99 applications and deny 5 applications for contact hour approval. Rebecca Finni seconded the motion. The motion carried.

Licensure Report

Action: Jean Halpin moved that the Occupational Therapy Section ratify, as submitted, the occupational therapist and occupational therapy assistant licenses issued by examination, endorsement, reinstatement, and restoration by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from July 24, 2013 through September 12, 2013, taking into account those licenses subject to discipline, surrender, or non-renewal. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting on the occupational therapy assistant examination applications for Bonnie Boehm, Jeffrey Carr, Shannon Chambers, Olivia Fisher, Julie Hamilton, Mary Hammond, Amberlee Knott, Ashlee Rettos, Janessa Rosa, and Tanya Wilson. The motion carried.

Occupational Therapist – Examination

Askew, Sarah	Bader, Ashley	Bernard, Kristy
Boomhower, Lindsey	Boucher, Julie	Brashear, Sarah
Bross, Kathleen	Bulmahn, Joseph	Burkhart, Melia
Coundourides, Alyssa	Day, Benjamin	DiRuggiero, Rosanna
Fawver, Emily	Giordano, Jessica	Haic, Katherine
Hillard, Mary	Holisky, Rachel	Jacobs, Alyssa
Klausing, Trisha	Koekrompecher-Nostrant, Amanda	Kreilein, Stephanie
Larkin, Meredith	Line, Joshua	Meyers, Angela
Mielke, Meghan	Moffett, Tiffany	Mueller, Alexandra
Petersen, Toni	Reynolds, Elizabeth	Sanders, Torie
Schiffhauer, Roy	Seitz, Tiffany	Shepherd, Jessica
Taylor, Anne	Tipton, Angela	Zmudzinski, Christopher

Occupational Therapy Assistant – Examination

Abt Ellen	Alleshouse Treva	Altenburger Jamie
Antunez Laurie	Ball Virginia	Beckett Marian
Berry Deirdre	Best Alexandra	Boehm Bonnie
Bonus William	Brock Mary Ellen	Broering Jacqueline

Brown, Tina
Burrell, Laura
Chambers, Shannon
Coburn, Ashley
Craig, Lori
Doyle, Ashley
Eckinger, Nina
Federspiel, Shelly
Fothergill, Jennifer
Gorrell, Elisabeth
Hamilton, Julie
Henderson, Samantha
Horn, Megan
Jodrey, Kassady
Katz, Jodi
Knott, Amberlee
Lipovits, Nicole
Mescher, Kelsey
Moss, Adam
Paul, Jessica
Quinlan, Michelle
Reinhard, Kelsi
Rossiter, Kayla
Skelnik, Kendra
Smith, Heidi
Stewart, Judith
Tramonte, Marcy
Varga, Jacqueline
Williams, Shawn
Workman, Caitlin

Buescher, Sarah
Carr, Jeffrey
Chaney, Hilary
Collins, Christina
Crea, Lisa
Dozier, Chevahlyan
Elgen, Latasha
Fisher, Olivia
Frazier, Erik
Graham, Mary
Hammond, Mary
Heverly, Chelsea
Hutchinson, Kristi
Jones, Robin
Kazimore, Jill
Knotts, Sara
Loverich, John
Montgomery, Amy
Osborne, Stephen
Pelphrey, Tori
Rehm, Katie
Rettos, Ashlee
Rowe, Melissa
Smith, Cheryl
Soldner, Shari
Stewart, Tiffany
Treanor, Kelly
Wells, Keri
Wilson, Tanya

Burns, Anthony
Cashbaugh, George
Childs, Lindsey
Coon, Crystal
Dean, Nicholas
Durbin, Brittney
Ewing, Georgi
Fortkamp, Valerie
Garner, Melissa
Gaultier, Elaine
Haven, Monique
Hines, Lisa
Janowiecki, Cynthia
Kash, Molly
Klein, Sarah
Lare, Camille
Mastronarde, Michele
Morrison, Ayesha
Patton, Crystal
Pickford, Amanda
Reighart, Victoria
Rose, Janessa
Shaw, Keeley
Smith, Frances
Stapleton, Caitlyn
Torhan, Heather
Turnbull, Ryan
Wermert, Christa
Wolters, Kayla

