



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Physical Therapy Section
November 19, 2009
10:00 a.m.

Members Present

Raymond Bilecky, Chair
Thomas Caldwell (left @ 1:30 pm)
Sam Coppoletti
Dale Deubler
Mary Kay Eastman
Marilyn Mount, Secretary

Members Absent

Karen Holtgreffe
James Lee
Kimberly Payne

Public Member

Genevieve Dennison

Legal Counsel

Yvonne Tertel, Assistant Attorney General

Staff Present

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

Guests

Shane Yates, OPTA
Carolyn Towner, OPTA

Call to Order

The meeting was called to order by the Section Chair, Raymond Bilecky, at 10:00 a.m.

Approval of Minutes

Action: Marilyn Mount moved that the September 17, 2009 meeting minutes be approved as submitted. Mary Kay Eastman seconded the motion. The motion carried.

Executive Director Report

- The Executive Director reported that the Governor appointed two new Board Members: James Lee and Karen Holtgreffe. The Board member orientation will be held in December 2009.
- The Executive Director reported that the renewal notices were mailed in mid-October 2009 and twenty percent of licensees have renewed to date.
- The Executive Director reported that the Board continues to monitor spending and reported that Board is following the budget projections as planned.
- The Executive Director reported that he, Marilyn Mount, Raymond Bilecky, and Kimberly Payne staffed the Section's booth at OPTA Meeting. The Executive Director also reported that Raymond Bilecky received a meritorious service award from OPTA.
- The Executive Director reported that he has been working on the new web site design and anticipates that the Board's new website will go live no later than January 2010.
- The Executive Director reported the Board is closely monitoring HB127, which would require boards to adopt rules identifying each criminal offense that is substantially related to the profession.

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

Open Forum

The Section discussed writing a response to the letter to the editor that was published in *PT Advance* magazine regarding the proposed rules changes addressing out of practice endorsement and reinstatement applicants. Marilyn Mount will draft the Section's response.

Raymond Bilecky reported that he received several emails from the Board staff regarding licensees requesting to use continuing education activities taken in the later part of January 2008 for their 2010 renewal. The Section will

review these requests on a case by case basis. The Section will write an article in the next newsletter to remind licensees that the CE reporting period is now February 1st to January 31st.

The Section will discuss potential dates for the annual retreat at the January 2010 Section meeting.

Sam Coppoletti reported that the PTA consortium is concerned about the additional cost for the Ohio Jurisprudence Examination. The Executive Director explained that application fees paid for licensure in Ohio, including the costs for the jurisprudence examination, are in line with the fees charged in other states. In addition, the quality of exam is significantly better than previous jurisprudence examinations.

Administrative Reports

Licensure Applications

Action: Dale Deubler moved that the Physical Therapy Section ratify, as submitted, the individuals approved by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board to sit for the National Physical Therapy Examination for physical therapists and physical therapist assistants from September 17, 2009 through November 19, 2009, taking into account those individuals subject to discipline, surrender, or non-renewal. Ms. Deubler further moved that the following persons be licensed as physical therapists/physical therapist assistants pending passage of the National Physical Therapy Examination and Ohio laws and rules examination. Mary Kay Eastman seconded the motion. Thomas Caldwell was not present for the vote. The motion carried.

Physical Therapist – Examination

Bendler, Lindsay	Boeh, Derek	Butler, Marisa
Fox, Lauren	Franz, Jane	Goodfellow, Christina
Heister, Ashley	Ingle, Adam	Kaur, Jaswinder
Lanham, Amy	Lape, Mary	Leonardi, Sara
Leovic, Daniel	Leovic, Daniel	Lortz, Greg
Martin, Tiffany	Mastroianni, Marie	Phillips, Robert
Pongonis, Maria	Reizner, Kimberly	Rohit, Pooja
Sabatella, Sabrina	Virtudazo, Emmy Lou	Virtudazo, Emmy Lou
Weiss, Brandi		

