



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Physical Therapy Section
September 8, 2011
9:30 a.m.

Members Present

Raymond Bilecky, Acting Secretary
Thomas Caldwell
Sam Coppoletti, Interim Chair
Mary Kay Eastman
Karen Holtgreffe (left @ 2:00 pm)
James Lee
Marilyn Mount
Kimberly Payne (left @ 3:38 pm)

Members Absent

Dale Deubler

Legal Counsel

Yvonne Tertel, Assistant Attorney General

Staff Present

Diane Moore, Executive Assistant
Jeffrey Rosa, Executive Director
Lisa Ratinaud, Enforcement Division Supervisor

Guests

Katie Rogers, OPTA
Truly Moore, OPTA
Hammantu Aurva

Call to Order

The meeting was called to order by the Interim Section Chair, Sam Coppoletti, at 9:32 a.m.

Approval of Minutes

Action: Marilyn Mount moved that the July 14, 2011 meeting minutes be approved as submitted. Mary Kay Eastman seconded the motion. The motion carried.

Action: Mary Kay Eastman moved to go into executive session to discuss personnel matters. Marilyn Mount seconded the motion.

Sam Coppoletti called the roll:

Roll Call

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

The Section went into executive session at 9:52 am and came out at 10:01 am. There was no action taken.

Special Orders

Election of Officers

Action: Raymond Bilecky nominated Thomas Caldwell to be Section Chairperson for the period beginning September 8, 2011 and ending immediately following the September 2012 Section meeting. Mary Kay Eastman seconded the nomination. All members present voted to elect Thomas Caldwell Section Chairperson.

Action: Kimberly Payne nominated Sam Coppoletti to be Section Secretary for the period beginning September 8, 2011 and ending immediately following the September 2012 Section meeting. Thomas Caldwell seconded the nomination. Sam Coppoletti abstained from voting. All members present voted to elect Sam Coppoletti Section Secretary.

Action: James Lee nominated Mary Kay Eastman to serve as Ohio's delegate to the 2012 FSBPT Delegate Assembly. Thomas Caldwell seconded the nomination. All members present voted to elect Mary Kay Eastman FSBPT delegate.

Action: James Lee nominated Karen Holtgreffe to serve as Ohio's alternate delegate to the 2012 FSBPT Delegate Assembly. Thomas Caldwell seconded the nomination. Karen Holtgreffe abstained from voting. All members present voted to elect Karen Holtgreffe FSBPT alternate delegate.

Liaison Appointments

The liaison appointments beginning September 8, 2011 and ending September 30, 2012 are:

Enforcement Division Liaisons:	James Lee and Raymond Bilecky
Licensure Liaison:	Dale Deubler
Continuing Education Liaison:	Kimberly Payne
Correspondence Liaisons:	Karen Holtgreffe and Mary Kay Eastman

Action: Thomas Caldwell moved to authorize the Executive Director to accept or reject consent agreements on the Section's behalf for the period beginning September 8, 2011 and ending on September 30, 2012. Kimberly Payne seconded the motion. The motion carried.

Action: Marilyn Mount 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 8, 2011 and ending on September 30, 2012. Mary Kay Eastman seconded the motion. The motion carried.

Action: Marilyn Mount moved to authorize the Executive Director to make editorial changes to motions for the period beginning September 8, 2011 and ending on September 30, 2012. Karen Holtgreffe seconded the motion. The motion carried.

Action: Thomas Caldwell moved to authorize the use of hearing officers for the period beginning September 8, 2011 and ending on September 30, 2012. Marilyn Mount seconded the motion. The motion carried.

Action: Thomas Caldwell 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 8, 2011 and ending on September 30, 2012. James Lee seconded the motion. The motion carried.

Administrative Reports

Licensure Applications

Action: Raymond Bilecky 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 July 14, 2011 through September 8, 2011, taking into account those individuals subject to discipline, surrender, or non-renewal. Mr. Bilecky 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. Marilyn Mount seconded the motion. The motion carried.