Occupational Therapist – Endorsement

Boop, Cheryl
Geisler, Shaina
Miller, Brittany
Rogliatti, Rebecca
Smith, Denise
DiFranco, Giavonna
Linebach, Julie
Olney, Jennifer
Schmadeke, Kathryn
Yandrich, Elaine

Ellinger, Sarah
McCall, Kelsey
Powell, Kristy
Schrager, Jennifer

Occupational Therapy Assistant – Endorsement

Dewitt, Pamela
Strandburg, Susan
Glover, Rikki
Waller, Kaylee

Landis, Lindsay

Occupational Therapist – Reinstatement

Emrick, Stephanie
Herr, Megan
Jefferson, Ami
Lessig, Jill
Fretz, Anna
Hrenya, Amanda
Kurelko, Denise
Palazzo, Sandra

Heckler, Teresita
Huffer, Catherine
Ladyga, Lea
Yelton, Mary

Occupational Therapist – Restoration

Pegg, Kristy

Occupational Therapy Assistant – Restoration

Gorretta, Adrienne

Limited License Agreements

Jean Halpin reported the Section received zero limited license applications and closed zero limited license applications since the July 24, 2013 meeting. There are currently nineteen limited license applications/agreements being monitored.

Assistant Attorney General's Report

Yvonne Tertel, AAG, had no formal report for the Section.

Case Review Liaison Report

Kimberly Lawler reported that the Enforcement Division opened one case and closed ten cases since the July 24, 2013 meeting. There are currently seven cases open. There are three consent agreement and two adjudication orders being monitored.

The enforcement review panel revised the disciplinary action guidelines for failure to respond to continuing education audit to include a written reprimand in addition to a monetary fine. This change will enable the disciplinary action to be reportable to the National Practitioners Databank (NPDB).

Kimberly Lawler reported that Whitney Anderson, OTA, complied with all terms and conditions and was released from her consent agreement.

Enforcement Actions

Kimberly Lawler recommended that a notice of opportunity for hearing be issued for case OT-FY13-033 for forging the signature of the supervising occupational therapist and practicing outside of the scope of practice for an occupational therapy assistant. **Action:** Jean Halpin moved that the Section issue a notice of opportunity for hearing for case OT-FY13-033 forging the signature of the supervising occupational therapist and practicing outside of the scope of practice for an occupational therapy assistant. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

Correspondence

1. **D. Brianna Dezsi, OT:** Ms. Dezsi asked the Section for clarification on the appropriate way to bill for treating two patients during the same hour. **Reply:** Your question pertains to the interpretation of billing and reimbursement requirements/policies, which is outside the jurisdiction of the Occupational Therapy Section, The Section recommends that you refer to Medicare rules and/or payer policies for any specific billing and reimbursement requirements in your setting. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association. Ethical practice is a requirement regardless of practice setting or payer. Pursuant to the code of ethical conduct established in rule 4755-7-08 (B) of the Ohio Administrative Code, professionalism of the occupational therapy licensee includes conforming to the minimal standards of acceptable and prevailing occupational therapy practice, including practicing in a manner that is moral and honorable. Rule 4755-7-08 (B) (14) states that licensees shall only seek compensation that is reasonable for the occupational therapy services delivered. A licensee shall never place the licensee's own financial interests above the welfare of the licensee's clients. A licensee, regardless of the practice setting, shall safeguard the public from unethical and unlawful business practices. Also, the Section would like remind you about correct way to document your professional credentials under the Ohio Occupational Therapy Practice Act. Pursuant to rule 4755-7-10 (A) of the Administrative Code, all occupational therapists shall use the following credential following their signature to indicate licensure as an occupational therapist: "OT/L" if the occupational therapist does not hold current NBCOT certification; or "OTR/L" if the occupational therapist holds current NBCOT certification. Any academic degrees should be listed separately from the regulatory credential. For example, a name tag or signature might read Pat Doe, OTR/L, MA.
2. **Sarah Smalley:** Ms. Smalley asked the Section whether an occupational therapist can treat a former client in a different practice setting. **Reply:** As the plans of care for each setting would address different goals, it would be acceptable to provide services to a client within a school and outpatient setting. Rules 4755-7-08 (C)(13) and (15)(a) of the Ohio Administrative Code require a licensee to advocate for clients to obtain needed services through available means, and that licensee shall obtain informed consent from clients. The Section recommends that the occupational therapist and/or clinic ensure the client and his or her family is

aware and agreeable to having the occupational therapist as the therapy provider in both settings prior to initiating services.