Physical Therapist Assistant – Examination

Antill, Kelci	Barth, Aaron	Bauer, Erin
Bernhard, Kelly	Centers, Ryan	Cochran, Jason
Contreras, Shandell	Downing, Christopher	Dunlevy, Katherine
Fletcher, Denise	Fry, Amanda	Garbe, Christine
Hahn, Gregory	Haywood, Kari	Lopez, Joshua
Manilla, Michelle	McCormick, Jamie	McKenna, Robert
McKinney, Brian	Patterson, Julianna	Ravary, Joshua
Reichel, Jason	Robinson, Matthew	Rockenfelder, Michele
Rogers, Mindy	Saeler, Megan	Schroeder, Teresa
Schwab, Tonya	Semon, Kimberly	Steele, Dana
Thomas, Kelli	Whitaker, Margo	Wills, Kimberly
Winland, Danielle	Zapata, Veronica	

Action: Dale Deubler moved that the Physical Therapy Section ratify, as submitted, the physical therapist and physical therapist assistant licenses issued by endorsement and reinstatement by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from September 17, 2009 through November 19, 2009, taking into account those licenses subject to discipline, surrender, or non-renewal. Sam Coppoletti seconded the motion. Thomas Caldwell was not present for the vote. The motion carried.

Physical Therapist – Endorsement

Agbunag, Tracy	Aker, Shawn	Belyeu, Diane
Cameron, Shelley	Carlson, Angela	Castle, Ashley
Clancy-Levan, Katherine	Corpuz, Carol	Erlewine, Eric

Evangelho, Michael
Grisez, Lori
Kalliath, Deepa
Laub, Kathryn
Meyer, Gina
Mullins, Caryn
Redmond, Aimee
Sistoso, Erlinda
Sy Guan, Dorothy
Woods, Dene

Franks, Catherine
Holt, Candice
Kamm, Adam
Mahn, Rita
Meyer, Stacey
Palencik, Gregory
Ruen, Jacquelyn
Snyder, Gregory
Tevald, Catherine

Glenn, Craig
Jaiswal, Isha
Laska, Tadeusz
McElroy, Marcia
Meyers, Meghan
Pugliese, Timothy
Schefft, Luke
Solomon, John Aristotle
Wheeler, Jason

Physical Therapist Assistant – Endorsement

Bellizia, Nancy
Lehman, Elizabeth
Suber, Alan

Cheney, Drew
Paff, Amy
Zabloudil, Sarah

Gearhart, Donald
Rutledge, Elizabeth

Physical Therapist Reinstatement

Higby, Marie

Radcliffe, Jeanne

Russell-Lipsey, Shenae

Physical Therapist Assistant Reinstatement

Hammond, Elizabeth

Sajuan, Sarah

Tomkins, Maryann

Request for Waiver of English Equivalency Examinations for Licensure

Physical Therapist Applicant for Licensure by Endorsement

Dale Deubler recommended that the Section grant a wavier of the TOEFL English requirement for the application file #3975449 based on the documentation provided. **Action:** Marilyn Mount moved to grant a wavier of the TOEFL English requirement for the application file #3975449 based on the documentation provided. Thomas Caldwell seconded the motion. Dale Deubler abstained from voting. The motion carried. The Section granted a wavier of the TOEFL English requirement for Ghada Khalil Abourjeili.

Testing Accommodations Request

Dale Deubler recommended that the Section deny the testing accommodation for the National Physical Therapy Examination for physical therapist examination application file 3969374 based on the documentation provided, which states that the condition is being controlled with medication. **Action:** Thomas Caldwell moved that the Section deny the testing accommodation for the National Physical Therapy Examination for physical therapist examination application file #3969374 based on the documentation provided, which states that the condition is being controlled with medication. Sam Coppoletti seconded the motion. Dale Deubler abstained from voting. The motion carried.