Physical Therapist – Examination

Abourjeili, Ghada	Al-Sorghali, Aaron	Antinone, Joseph
Autore, Coryn	Balz, Caroline	Barnes, Charnon
Benjamin, Breanna	Binz, Jenna	Braemer, Kristen
Brown, Danae	Burke, Sara	Cain, Kalyn
Call, Sean	Claire, Nicole	Coate, Roger
Croxton, Brienne	Damron, Leatha	Dixon, Kathryn
Dudics, Joseph	Egbert, Katherine	Eisel, Patricia
Eric, Brigitte	Eskinazi-Budge, Selena	Fischer, Clarissa

Fisher, Laura
Gracik, Amy
Haddad, Amanda
Hegreness, Jeffrey
Huesing, Heather
Kahrs, Kelli
Klettlinger, Michelle
Kramer, Erin
Kuzma, Tara
Lewis, Jessica
Miller, Alexandra
Montgomery, Julie
Napier, Shaunic
Ostrander, Chelsea
Porter, Jason
Rappe, Michael
Ringle, Scott
Scheidt, Kyle
Sellers, Matthew
Simpson, Shannon
Snow, Ashley
Stutzman, Melissa
Thoma, Louise
Udall, Kristen
Weichel, Rebecca
Westerheide, Katherine
Wiesner, Jessica

Fitzgerald, Jennifer
Graham, Matthew
Hahler, Cari
Heimann, Lauren
Irwin, Nicole
Kellner, Katie
Komanecky, Andrea
Kremer, Alaina
Lambert, Kathryn
Mahler, Nicole
Miller, Sarah
Mueller, Kelly
Nelson, Jessica
Pace, Timothy
Rachow, Megan
Rekart, Gina
Rush, Sarah
Schulze, Andrew
Senn, Brittany
Skoczen, James
Soltesz, Dedra
Sullivan, Christopher
Thompson, Amanda
Vance, Nicole
Wenzel, Laura
White, Shawna
Wilhelm, Jacqueline

Gallagher, Brian
Gear, Allison
Hatteberg, Lindsay
Heitker, Megan
Isaacs, Amanda
Klemp, Nicole
Koppin, Gretchen
Kujanek, Cassandra
Lane, Meredith
Matt, Jessa
Miller, Whitney
Mysko, Kathryn
Nevarez, Maria
Poole, Sarah
Ramsey, Jessica
Rieke, Shane
Ruthemeyer, Christopher
Seitz, Katherine
Siefker, Brittany
Snoad, Lyndsay
Sosnovitch, Talia
Szulc, Christopher
Tisi, Kristina
Waugh, April
Wenzinger, Kristin
White, Stacy
Zellner Brittaney

Physical Therapist Assistant – Examination

Armstrong, Sara
Baker, Arthur
Blumenschein, Douglas
Carson, Jessica
Collins, Erin
Crabbe, Courtney
Cruca, Michelle
Eby, Elijah
Fite, Brittany
Hall, Kathleen
Harley, Jack
Jemson, Joseph
King, Rebecca
Laughhunn, Christopher
Marker, Wyatt
Menzie, Adam
Mills, Kelly
Nelson, Alison
Osswald, Charles
Price, Chad
Rohrer, Amanda
Sinift, Dana
Toole, Jennifer
Vittorio, Lindsay
Warner, Jenny
Willis, Richard
Wuennemann, Jessica

Ashby, Erin
Blessing, William
Brammer, Kenny
Cheney, Scott
Cottrell, Amber
Crabtree, Crystal
Deal, Dana
Elling, Cody
Fox, Barbara
Hardesty, Brian
Herold, Christina
Johnson, Billy
Klaiber, Kay
Lavery, Karen
Masales, Amy
Miller, Kristin
Mockabee, Nicole
Newman, Kristi
Osterfeld, Elizabeth
Reile, Jessica
Schmidt, Sarah
Strader, Lydia
Turner, Andrew
Walker, Mindy
Weber, Emily
Wilson, Ashley
Wuennemann, Jessica

Bagdasarian, Amanda
Blevings, Kyle
Brant, Joshua
Clark, Alicison
Courtright, Elizabeth
Crabtree, Holly
Durfee, Jennifer
Elliott, Emily
Francois, Hannah
Hardy, Amber
Huffman, Kristen
Kerber, Peter
Klinker, Monica
Manning, Lisa
Mautz, Chasity
Miller, Scott
Moler, Maria
Orzan, Elena
Owens, Jamie
Reynolds, Emily
Shay, Margaret
Stuckey, Jenna
Turner, Rachael
Wamsley, Stephanie
Weinert, Tracey
Wilson, Curtis
Yukawa, Jason

Action: Raymond Bilecky 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 July 14, 2011 through September 8, 2011, taking into account those licenses subject to discipline, surrender, or non-renewal. Sam Coppoletti seconded the motion. The motion carried.

