



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Physical Therapy Section*  
*September 6, 2012*  
*9:30 a.m.*

**Members Present**

Raymond Bilecky  
Lynn Busdeker  
Thomas Caldwell, Chair  
Sam Coppoletti, Secretary (left @ 1:30 pm)  
Mary Kay Eastman  
Karen Holtgrefe  
Ronald Kleinman  
James Lee

**Staff Present**

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

**Guests**

Victoria Gresh, OPTA  
Carolyn Towner, OPTA  
Lauren Carr  
Kim Uscilowski  
Levi Tkach

**Legal Counsel**

Yvonne Tertel, Assistant Attorney General

**Call to Order**

The meeting was called to order by the Section Chair, Thomas Caldwell at 9:33 a.m.

Thomas Caldwell welcomed the DPT students from Ohio University.

**Approval of Minutes**

**Action:** Mary Kay Eastman moved that the July 19, 2012 meeting minutes be approved as submitted. Karen Holtgrefe seconded the motion. The motion carried.

**Action:** Thomas Caldwell moved that the Section go into executive session pursuant to section 121.22(G)(1) of the Ohio Revised Code to discuss personnel matters related to the employment of a public employee. Karen Holtgrefe seconded the motion.

Thomas Caldwell called the roll:

**Roll Call**

Raymond Bilecky	Yes
Lynn Busdeker	Yes
Thomas Caldwell	Yes
Sam Coppoletti	Yes
Mary Kay Eastman	Yes
Karen Holtgrefe	Yes
Ronald Kleinman	Yes
James Lee	Yes

The Section went into executive session at 9:37 am and came out at 9:49 am. There was no action taken.

**Special Orders**

*Election of Officers*

**Action:** Mary Kay Eastman nominated Thomas Caldwell to be Section Chairperson for the period beginning September 6, 2012 and ending immediately following the September 2013 Section meeting. Raymond Bilecky seconded the nomination. All members present voted to elect Thomas Caldwell Section Chairperson.

**Action:** Raymond Bilecky nominated Karen Holtgrefe to be Section Secretary for the period beginning September 6, 2012 and ending immediately following the September 2013 Section meeting. Mary Kay Eastman seconded the nomination. All members present voted to elect Karen Holtgrefe Section Secretary.

**Action:** Thomas Caldwell nominated Karen Holtgrefe to serve as Ohio's delegate to the 2013 FSBPT Delegate Assembly. Raymond Bilecky seconded the nomination. All members present voted to elect Karen Holtgrefe FSBPT delegate.

**Action:** Mary Kay Eastman nominated Ronald Kleinman to serve as Ohio's alternate delegate to the 2013 FSBPT Delegate Assembly. Lynn Busdeker seconded the nomination. All members present voted to elect Ronald Kleinman as the FSBPT alternate delegate.

#### **Liaison Appointments**

The liaison appointments beginning September 6, 2012 and ending September 30, 2013 are:

Enforcement Division Liaisons:	Raymond Bilecky and Mary Kay Eastman
Licensure Liaison:	James Lee
Continuing Education Liaison:	Sam Coppoletti
Correspondence Liaisons:	Lynn Busdeker and Sam Coppoletti
Rules Liaison	Thomas Caldwell

**Action:** Raymond Bilecky moved to authorize the Executive Director to accept or reject consent agreements on the Section's behalf for the period beginning September 6, 2012 and ending on September 30, 2013. Ronald Kleinman seconded the motion. The motion carried.

**Action:** Raymond Bilecky 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 6, 2012 and ending on September 30, 2013. Karen Holtgrefe seconded the motion. The motion carried.

**Action:** Ronald Kleinman moved to authorize the Executive Director to make editorial changes to motions for the period beginning September 6, 2012 and ending on September 30, 2013. Karen Holtgrefe seconded the motion. The motion carried.

**Action:** Lynn Busdeker moved to authorize the use of hearing officers for the period beginning September 6, 2012 and ending on September 30, 2013. Sam Coppoletti seconded the motion. The motion carried.

**Action:** Mary Kay Eastman 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 6, 2012 and ending on September 30, 2013. Karen Holtgrefe seconded the motion. The motion carried.