Assistant Attorney General Report

Yvonne Tertel, AAG informed the Section that the hearing officer report was received for Case PT FY07-072 and the Section is scheduled to review the hearing officer's report and recommendation at the January 2010 Section meeting. The Enforcement staff will mail the hearing materials to the Section members via CD-ROM. Ms. Tertel instructed the Section to return the CDs to the Board for disposal. Ms. Tertel also informed the Section that during deliberations there will be another AAG assigned to answer any legal questions regarding the case.

Case Review Liaison Report

Thomas Caldwell reported that the Enforcement Division closed six and opened seven cases since the September 17, 2009 meeting. There are four cases currently open. There are twenty disciplinary consent agreements and one non-disciplinary agreement being monitored.

Thomas Caldwell informed the Section that Marian Meyer, Marva Jackson, Kevin Bauer, Aaron Tuscan, and Stephanie Porter complied with all terms and conditions and were released from their disciplinary consent agreements.

Enforcement Actions

Thomas Caldwell recommended that the Section rescind the notice of opportunity for a hearing for case PT-FY10-003 as the licensee provided additional information supporting a non-disciplinary outcome. **Action:** Dale Deubler moved that the Section rescind the notice of opportunity for a hearing for case PT- FY10-003 as the licensee provided additional information supporting a non-disciplinary outcome. Sam Coppoletti seconded the motion. Thomas Caldwell abstained from voting. The motion carried.

Affidavit Hearing

Good afternoon. My name is Raymond Bilecky, Chairman of the Physical 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 11:05 am on November 19, 2009, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. Members of the Board present for the proceedings are:

Jeffrey Rosa called roll:

Raymond Bilecky	Present
Thomas Caldwell	Present
Sam Coppoletti	Present
Dale Deubler	Present
Mary Kay Eastman	Present
Karen Holtgreffe	Absent
Marilyn Mount	Present
James Lee	Absent
Kimberly Payne	Absent

It will be noted for the record that a majority of the members of the board are present. There will be an adjudication proceeding today. The proceeding is in the matter of PT Case Number PT-2010-002, Lucille Cain, PTA.

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

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

You have already received sworn affidavit from Board Investigator H. Jeffery Barker 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 original sworn affidavit 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 the case.

Ms. Tertel reviewed the case for the Board.

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

Action: Dale Deubler moved to accept the facts and exhibits outlined in the affidavit for Case Number PT-2010-002, Lucille Cain, PTA. Marilyn Mount seconded the motion. Thomas Caldwell abstained from voting. The motion carried.

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

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

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

Action: Dale Deubler moved to go into private session for the purpose of quasi-judicial deliberation on this matter. Mary Kay Eastman seconded the motion.

Jeffrey Rosa called roll:

Raymond Bilecky	Yes
Thomas Caldwell	Yes
Sam Coppoletti	Yes
Dale Deubler	Yes
Mary Kay Eastman	Yes
Karen Holtgreffe	Absent
James Lee	Absent
Marilyn Mount	Yes
Kimberly Payne	Absent

The Section went into private session at 11:12 am and came out at 11:29 am. Tom Caldwell and the Enforcement staff left the room during private session.

Action: Dale Deubler moved to suspend the license for Lucille Cain, PTA based on the affidavit and information before the Section until Ms. Cain submits proof of completion of two contact hours of continuing education with a valid Ohio Approval Number. Additionally, those two contact hours cannot be used towards the next renewal period. Marilyn Mount seconded the motion. Thomas Caldwell abstained from voting. The motion carried.

Correspondence

The Section reviewed the correspondence received by the Board and instructed the staff to send responses. The letters and responses are on file with the Board.