Physical Therapist – Endorsement

Barker, Bethany	Beauchamp, Chad	Bellm, Eric
Briggs, Brian	Caillouet, Herbert	Carolla, Sara
Erkmann, Emily	Goodman, Katryna	Goodrich, Natalie
Graden, Heather	Hazelrigg, Jeremy	Horton, Julie
Hotopp, Stacey	Hubbard, James	Jennett, Lana
Joseph, George	Long, Leslie	Neal, Gregory
O'Hare, Megan	Shadle, Bethany	Sievers, Timothy
Singer, Bethany	Southers, Corey	Stallons, Jason
Zidek, Alan	Zinn, Samuel	

Physical Therapist Assistant – Endorsement

Collins-Pitts, Kimberly	Hasenplug, Michael	Leslie, Michael
McKeel, Nicole	Phillips, Cynthia	Zorc, Michael

Physical Therapist Reinstatement

Heilshorn, Carol	Kohlrieser, David	Lamoreaux, Kathleen
Lanter, Pamela	Rollins, Katrina	Willy, Richard

Physical Therapist Assistant Reinstatement

Hammond, Sandy	Shott, David	Withers, Brittani
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Releases from Conditional Grant of Licensure Agreements

Raymond Bilecky recommended that the Section release the individual under physical therapist assistant reinstatement file #4206438 from the conditional licensure agreement as the individual has complied with the all terms and conditions. **Action:** Thomas Caldwell moved that the Section release the individual under physical therapist assistant reinstatement file #4206438 based on the documentation provided. Mary Kay Eastman seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section released James Michael Parrish, PTA from the terms of his conditional grant of licensure agreement.

Testing Accommodations Requests

Raymond Bilecky recommended that the Section grant the testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist assistant examination application file #4123636 based on the documentation provided. **Action:** Sam Coppoletti moved that the Section grant the testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist assistant examination file #4123636 based on the documentation provided. Marilyn Mount seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted the testing accommodation request for Judith Gonzalez.

Request for Waiver of English Equivalency Examinations for Licensure
Physical Therapist Applicant for Licensure by Examination

Raymond Bilecky recommended that the Section grant a waiver of the TOEFL requirement for the application file #5115776 based on the documentation provided. **Action:** Marilyn Mount moved to grant a waiver of the TOEFL requirement for the application file #5115776 based on the documentation provided. Karen Holtgreffe seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted a waiver of the TOEFL requirement for Hannah Holder.

Physical Therapist Applicant for Licensure by Endorsement

Raymond Bilecky recommended that the Section grant a waiver of the TOEFL requirement for the application file #5068329 based on the documentation provided. **Action:** Marilyn Mount moved to grant a waiver of the TOEFL requirement for the application file #5068329 based on the documentation provided. Kimberly Payne seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted a waiver of the TOEFL requirement for Aparna Kallu.

Raymond Bilecky recommended that the Section grant a waiver of the TOEFL requirement for the application file #5077517 based on the documentation provided. **Action:** Marilyn Mount moved to grant a waiver of the TOEFL requirement for the application file #5077517 based on the documentation provided. Kimberly Payne seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted a waiver of the TOEFL requirement for Shobhna Tandon.

Raymond Bilecky recommended that the Section grant a waiver of the TOEFL requirement for the application file #5023690 based on the documentation provided. **Action:** Marilyn Mount moved to grant a waiver of the TOEFL requirement for the application file #5023690 based on the documentation provided. Karen Holtgreffe seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted a waiver of the TOEFL requirement for Rodel Tan.

Continuing Education Approval Request

Kimberly Payne recommended that the Section grant continuing education approval for file #2011Sept8-01. **Action:** Mary Kay Eastman moved that the Section grant continuing education approval for file #2011Sept08-01. Raymond Bilecky seconded the motion. Kimberly Payne abstained from voting. The motion carried. The individual cannot carryover excess hours for the next continuing education reporting period.

***Rationale:** The Section has previously granted approval for completion of FSPBT courses and activities. The Section noted that there is no blanket approval for courses taken through FSBPT. Individuals seeking continuing education approval for completing a FSPBT course or activity must submit a formal request to the Section.*

Assistant Attorney General's Report

Yvonne Tertel, AAG, discussed the post-deliberation practice summary procedures. The Section requested that the Executive Director email this document to the Section members. This document will also be added to the new Board member orientation packet.

Action: Mary Kay Eastman moved to go into executive session to discuss pending and imminent court action pursuant to R.C. 121.22(G)(3). Raymond Bilecky seconded the motion.

Sam Coppoletti called the roll:

Roll Call

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

The Section went into executive session at 12:53 pm and came out at 1:09 pm. The Section asked the Board staff to stay in the room. There was no action taken.

Case Review Liaison Report

Thomas Caldwell reported that the Enforcement Division closed nine and opened nine new cases since the July 14, 2011 meeting. There are fifteen cases currently open. There are ten disciplinary consent agreements, one adjudication order, and one non-disciplinary agreement being monitored.