3. **Francisco Rivera, OT/L:** Mr. Rivera asked the Section if occupational therapists can perform dry needling in Ohio. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapist from completing dry needling (intramuscular manual therapy) as part of the occupational therapy treatment/intervention plan, provided that the occupational therapist has received training, and demonstrated and documented competence in this activity.
4. **Deborah Riczo, PT, DPT:** Dr. Riczo asked the Section questions regarding whether occupational therapy assistants can perform lymphedema treatments, including compression wrapping on a client, if the evaluating occupational therapist does not have their CLT or other advanced training for lymphedema. **Reply:** In order to provide some guidance regarding your question(s), the Occupational Therapy Section's initial response is stated below. Please be aware that an official response to your specific question requires action by the full Occupational Therapy Section, meeting on September 12, 2013. The Section will notify you of the final decision following this meeting. In accordance with section 4755.04 (A)(3) of the Ohio Revised Code, it is the position of the Occupational Therapy Section that occupational therapy practitioners may use treatment modalities, including advanced lymphedema management techniques, in the provision of occupational therapy services provided that the occupational therapy practitioner demonstrates and documents competency in the modality, in accordance with rule 4755-7-08 of the Administrative Code, and is practicing within the occupational therapy scope of practice. If the modality will be administered by an occupational therapy assistant, both the supervising occupational therapist and occupational therapy assistant must document and demonstrate competency in the techniques or modality.
5. **Karen Bird, OTR/L:** Ms. Bird asked the Section for guidance on locating workshops pertaining to documentation practices for Medicare/Medicaid standards under the Affordable Care Act. **Reply:** The Section recommends you contact the Ohio Occupational Therapy Association (OOTA) and/or the American Occupational Therapy Association (AOTA) regarding opportunities for continuing education related to the forthcoming changes in practice resulting from the Affordable Care Act. The Ohio Occupational Therapy Practice Act requires timely and accurate documentation, but does not describe specific documentation requirements. The Section recommends that you refer to the American Occupational Therapy Association's *Guidelines for Documentation of Occupational Therapy* (AOTA, 2008) for standards of practice related to daily and weekly notes, as well as frequency of progress notes.
6. **Becky Metzger, OTAL:** Ms. Metzger asked the Section whether occupational therapy practitioners are required to maintain a separate collaboration log if the collaboration is documented in the client's daily notes. **Reply:** Collaboration must be documented in some way beyond simple co-signature. However, documentation of collaboration between the occupational therapist and occupational therapy assistant within the medical record as a part of client documentation is sufficient to meet this requirement, without the addition of an extra document like a collaboration log. As the medical record is a permanent record, it may be more beneficial to have your collaboration documented there to ensure maintenance of the information.
7. **Jim Falk, OTAL:** Mr. Falk asked the Section whether it is appropriate/ethical for an occupational therapist to inform prior referring physicians of the therapist's new place of business. **Reply:** Pursuant to the code of ethical conduct established in rule 4755-7-08 (B)(5) of the Ohio Administrative Code, a licensee shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom the licensee may establish a professional, contractual, or other working relationship. Although a general statement to the referring physician practice regarding your relocation to a new setting may be within the ethical standards established by the practice act, there may be "non-compete" limitations from your employer, facility and/or contract that are more restrictive.
8. **Donna Lambert, OT:** Ms. Lambert asked the Section if a licensee is required to obtain a new wall certificate to reflect the therapists' new name and asked for clarification on where a school-based occupational therapist should store their original occupational therapy documentation. **Reply:** *In response to your first question*, in accordance with rule 4755-3-08(A) of the Administrative Code, a licensee shall notify the occupational therapy section of any change of name, place of business or employment, or mailing address within thirty days after the change. It is the position of the Occupational Therapy Section that the name of record on file with the Board must be consistent with the name used when signing