- 2.5.1 **Lisa Reaves:** Ms. Reaves asked the Section whether there are requirements that determine the number of staff required to be on duty at a physical therapy outpatient clinic.
- 2.5.2 **Diana Myers:** Ms. Myers asked the Section questions regarding co-signature requirements for physical therapist assistants.
- 2.5.3 **Jeanne Bens:** Ms. Bens asked the Section questions regarding whether a physical therapist can treat breast capsulitis post-op implants with ultrasound.
- 2.5.4 **Kylene Spalding:** Ms. Spalding asked the Section questions regarding whether physical therapist assistants can document on progress notes and discharge summaries.
- 2.5.5 **Carla Theil:** Ms. Theil asked the Section questions regarding whether a physical therapist assistant can change or upgrade a client's wellness program.
- 2.5.6 **Rachel Perkins:** Ms. Perkins asked the Section questions regarding whether a physical therapist can assign ICD-9 codes on MSP forms.
- 2.5.7 **Mary Ann Dutton:** Ms. Dutton asked the Section questions regarding whether a physical therapist can perform dry needling and electromyography and nerve conduction velocity (ENMG-NCV).
- 2.5.8 **Donald Williamson:** Mr. Williamson asked the Section for clarification on how a PRN physical therapist should document the transfer of care of a patient in a skilled nursing facility.

- 2.5.9 **Christine Rivera:** Ms. Rivera asked the Section for clarification on how frequently a physical therapist needs to reassess a Medicare patient being treated by a physical therapist assistant.
- 2.5.10 **Email Correspondent:** The email correspondent asked the Section for clarification on the productivity standards for physical therapist assistants.
- 2.5.11 **Carla Thompson:** Ms. Thompson asked the Section for clarification on the use of signature stamps by a physical therapist.
- 2.5.12 **Sandy Muir:** Ms. Muir asked the Section a question regarding whether a physician prescription is required prior to providing physical therapy for preschool students in a school-based setting.
- 2.5.13 **Vince Carlson:** Mr. Carlson asked the Section whether an Ohio license is needed to provide ergonomic education in Ohio.
- 2.5.14 **Tonya Jodon:** Ms. Jodon asked the Section whether physical therapist assistants can take a verbal or telephone order from a physician.
- 2.5.15 **Bridget DeMattio:** Ms. DeMattio asked the Section whether there are laws restricting or governing the location/delivery of physical therapy services.
- 2.5.16 **Pam Mitchell:** Ms. Mitchell asked the Section whether a physical therapist can write a continuation order based solely on the documentation completed by the physical therapist assistant.
- 2.5.17 **Amy Patterson:** Ms. Patterson asked the Section whether an education team can require a physical therapist to provide services for a child who does not qualify for school-based services.
- 2.5.18 **Jeanette DeWitt:** Ms. DeWitt asked if a chiropractor can bill for physical therapy services if a physical therapist is not on staff at the facility.
- 2.5.19 **Jenna Peitz:** Ms. Peitz asked if unlicensed personnel can perform ultrasound and perform exercises with a physical therapy client if the services are not billed.
- 2.5.20 **Dave Moore:** Mr. Moore asked if unlicensed personnel can perform ultrasound and perform exercises with a physical therapy client if the services are not billed.

OT/PT Joint Correspondence

- JB1. **Jennifer Parks:** Ms. Parks asked the Sections for clarification on the scope of occupational and physical therapy practice acts pertaining to wound care.
- JB2. **Marka Gehrig:** Ms. Gehrig asked the Sections for clarification on billing for occupational and physical therapy services.
- JB3. **Michael Mazak:** Mr. Mazak asked the Sections for clarification on joint referrals for occupational and physical therapy services.
- JB4. **Bill Wisell:** Mr. Wisell asked the Sections if there are state regulations for allowing or prohibiting the use of laser in occupational and physical therapy practice.
- JB5. **Christi O'Neill:** Ms. O'Neill asked the Sections whether occupational therapy assistants and physical therapist assistants can perform home assessments in the absence of an occupational therapist or physical therapist.
- JB6. **Lynn Hess:** Ms. Hess asked the Section whether an occupational therapist can perform a screen for physical therapy to determine if a child should be referred for gross motor testing by a physical therapist.
- JB7. **Melinda Reames:** Ms. Reames asked the Section if the IEP can be used as the plan of care for school-based occupational and physical therapists.
- JB8. **Arik Kashner:** Mr. Kashner asked the Sections whether occupational therapy assistants and physical therapist assistant can perform screens.