Thomas Caldwell informed the Section that Colleen Dumm, Elizabeth Rutledge, Julie McEndree, and Melissa Meiners complied with all terms and conditions and were released from their disciplinary consent agreements.

The Section requested to have discussions at the next Section retreat on the duties and powers of the Board as it relates to disciplining individuals that may potentially be an immediate threat to consumers

Enforcement Actions

Thomas Caldwell recommended the Section rescind the notice of opportunity for a hearing for case PT-FY11-056 as the individual has supplied proof of completion of the continuing education requirements. **Action:** Raymond Bilecky moved that the Section rescind the notice of opportunity for a hearing for case PT-FY11-056 as the individual has supplied proof of completion of the continuing education requirements. Mary Kay Eastman seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY12-005 for inappropriate delegation of tasks to unlicensed persons. **Action:** Kimberly Payne moved that a notice of opportunity for a hearing be issued for case PT-FY12-005 for inappropriate delegation of tasks to unlicensed persons. Mary Kay Eastman seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY12-008 for failure to response to the 2011 continuing education audit. **Action:** Marilyn Mount moved that a notice of opportunity for a hearing be issued for case PT-FY12-008 failure to response to the 2011 continuing education audit. Mary Kay Eastman seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

Correspondence

- Jenny Wilson:** Ms. Wilson asked the Section whether a primary service provider who is also a physical therapist is required to obtain a physician referral prior to treating a patient. **Reply:** The Ohio Physical Therapy Practice Act does not vary with practice setting. Section 4755.481 of the Revised Code authorizes physical therapists to evaluate and treat without a physician's referral. The physical therapist must, upon consent of the patient, parent, or legal guardian, inform the patient's medical health professional of the physical therapy evaluation within five (5) business days of the evaluation having taken place. These laws and rules apply to all settings. However, if at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice. In addition, there is nothing in the law that requires the physical therapist to see a patient without a physician's referral. The physical therapist does have the discretion to request a prescription. You should also be aware that there is nothing in the Ohio Physical Therapy Practice Act that dictates how frequently a referral for physical therapy should be renewed or how frequently physician notification should be repeated. However, since the children are growing and maturing, best practice does suggest that a minimum of an annual renewal of the prescription or physician notification should be done to ensure that changes in the child's medical status are documented in the child's medical records.
- James Hibler:** Mr. Hibler asked the Section questions regarding whether it is ethical/legal for administrators to change the evaluating physical therapist's planned delivery minutes, which would increase the productivity standards. **Reply:** The code of ethical conduct for physical therapists, established in rule 4755-27-05 of the Administrative Code states, "an individual licensed by the physical therapy section has a responsibility to report any organization or entity that provides or holds itself out to deliver physical therapy services that places the licensee in a position of compromise with this code of ethical conduct." Several other provisions in paragraph (A) of this rule apply in your situation: (2) A licensee shall exercise sound judgment and act in a trustworthy manner in all aspects of physical therapy practice.

Regardless of practice setting, the physical therapist shall maintain the ability to make independent judgments. A licensee shall strive to effect changes that benefit the patient. (3) A licensee shall only seek compensation that is reasonable for the physical therapy services delivered. A licensee shall never place the licensee's own financial interests above the welfare of the licensee's patients. *A licensee, regardless of practice setting, shall safeguard the public from unethical and unlawful business practices.* (8) A licensee shall safeguard the public from underutilization and *overutilization* of physical therapy services. The code of ethical conduct also requires physical therapists to report any organization or entity that provides therapy services that place the licensee in a position of compromise with the code of ethical conduct to the Physical Therapy Section. The rule further requires that "Regardless of practice setting, the physical therapist shall maintain the ability to make independent judgments." The Physical Therapy Section also recommends that you report this to the appropriate insurance company, the Ohio Department of Insurance, and the Attorney General's Office. You may also wish to contact the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association.