#### **Discussion on Laws and Rules Changes**

The Section reviewed the comments received on potential changes to rule 4755-29-01. Based on the responses, the majority of the respondents agree with the concept of amending the rule regarding physician notification for wellness/fitness.

#### **Administrative Reports**

##### **Licensure Applications**

**Action:** James Lee 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 19, 2012 through September 6, 2012, taking into account those individuals subject to discipline, surrender, or non-renewal. Mr. Lee 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. Thomas Caldwell seconded the motion. The motion carried.

Physical Therapist – Examination

Acheson, Kylie  
Asher, Betsy  
Baraz, Konstantin  
Barnes, Katherine  
Bowers, Breanne  
Brickner, Shannon  
Brown, Kevin  
Burgard, Kelly  
Byrne, Katherine  
Cervenka, Christopher  
Corbett, Malissa  
Dickerson, Sherrice  
Fanning, Jacob  
Fox, Gabrielle  
Fugate, Molly  
Garcia, Jessica  
Glaws, Kathryn  
Greulich, Laura  
Hoffman, Ryan  
Juneau, Christopher  
Kohr, Jenny  
Lewin, David  
Martien, David  
McGeorge, Stephen  
Miller, Krista  
Murray, Mary  
Offenberger, Emily  
Pintar, Joshua  
Rathje, Erin  
Reynolds, Erica  
Salerno, Gina  
Schwartz, Stephanie  
Sheaffer, Scott  
Smith, Erica  
Steiner, Ryan  
Szakats, Meghan  
Titus, Sara  
Vengrow, Danika  
Wheeler, Kelly  
Willis, Lindsey  
Woods, Kaitlin  
Zak, Shannon

Alden, Abigail  
Babcock, Sarah  
Barga, Gregory  
Bartunek, Jennifer  
Braun, Carli  
Brinker, Rebecca  
Brown, Sarah  
Burgard, Kelly  
Calloway, Margaret  
Chilbert, Maria  
Craig, Clint  
DiClaudio, Stacy  
Fitch, Chelsea  
Franzinger, Kellie  
Gallow, Amanda  
Gasser, Leah  
Goergy, Monica  
Hendershot, Sarah  
Hosang, Trina  
Kaptein, Megan  
Krimmer, Lynn  
Maag, Richard  
Mathews, Elizabeth  
Mehling, Lukas  
Miller, Nicole  
Musheno, Mary  
Palani, Thendral  
Powell, Amanda  
Reagan, Stephanie  
Roberson, Ann  
Schaffner, Eric  
Senn, Brittany  
Skrabec, Theresa  
Smith, Nicholas  
Sutton, Valerie  
Tann, Joshua  
Trabold, Lisa  
Volkerding, Katie  
Whitehead, Natasha  
Wilson, Susan  
Yarnell, Katie  
Zeisloft, Jenna

Armstrong, Kara  
Banks, Joshua  
Barnes, Charnon  
Black, Ashleigh  
Brazile, Tiara  
Broecker, Catie  
Brunner, Alicia  
Burton, Barry  
Campbell, Christy  
Collins, Ashley  
Deco, Johnna  
Ebner, Douglas  
Foster, Eric  
Freeman, Joi  
Gann, Erica  
Gill, Morgan  
Goergy, Monica  
Hoffman, Ryan  
Irwin, Nicole  
Kissel, Stacie  
Laing, Britt  
Marguglio, Scott  
McCausland, Meghan  
Meyer, Alyssa  
Morand, Kathleen  
Obringer, Kelly  
Patterson, Lauren  
Raccuia, Allison  
Reinmann, Samuel  
Roberts, Erin  
Schlosser, Leslie  
Shakarashvili, Nodar  
Smith, Emily  
Soltesz, Dedra  
Swantek, Kenneth  
Taylor, Alyssa  
Vandrak, Megan  
Whalen, Cara  
Williams, Marcus  
Winner, Stephen  
Yoder, Lee

Physical Therapist Assistant – Examination

Allen, James  
Bauman, Jared  
Boda, Shelley  
Burke, Holly  
Downs, Erika  
Duncan, Tammy  
Embrey, Nicholas  
Garrett, Shannon  
Grisnik, Caitlyn  
Heinbaugh, Robin  
King, Amanda