Old Business

Consumer Education

The Section made revisions to the draft consumer education document. The Executive Director will post the final document on the Board website.

Review Proposed Rules and Comments

The Section reviewed the comments to the proposed rules.

Action: Raymond Bilecky moved that the Physical Therapy Section file rules 4755-23-01, 4755-23-02, 4755-23-03, 4755-23-07, 4755-23-08, 4755-23-09, 4755-23-11, 4755-23-14, and 4755-24-04 as no change rules. Mr. Bilecky further moved that the Physical Therapy Section file the proposed changes to rules 4755-21-02, 4755-23-04, 4755-23-05, 4755-23-06, 4755-23-10, 4755-23-12, 4755-24-05, and 4755-29-01, and new rule 4755-23-15. Sam Coppoletti seconded the motion. Thomas Caldwell was not present for the vote. The motion carried.

New Business

Review FY 2009 Annual Report

The Section reviewed the annual report and had no further edits.

School Based Practice Issues

The Executive Director presented the Section with a draft of a joint response from the Occupational and Physical Therapy Sections to the Ohio Department of Education to clarify that the caseload of the occupational therapy assistant/physical therapist assistant is also included in the caseload of the supervising occupational therapist/physical therapist respectively. The Section further clarified that the therapist of record must be listed as the occupational/physical therapist or both the occupational therapist/occupational therapy assistant or the physical therapist/physical therapist assistant.

CE Requirement After Reinstating a License

Currently a licensee would be required to complete the full amount of continuing at renewal even if the license was reinstated within 12 months or less prior to the licensee's current expiration date. The Section discussed whether a licensee should be required to report the full amount of continuing education if the licensee's reinstated license was valid for less than 12 months preceding the licensure renewal. The Section will consider changing the continuing education rule to address licensees that fall into this scenario. The potential change would reflect the following: if the reinstated license is valid for less than 12 months, then the CE requirement is half the CE requirement. If the reinstated license is valid for more than 12 months, the CE requirement is the full amount.

Until the rule is changed, the Section recommends that the licensees in this situation submit to the Board proof of the CE completed and ask the Section to waive the balance of the continuing education requirement. The Section will review the waiver requests on a case by case basis.

Ohio Physical Therapy Association (OPTA) Report

Carolyn Towner gave a brief legislative report. Shane Yates thanked the Section for hosting a booth at the OPTA Conference which was held on October 16-17, 2009 in Columbus, Ohio. Mr. Yates informed the Section that the 2011 OPTA annual meeting will move from the fall to the spring. The next annual conference will be held on October 15-17, 2010 at the Doubletree in Worthington, Ohio.

Federation of State Boards for Physical Therapy (FSBPT) Report

Thomas Caldwell informed the Section that since the FSBPT and APTA are working together on continuing competence there was no need to draft a motion as was discussed at the September Section meeting. Mr. Caldwell further reported that the FSBPT first pilot program for the ProBE-PT Program is tentatively scheduled for December 2009 in New Jersey. ProBE-PT program is a professional/problem-based ethics remediation course based on physical therapy practice issues. The Section may consider using this tool for impaired practitioners. Mr. Caldwell also informed the Section that Simmons College in Boston, MA developed ethical videos as learning tools for students to discuss ethical scenarios in physical therapy practice.

Items for Next Meeting

- Public Rules Hearing
- Elections
- Plan Section Retreat

Next Meeting Date

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, January 14, 2010.

Adjournment

Mary Kay Eastman moved that the meeting be adjourned. Sam Coppoletti seconded the motion. Thomas Caldwell was not present for the vote. The motion carried. The meeting adjourned at 3:34 p.m.

Respectfully submitted,
Diane Moore

Raymond Bilecky, PT, Chair
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

Marilyn Mount, PT, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

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

MM:jmr:dm