3. **Julie Buzard:** Ms. Buzard asked the Section whether physical therapists are required to have a prescription to provide services for children in an early intervention program. **Reply:** The Ohio Physical Therapy Practice Act does not vary with practice setting. Section 4755.481 of the Revised Code authorizes physical therapists to evaluate and treat without a physician's referral. The physical therapist must, upon consent of the patient, parent, or legal guardian, inform the patient's medical health professional of the physical therapy evaluation within five (5) business days of the evaluation having taken place. These laws and rules apply to all settings. In addition, there is nothing in the law that requires the physical therapist to see a patient without a physician's referral. The physical therapist does have the discretion to request a prescription. You should also be aware that there is nothing in the Ohio Physical Therapy Practice Act that dictates how frequently a referral for physical therapy should be renewed or how frequently physician notification should be repeated. However, since the children are growing and maturing, best practice does suggest that a minimum of an annual renewal of the prescription or physician notification should be done to ensure that changes in the child's medical status are documented in the child's medical records.
4. **Leah Johnson:** Ms. Johnson asked the Section questions regarding documentation for wheel chair evaluations by a physical therapist. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that states what must be documented for any type of evaluation, regardless of practice setting. Paragraph (B)(5) of the code of ethical conduct for physical therapists, established in rule 4755-27-05 of the Administrative Code states, "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 patient occurred, includes, but is not limited to: (a) Failing to assess and evaluate a patient's status. The Physical Therapy Section also suggests that you review "Defensible Documentation for Patient/Client Management" on the American Physical Therapy Association website (<http://www.apta.org>). It is based on APTA's *Guidelines: Physical Therapy Documentation of Patient/Client Management*.
5. **M. Sandra Kuntz:** Ms. Kuntz asked the Section questions regarding physical therapists caseloads in school-based setting. **Reply:** The laws and rules that regulate the practice of physical therapy, as defined in the Ohio Revised Code and Ohio Administrative Code, apply to all practice settings, including school-based practice. In all practice settings, the physical therapist has ultimate responsibility for the students served by physical therapist assistants under his/her supervision and must not provide supervision for more students than they can provide skilled care. This number may vary from therapist to therapist depending on therapist skill, the severity of the disability of the students for whom the therapist supervises care and the totality of therapist's responsibilities. These responsibilities may include evaluations, consultation with educational staff, staff development, and the number of buildings served. Rule 3301-51-09 (I)(3)(c) & (e) of the Ohio Department of Education's Operating Standards states that a physical therapist shall provide services to no more than 50 school-age students or 40 preschool students. The Ohio Department of Education, Office for Exceptional Children interprets this as the number of students to whom the therapist provides **direct** service. Students served by a physical therapist assistant are in addition to the 50 children that the operating standards state the therapist may serve directly. It is the position of the Physical Therapy Section that all responsibilities of the physical therapist and physical therapist assistant, including both direct and indirect service to students, must be considered when determining an appropriate therapist caseload. The Physical Therapy Section recommends that the number of students to whom the supervising therapist provides direct service must be reduced as the number of assistants a therapist supervises expands,

since this increases the number of students for whom the therapist is responsible.

6. **Jamie Schwartz:** Mr. Schwartz asked the Section whether physical therapist can perform dry needling and clarification on the proper billing code. **Reply:** It is the position of the Physical Therapy Section that nothing in the Ohio Physical Therapy Practice Act prohibits a physical therapist from performing dry needling techniques. As with any specialized procedure, the physical therapist must have training and demonstrate competency in the modality. The manner in which the training is obtained and competency demonstrated are not addressed in the Practice Act. Your question about billing relates to payer policies and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section recommends that you contact the appropriate third party payer to address your specific question. You may also get information from the Reimbursement Department of the Ohio chapter of the American Physical Therapy Association.
7. **Kelly Martinelli:** Ms. Martinelli asked the Section whether an outpatient physical therapy department is required to be accredited to bill to Centers for Medicare and Medicaid Services (CMS). **Reply:** Your question about billing relates to payer policies and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section recommends that you contact the Centers for Medicare and Medicaid Services (CMS) to address your specific question. You may also get information from the Reimbursement Department of the Ohio chapter of the American Physical Therapy Association.
8. **Cindy D'Egidio:** Ms. D'Egidio asked for the Section's position regarding Medicare clients having to pay higher copays for office visits that could be provided by another vendor at a lower cost to the client. **Reply:** Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section suggests that you contact the department of your facility that negotiates insurance contracts to inquire about this issue. The Section also recommends that you contact the Ohio Department of Insurance and the Attorney General's office, as well as the Ohio Chapter and Reimbursement Department of the American Physical Therapy Association. The Section agrees that as presented this situation could be an access issue and may become an issue that the Physical Therapy Section could address as a public safety issue. Therefore, please keep the Physical Therapy Section informed of what you learn. It is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. 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.
9. **Krista Varner:** Ms. Varner asked the Section for clarification regarding whether a physician's order is required to provide physical therapy as a part of a team approach in a school based setting. **Reply:** The team approach to decisions on service provision in a school setting has no impact on the need for a referral from a health care professional or your decision on whether or not a referral is needed for an individual child. The Ohio Physical Therapy Practice Act does not vary with practice setting. Section 4755.481 of the Revised Code authorizes physical therapists to evaluate and treat without a physician's referral. The physical therapist must, upon consent of the patient, parent, or legal guardian, inform the patient's medical health professional of the physical therapy evaluation within five (5) business days of the evaluation having taken place. These laws and rules apply to all settings. In addition, there is nothing in the law that requires the physical therapist to see a patient without a physician's referral. The physical therapist does have the discretion to request a prescription whenever he/she has concerns about the medical status of the student. Also, if at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice. Your statement about having a physician's referral for billing purposes relates to insurance billing and not to the Ohio Physical Therapy Practice Act. While billing insurance is generally not an issue in school-based practice, you may wish to contact the Medicaid for Schools Program at the Ohio Department of Education for further clarification of this. You may request to speak with Mark Smith, program coordinator.
10. **Bryan McCall:** Mr. McCall asked the Section if physical therapy modalities can be performed anywhere in a facility or only in the physical therapy clinic. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that dictates where physical therapy services are provided within a facility as long as the physical therapist has evaluated the patient and written a plan of care that includes the modality, such as electrical stimulation or ultrasound, as part of the plan. You may wish to contact your insurance payer to understand their regulations however. Your question about the annual facility license does not pertain to the

Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Licensure Board. You should contact the licensing agency to answer this question. The Physical Therapy Practice Act regulates the licensure of physical therapists and physical therapist assistants, not facilities or clinics.

11. **Gail Szymanski:** Ms. Szymanski asked the Section if physical therapy practitioners can provide physical therapy treatment to a family member and bill for the services. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that prohibits treating a family member. It is the position of the Physical Therapy Section that providing physical therapy to your husband is not a violation of the code of ethical conduct prohibiting a sexual relationship with a patient as delineated in rule 4755-27-05 (B)(7) of the Ohio Administrative Code since section 4755.47 (A)(25) of the Ohio Revised Code contains an exemption for spousal relationships. However, there may be agency or insurance payer policies regarding treatment and billing for services for a family member that you should clarify prior to providing these services.
12. **C.J. Kay:** Mr. Kay asked for the Section's position regarding physical therapists performing non-invasive vascular testing. **Reply:** It continues to be the position of the Physical Therapy Section that nothing in the Ohio Physical Therapy Practice Act prohibits a physical therapist from performing non-invasive vascular testing. Performance and interpretation such testing is consistent with the knowledge and skills of licensed physical therapists. As with any specialized procedure, the physical therapist must have training and demonstrate competency in the procedure and interpretation of the results. The Physical Therapy Section recommends that you refer to payer policies regarding physical therapist performance of non-invasive vascular testing since Medicare or other payers may require advanced credentials for reimbursement.

OT/PT Joint Correspondence

- JB1. Sara Wagner:** Ms. Wagner asked for the questions regarding whether there are practice limitations for individuals holding dual licensure. **Reply:** Pursuant to section 4755.04 of the Ohio Revised Code (A) "Occupational therapy" means the therapeutic use of everyday life activities or occupations with individuals or groups for the purpose of participation in roles and situations in the home, school, workplace, community, and other settings. The practice of occupational therapy includes all of the following: (1) Methods or strategies selected to direct the process of interventions, including, but not limited to, establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired and compensation, modification, or adaptation of activity or environment to enhance performance; (2) Evaluation of factors affecting activities of daily living, instrumental activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, sensory motor abilities, vision, perception, cognition, psychosocial, and communication and interaction skills; (3) Interventions and procedures to promote or enhance safety and performance in activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, application of physical agent modalities, use of a range of specific therapeutic procedures to enhance performance skills, rehabilitation of driving skills to facilitate community mobility, and management of feeding, eating, and swallowing to enable eating and feeding performance; (4) Consultative services, case management, and education of patients, clients, or other individuals to promote self-management, home management, and community and work reintegration; (5) Designing, fabricating, applying, recommending, and instructing in the use of selected orthodox or prosthetic devices and other equipment which assists the individual to adapt to the individual's potential or actual impairment; (6) Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code. (B) "Occupational therapist" means a person who is licensed or holds a limited permit to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or similar title or description of services. (C) "Occupational therapy assistant" means a person who holds a license or limited permit to provide occupational therapy techniques under the general supervision of an occupational therapist. If a clinician is dually certified, when providing occupational therapy services they must follow the provision of the Ohio Occupational Therapy Practice Act. The Section recommends that you refer to Medicare, Medicaid, and/or payer policies for any specific dual certification requirements for billing and reimbursement in your setting. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association. It is the position of the Physical Therapy Section that a physical therapist/physical therapist assistant who is also licensed as another healthcare professional would not be governed by the Ohio Physical Therapy Practice Act when acting under the other license provided that the