Bach, Laura  
Bauman, Patricia  
Boyle-Campbell, Wendy  
Caracci, Gina  
Dray, Jason  
Eadie, James  
Franczek, Stanley  
Gordon, Shon  
Hainer, Melody  
Kerr, Todd  
Lockett, Tyrone

Baldwin, Samantha  
Berwanger, Lauryn  
Bullard, Jon  
Doudna, Dalton  
Dun, William  
Ehrlinger, Margaret  
Fretz, Gregory  
Gregory, Holly  
Hartman, Joshua  
Kimmel, Jordan  
Lutz, Christopher

Martin, Whitney  
Melton, Chanel  
Owens, Stephanie  
Ritter-Pozega, Nancie  
Sarka, Andrea  
Sheely, Dale  
Sorg, Misty  
Stewart, Marisa  
Wagner, Stephen

Matejka, Samantha  
Nelson, Alison  
Pecorelli, Matthew  
Romeo, Amy  
Scardino, Anne Marie  
Skiba, Justin  
Spettel, Suzanne  
Traugh, Kathryn  
Williams, Timothy

McCune, Kimberly  
Orzan, Elena  
Riffle, Wesley  
Rose, Alicia  
Seifert, Kevin  
Smith, Benjamin  
Stewart, Justin  
Turner, Kevin  
Zdunczyk, Wynter

**Action:** James Lee 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 19, 2012 through September 6, 2012, taking into account those licenses subject to discipline, surrender, or non-renewal. Mary Kay Eastman seconded the motion. The motion carried.

Physical Therapist – Endorsement

Bailey, Sherri  
Davidson, John  
Gordian, Marilyn  
Hartke, Matthew  
Joly, Jessica  
Prusakiewicz, Lisa

Bigsby, Kathryn  
Dela Cruz, Lynette  
Grimaldi, Jennifer  
Herring, Daniel  
Mandic, Margaret  
Suter, Anna

Bollum, Kathleen  
Gandee, Josh  
Gupta, Chhaya  
Hutchison, Donna  
McGhee, Craig

Physical Therapist Assistant – Endorsement

Allen, Catherine  
Horten, Nicole  
Pearson, Mahala

Hays, Stephanie  
Keith, Freya  
Sprouse, Angelecia

Hensley, Ashley  
Masten, Amanda  
Strachan, Tyler

Physical Therapist Reinstatement

Daugherty, Dana

Sacksteder, Joan

Shockey, Shawna

Physical Therapist Assistant Reinstatement

Moore, John

Request for Waiver of English Equivalency Examinations for Licensure

Physical Therapist Applicant for Licensure by Endorsement

James Lee recommended that the Section grant a waiver of the TOEFL requirement for the physical therapist endorsement file #5130536 based on the documentation provided. **Action:** Thomas Caldwell moved to grant a waiver of the TOEFL requirement for the physical therapist endorsement file #5130536 based on the documentation provided. Sam Coppoletti seconded the motion. James Lee abstained from voting. The motion carried. The Section granted a waiver of the TOEFL requirement for Baskar Nithyanand Dorairaj.

Assistant Attorney General's Report

Yvonne Tertel, AAG, gave the Section an update on the summary suspension pertaining to case number PTFY12-034. Ms. Tertel further reported that the individual remains suspended. Pursuant to a request from the respondent, the Section granted a continuance for this hearing until a later date. Ms. Tertel also informed the Board that the next steps are to schedule a hearing or propose a consent agreement.

Case Review Liaison Report

Thomas Caldwell reported that the Enforcement Division closed nine and opened seven new cases since the July 19, 2012 meeting. There are thirteen cases currently open. There are five disciplinary consent agreements and one adjudication order being monitored.

Thomas Caldwell informed the Section that Thomas Billingsley, Amy Patton, and Sarah Rowe complied with all terms and conditions and were released from their disciplinary consent agreements.