documentation. If you change your name with the Board, you are not required to order a new wall certificate in the new last name. Please refer to facility requirements which may be more restrictive than the Ohio Occupational Therapy Practice Act. *In response to your second question*, the Occupational Therapy Section does not have policy for records retention. The Section suggests that you contact your Medical Information Department and/or legal counsel regarding an appropriate record retention policy. 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 also recommends contacting Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office for Exceptional Children at (419) 747-2806 or via email at cathy.csanyi@ode.state.oh.us, and the Ohio Occupational Therapy Association's pediatrics member support group chair at www.oota.org. Both may be able to assist you further with some of your questions regarding school-based practice.

9. **Megan Percaciante, OT** Ms. Percaciante asked the Section whether it is appropriate for an occupational therapist to continue treating a managed care client if the client has plateaued or was granted more time by the third party payer to continue with treatments. **Reply:** Medicare regulations currently state that the restoration potential of a patient is not the deciding factor in determining whether skilled services are needed. Even if full recovery or medical improvement is not possible, a patient may need skilled services to prevent further deterioration or preserve current capabilities (42 C.F.R. § 409.32(c)). A recent settlement agreement of a nationwide class-action lawsuit (*Glenda Jimmo et al vs. Kathleen Sebelius*) states that skilled nursing and therapy coverage does not turn on the “presence or absence of an individual’s potential for improvement from the nursing care, but rather on the beneficiary’s need for skilled care.” Some providers interpret this to include functional maintenance program provision (as a part of skilled occupational therapy services) after the point at which the client is no longer requiring services. Any coverage changes from a Medicare standpoint would be considered a payer issue, not a licensure issue, and therefore outside the jurisdiction of this board. The Section recommends that you refer to Medicare, Medicaid, and/or payer policies for any specific billing and reimbursement requirements in your setting. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association. However, in response to your practice questions, several points can be made regarding ethical provision of occupational therapy services within any practice setting. As stated in rule 4755-7-08 (C) of the Ohio Administrative Code: (1) A licensee shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a client occurred, includes, but is not limited to: (b) Providing treatment interventions that are not warranted by the client’s condition or continuing treatment beyond the point of reasonable benefit to the client. (13) A licensee shall advocate for clients to obtain needed services through available means. (16) A licensee shall safeguard the public from underutilization or overutilization of occupational therapy services. Provision of services under a third party payer that do not require the skills of an occupational therapy professional (such as a maintenance program) would not be supported by rule 4755-7-08 (C)(1)(b). If, in his/her professional opinion, the occupational therapist does not expect the client to further benefit from continuing occupational therapy services, the occupational therapist must clearly document and communicate to the interdisciplinary team that the therapist disagrees with continuing occupational therapy services. If the manager, interdisciplinary team, and/or client/client’s family decides to continue occupational therapy services after such communication, the occupational therapist may continue to provide services after the client is made aware that no further benefit is expected. In this situation, the occupational therapist would not be in violation of rule 4755-7-08 (C)(1)(b).
10. **Shirley Overhouse:** Ms. Overhouse asked the Section whether teacher aides can perform occupational therapy activities based on the scenario provided. **Reply:** Your question concerns teacher’s aides providing services that resemble occupational therapy interventions with students without an occupational therapy referral, evaluation, and/or intervention plan. An individualized occupational therapy treatment/intervention plan is performed by an occupational therapist and should include client-specific goals, intervention approaches, types of interventions to be used, and outcome measures. According to rule 4755-7-02 (A) of the Administrative Code, occupational therapists shall assume professional roles and responsibility for the following activities, which shall not be wholly delegated, regardless of the setting in which the services are provided: (1) Interpretation of referrals or prescriptions for occupational therapy services; (2) Interpretation and analysis for evaluation purposes; (3) Development, interpretation, and modification of the