therapist/assistant is not representing themselves as a physical therapist/physical therapist assistant, and as long as the therapist/assistant is not billing or being reimbursed for physical therapy services. In providing services other than physical therapy, the physical therapist or physical therapist assistant must make it clear to the client or family that the therapist is acting only in this other capacity. The same would apply for Occupational Therapy. That is, communication must be done in such a way that if the client or family is asked, he/she could clearly testify in a legal proceeding as to the role of the individual who was providing treatment. One individual may not provide services of two different professions during the same time period. The facility must also not represent this role as being more skilled due to additional education/credentials than required for that job description. You may also wish to note that your professional liability policy (if you have one) would not cover you while acting in any capacity other than as a licensed physical therapist or physical therapist assistant. Your final question about treating the same patient in the same day as physical and occupational therapy is an insurance issue. Please refer to Medicare rules or other payer policies to answer your specific questions. Frequently asked questions that were published by the Centers for Medicare and Medicaid Services (CMS) have clearly stated that a patient cannot be charged for two separate one-on-one services during the same segment of time, regardless of skill level required.

JB2. James Boylen: Mr. Boylen asked the Section's whether occupational therapy assistants and physical therapists assistants can request evaluation and treatment orders in a long term care setting as result of a screening and whether assistant's can write orders in the chart if co-signed by an occupational therapist or physical therapist. **Reply:** There is nothing in the Occupational Therapy Practice Act that prohibits any healthcare practitioner from making direct referrals to occupational therapy. 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 purposes. 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. No, it is not within the scope of practice for a physical therapist assistant to request a referral to evaluate and treat a patient based on results of a screening that they performed. According to rule 4755-27-03 (E)(5) of the Ohio Administrative Code, ***when practicing within the scope of physical therapy***, a physical therapist assistant may gather data about a patient to perform a screening that is non-evaluative in nature. However, interpretation of this information, including the need for a physical therapy evaluation, is the responsibility of the physical therapist. It is the position of the Physical Therapy Section that a physical therapist assistant may enter a referral in the patient records. As with all documentation by a physical therapist assistant, these entries must be co-signed by the supervising physical therapist. The physical therapist is the individual responsible for receiving, interpreting, and accepting the directive or order as part of the care of the patient.

JB3. Diana Lashley: Ms. Lashley asked the Sections whether a chiropractor can be hired as a physical therapist and perform duties of a physical therapist and/or occupational therapist. **Reply:** In the Developmental Disability setting, when the IEP or IFSP designate occupational therapy services, only a licensed occupational therapist or occupational therapy assistant may provide these services. Pursuant to section 4755.04 (B) & (C) of the Ohio Revised Code an "occupational therapist" means a person who is licensed to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or similar title or description of service. An "occupational therapy assistant" means a person who holds a license or limited permit to provide occupational therapy techniques under the general supervision of an occupational therapist. Pursuant to 4755-3-03 (A) and (B) of the Occupational Therapy Section of the Ohio Administrative Code: (A) The education requirements described in divisions (B) and (C) of section 4755.07 of the Revised Code, shall be satisfied by completion of an education program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association. Occupational therapy programs which have not been accredited by (ACOTE) will be accepted provided program equivalency has been established by a recognized educational credentialing body approved by the section. (B) In accordance with the provision of the second paragraph of section 4755.09 of the Revised Code, the section may waive the educational requirements specified in paragraph (A) of this rule on the basis of job experience if all of

the following conditions are met: (1) The applicant passed the NBCOT certification examination. (2) The applicant for licensure engaged in the active practice of occupational therapy as a licensed occupational therapist in another state, or if the experience occurred in a state not requiring licensure, as an occupational therapist certified by NBCOT, for a period of no less than five years immediately preceding the date the application is submitted. (3) The applicant's licensure and/or certification are active and without restriction. (4) The applicant is foreign educated and meets the requirements of paragraph (E) of rule 4755-3-01 of the Administrative Code in addition to all other applicable paragraphs of rule 4755-3-01 of the Administrative Code. No, a chiropractor cannot represent himself/herself as a physical therapist. Section 4755.48 (C) of the Revised Code, states that no person shall use the words or letters, physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a physical therapist or physical therapist assistant without a valid license under sections 4755.40 to 4755.56 of the Revised Code. You should also be aware that in accordance with rule 4755-27-02 (A) of the Ohio Administrative Code, only a physical therapist may supervise a physical therapist assistant.