treatment/intervention plan and the discharge plan. Regulation of the provision of occupational therapy-like services by an aide, if they are not represented as occupational therapy, is not within the jurisdiction of the Section. However, if the teacher, aide, or director is representing the services as occupational therapy to the student and his/her family, an official complaint may be lodged with the Board's enforcement division to investigate further and possibly issue a cease and desist order to the teacher's aide. Regardless of how the services are represented, the safety of the student is always the number one priority. If you are concerned that the safety and well-being of the students in this situation are being compromised in any way, the Section recommends you contact the Ohio Department of Education (ODE) Office for Exceptional Children (OEC). The Section also recommends you contact Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office for Exceptional Children at (419) 747-2806 or via email at cathy.csanyi@ode.state.oh.us and the Ohio Occupational Therapy Association's pediatrics member support group chair at www.ootat.org. Both may be able to assist you further with some of your questions regarding school based practice and the Ohio Occupational Therapy Association's pediatrics member support group chair at www.ootat.org. Both may be able to assist you further with some of your questions regarding school based practice.

11. **Jean Howard, PT:** Ms. Howard asked the Section if it is within the scope of practice for an occupational therapist to provide any part of wound care/dressing application. **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, dressing treatment, and/or suture removal, as well as advanced lymphedema management techniques, in the provision of occupational therapy services, provided that the occupational therapy practitioner demonstrates and documents competency in the modality, in accordance with rule 4755-7-08 of the Administrative Code, and is practicing within the occupational therapy scope of practice. If the modality will be administered by an occupational therapy assistant, both the supervising occupational therapist and occupational therapy assistant must document and demonstrate competency in the techniques or modality. The Section recommends that you contact your third party payers as they may have policies that are more restrictive than the Ohio Occupational Therapy Practice Act.
12. **Heather Jennings, PT, DPT:** Dr. Jennings asked the Section whether an occupational therapist can provide sideline coverage for sporting events. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapist from providing sideline coverage for sporting events, provided that the occupational therapist has received the appropriate training, and demonstrated and documented competency with ALL interventions that may be provided as a part of the sideline coverage. Please be aware that provision of sideline coverage at a sporting event would not be considered an entry level skill.

OT/PT Joint Correspondence

- JB1. Margaret Headings, PT, DPT:** Dr. Headings asked the Occupational and Physical Therapy Sections questions regarding the occupational therapy/physical therapy plan of care. **Reply: In response to your questions**, there is nothing in the Ohio Physical Therapy Practice Act requiring a physician to sign off on a plan of care. However, payer policies may be more restrictive. The Physical Therapy Section recommends that you contact the appropriate insurance company or the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association. With regards to occupational therapy services provided within the setting you describe, occupational therapists are not required to have a referral and/or prescription to evaluate or treat clients in the State of Ohio. However, hospital or facility policies, accrediting bodies, and/or reimbursement agencies may have other requirements and guidelines, including requiring a physician's referral and/or prescription, which need to be met for accreditation and/or reimbursement of occupational therapy services. Occupational therapy services are provided under an individualized occupational therapy treatment/intervention plan established by an occupational therapist and the intervention plan should include client-specific goals, intervention approaches, types of interventions to be used, and outcome measures. According to rule 4755-7-02 (A) of the Administrative Code, occupational therapists shall assume professional roles and responsibility for the following activities, which shall not be wholly delegated, regardless of the setting in which the services are provided: (1) Interpretation of referrals or prescriptions for occupational therapy services; (2) Interpretation and analysis for evaluation purposes; (3) Development, interpretation, and modification of the treatment/intervention plan and the discharge plan. The Ohio Occupational Therapy Practice Act does not include specific requirements related to physician

oversight/certification of occupational therapy services, as these are often payer-specific and related to billing and reimbursement. For example, therapy services provided under Medicare Part B do require physician certification of the plan of care for reimbursement. While it is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice, the Section strongly recommends that you refer to payer policies for specific certification and plan of care requirements in your setting. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association.