Old Business

Update on Concussion Management

Thomas Caldwell, Katie Rogers, and Carolyn Towner met with Representative Sears to discuss House Bill 143, which deals with youth sports concussion management. Ms. Rogers informed the Section that a substitute bill will be introduced that would add physical therapists to the bill.

Update on Dry Needling(Intramuscular Manual Therapy)

James Lee informed the Section that he met with a physical therapist that performs dry needling (a.k.a. intramuscular manual therapy). Mr. Lee reported the State of Colorado requires physical therapists to complete a two day course prior to performing dry needling. The dry needling course involves competencies, practice time, and testing sessions. Mr. Lee reviewed the course outline and determined that it was sufficient for demonstrating competence in dry needling techniques. Mr. Lee also noted that the business cards state that the dry needling techniques performed should be construed as acupuncture. Mr. Lee forwarded the course information to Karen Holtgreffe. Ms. Holtgreffe will provide more information at the November Section meeting.

New Business

ODE OT/PT Consultant

Cathy Csanyi was unable to attend the Section meeting. The Executive Director reported that Ms. Csanyi will attend the November Section meeting.

Review Standard Responses

The Section reviewed the standard responses and accepted the recommendation to add a standard response regarding whether a physical therapist can practice under direct access in the public school setting.

Review the APTA/FSBPT Discussion Paper on Continuing Competence

The Section reviewed the APTA/FSBPT Discussion Paper on Continuing Competence.

Continuing Competence Taskforce

Truly Moore informed the Section that the Ohio Physical Therapy Association (OPTA) would like to form a joint OPTA/PT Section Continuing Competence (CC) Taskforce to discuss issues related to transitioning from continuing education to a continuing competence model. Raymond Bilecky, James Lee, and Kimberly Payne will represent the Section on the CC Taskforce.

Open Forum

Sam Coppoletti asked for clarification of the escrow status under the Occupational Therapy Practice Act. The escrow status allows an occupational therapy practitioner to renew the license but indicate that they will not practice while their license is in escrow. However, there is no escrow provision under the Physical Therapy Practice Act.

Sam Coppoletti recognized Diane Moore Executive Assistant for her service with the Board.

Sam Coppoletti confirmed the Section meeting date for January has been changed to January 19, 2012.

The Section briefly discussed the criminal records lists and how they are handled. The Section briefly discussed how the State of Texas uses a clearinghouse to screen individuals criminal records check results prior to obtaining a license in the State of Texas.

Ohio Physical Therapy Association (OPTA) Report

Katie Rogers gave a brief legislative report.

Federation of State Boards for Physical Therapy (FSBPT) Report

Motions and Elections for the FSBPT Delegate Assembly

The Section discussed the FSBPT motions and candidate for the upcoming Delegate Assembly in September 2011.

FSBPT Jurisdiction Board Member Training Update

Sam Coppoletti and Karen Holtgreffe attended the FSBPT Jurisdiction Board Member Training. Mr. Coppoletti informed the Section that some states require a jurisprudence examination for renewal of licensure. Mr. Coppoletti encouraged Board members to utilize the resources available on the FSBPT website.

NPTE Summit Report

Mary Kay Eastman gave a brief overview of the topics discussed at the NPTE Summit.

Fixed Date Testing for NPTE-PT/PTA

The Executive Director informed the Section that there were approximately 100 Ohio applicants testing for the September 7, 2011 NPTE physical therapist examination. FSBPT anticipates having scores out to all jurisdictions within a week of testing. The Board office will process scores as they are made available. Candidates will be notified promptly. In the event that a candidate fails the NPTE, the candidate will have to reapply to sit for the next scheduled NPTE examination.

The FSBPT released the 2012 NPTE fixed date testing schedule for physical therapist assistants. The 2012 NPTE physical therapist assistant test dates are April 26, 2012, July 17, 2012, and October 30, 2012. The Executive Director informed the Section that he sent an email to all Ohio physical therapist assistant program directors that outlined the changes to the Board's processing of examination applications due to the implementation of fixed date testing.

Items for Next Meeting

- Update on Dry Needling
- Update on Concussion Management
- ODE OT/PT Consultant
- Ethics Training

Next Meeting Date

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, November 10, 2011.

Adjournment

Raymond Bilecky moved that the meeting be adjourned. Mary Kay Eastman seconded the motion. The motion carried. The meeting adjourned at 3:58 p.m.

Respectfully submitted,
Diane Moore

Sam Coppoletti, PT, Interim Chair
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

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

Jeffrey M. Rosa, Executive Director
Ohio Occupational Therapy, Physical Therapy
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RB:jmr:dm