- JB2. Elizabeth Dillon, OTA:** Ms. Dillon asked the Occupational and Physical Therapy Sections whether there is a time limit for an occupational/physical therapist to co-sign their assistant's notes and documentation. **Reply:** Under current Ohio law, a physical therapy practitioner providing fitness or wellness services to individual clients or groups must follow regulations for physical therapy practice if the services are represented as physical therapy, if the provider is identified as a physical therapist or physical therapist assistant, or if he/she signs "PT" or "PTA" after his/her name. If any of these conditions exists, the physical therapist must perform an evaluation prior to providing services, must maintain documentation of care provided, and must notify the client's primary physician if working without a physician referral. If physical therapist assistants, other licensed personnel, or students are involved in providing fitness or wellness services as physical therapy, rules in the Ohio Administrative Code for delegation and supervision apply. No part of these services may be delegated to unlicensed personnel. If fitness or wellness programs or group exercises are not represented as physical therapy, they do not fall under the jurisdiction of the Physical Therapy Practice Act. While physical therapists or physical therapist assistants providing such services may include their educational degrees in published materials, they should not use the credentials "PT" or "PTA" and should not state that the programs are led by physical therapists or physical therapist assistants. The Physical Therapy Section recommends that the appropriate medical screenings are in place prior to exercise to ensure the safety of the participants, but the fitness/wellness records should be stored separately from physical therapy or medical records. There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapy assistant from assisting a client in performing a functional maintenance program, as these are typically developed by licensed therapy practitioners and then transitioned to non-skilled personnel (such as restorative nursing aides) upon completion of the course of therapy. If you are representing yourself as an occupational therapy assistant and/or your services as related to your skills as an occupational therapy assistant (regardless of whether you are providing volunteer or "private pay" services), you must be supervised by an occupational therapist. If your services are represented as occupational therapy, each client would require an evaluation and plan of care overseen by an occupational therapist. If you are simply providing oversight of a maintenance program, without representing yourself as an occupational therapy assistant to either the facility or the clients, then there would not be a need for either documentation or supervision by an occupational therapist. Although occupational therapy assistants providing private pay services may publicize their educational degrees, they should not use the credentials OTA, OTA/L or COTA/L, and should not state the exercises provided through the maintenance program are provided by occupational therapy practitioners (unless supervised by an occupational therapist).

Old Business

Five Year Rule Review

The Section reviewed the rules up for five year review. There were no recommended changes.

New Business

Discuss establishing criteria for what is "out of practice"

The Section discussed the "out of practice" criteria for individuals who have not been engaged in the practice of occupational therapy for a period of five years or more. The Section determined that individuals working less than 250 hours (minimum of 4 hours/month) over a five year period would be deemed out of practice. Individuals who have been deemed out of practice are required to complete the limited license process outlined in the endorsement, reinstatement, and restoration application rules.

Other State OT Boards' Active Practice Requirements

The Executive Director informed the Section that there are no states that have an active practice requirement to renew an active license.

Updates to Limited License Reference Guide and Letter

The Section made revisions to the limited license reference guide and letter.

OTA Presentation

The Section will present at the OTA Conference on November 16, 2013.

OT Transfer of Care in School-Based Practice

The Section reviewed the Physical Therapy Section's standard response regarding the physical therapist transfer of care in school-based practice. Beth Ann Ball will draft an occupational therapy response for transfer for care in school-based practice. The Section will review the draft at the November 2013 meeting.

NBCOT Conference

The NBCOT State Regulatory Conference will be held on November 8-9, 2013 in Cincinnati, Ohio.

2014 Retreat Topics

The Section identified the following item for the 2014 Section retreat: review continuing education activities under rule 4755-9-01.

Open Forum

None

Ohio Occupational Therapy Association (OTA) Report

Jacquelyn Chamberlin reported that OTA will submit a letter of support for board member re-appointments to the Governor's Office. Ms. Chamberlin will inform OTA of the Buckeye Art Therapy Association's proposal to create the art therapy license to be administered by the OTPTAT Board.

Items for Next Meeting

- Elections
- OT Transfer of Care in School-Based Practice
- Discussion of Art Therapy

Next Meeting Date

The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, November 21, 2013.

Action: Jean Halpin moved to adjourn the meeting. Beth Ann Ball seconded the motion. The motion carried. The meeting adjourned at 2:51 p.m.

Respectfully submitted,
Diane Moore

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

Rebecca Finni, 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

RF:jmr:dm