### **Enforcement Actions**

Thomas Caldwell recommended that the Section accept the consent agreement for case PT-FY12-020 in lieu of going to a hearing. **Action:** James Lee moved that the consent agreement for case PT- FY12-020 be accepted in lieu of going to a hearing. Lynn Busdeker seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. Ronald Kleinman opposed the motion. The motion carried. The Section accepted the consent agreement for Linda Hughes, PTA.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY12-039 for obtaining medications through means of misrepresentation, a violation of section 4755.47 (A) of the Revised Code and accompanying Administrative Code rules. **Action:** James Lee moved that a notice of opportunity for a hearing be issued for case PT-FY12-039 for obtaining medications through means of misrepresentation, a violation of section 4755.47 (A) of the Revised Code and accompanying Administrative Code rules. Sam Coppoletti seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY13-002 for obtaining something of value through by fraudulent misrepresentation, a violation of section 4755.47 (A) of the Revised Code and accompanying Administrative Code rules. **Action:** James Lee moved that a notice of opportunity for a hearing be issued for case PT-FY13-002 obtaining something of value through by fraudulent misrepresentation, a violation of section 4755.47 (A) of the Revised Code and accompanying Administrative Code rules. Sam Coppoletti seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY13-004 for failure to respond to the 2012 continuing education audit, **Action:** Sam Coppoletti moved that a notice of opportunity for a hearing be issued for case PT-FY13-004 for failure to respond to the 2012 continuing education audit. Ronald Kleinman seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY13-005 for failure to complete the continuing education required for the 2012 licensure renewal. **Action:** Mary Kay Eastman moved that a notice of opportunity for a hearing be issued for case PT-FY13-005 for failure to complete the continuing education required for the 2012 licensure renewal. Karen Holtgreffe seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY13-006 for failure to complete the continuing education required for the 2012 licensure renewal. **Action:** James Lee moved that a notice of opportunity for a hearing be issued for case PT-FY13-006 for failure to complete the continuing education required for the 2012 licensure renewal. Ronald Kleinman seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY13-007 for failure to complete the continuing education required for the 2012 licensure renewal. **Action:** James Lee moved that a notice of opportunity for a hearing be issued for case PT-FY13-007 for failure to complete the continuing education required for the 2012 licensure renewal. Karen Holtgreffe seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY13-008 for failure to complete the continuing education required for the 2012 licensure renewal. **Action:** James Lee moved that a notice of opportunity for a hearing be issued for case PT-FY13-008 for failure to complete the continuing education required for the 2012 licensure renewal. Karen Holtgreffe seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-LD-13-001 proposing to deny the reinstatement application of the individual who is the subject of the above cited case for insufficient evidence of remediation for past patient boundary violations. **Action:** Mary Kay Eastman moved that a

notice of opportunity for a hearing be issued for case PT-LD-13-001 proposing to deny the reinstatement application of the individual is the subject of the above cited case for insufficient evidence of remediation for past patient boundary violations. Lynn Busdeker seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

### **Correspondence**

1. **Nick Cornett, PT:** Mr. Cornett asked the Section for clarification on physical therapists reporting requirement for medication issues for clients. **Reply:** If you have identified medication issues with a patient you are evaluating and treating, you have a responsibility to communicate this information to the patient's physician. The Section has stated that there is nothing in the Physical Therapy Practice Act that prohibits a physical therapist from performing a medication reconciliation that includes interviewing a patient about current medications, comparing those to the list of prescribed medications, and implementing a computerized program or referring the lists to other practitioners to identify suspected drug interactions. It is also the opinion of the Physical Therapy Section that a physical therapist may give the patient previously prepared and approved information about medications (e.g. side effects, adverse reactions, when to call the physician), as long as the therapist does not advise the patient on initiating or stopping a medication without the patient talking with his/her physician.
2. **Paul Parobek, PT:** Mr. Parobek asked the Section if physical therapists can treat friends and/or family members. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that prohibits physical therapist from treating a family member or friend. However, there may be agency or insurance payer policies regarding treatment and billing for services for a family member that a physical therapist should clarify prior to providing these services.
3. **Amy Bennett, PT:** Ms. Bennett asked the Section a physical therapist can write a plan of care based on another physical therapists evaluation. **Reply:** In the example you provided, if there was no formal transfer of care, the patient should be re-evaluated by another physical therapist who will develop and oversee the plan of care. Pursuant to section 4755.47 (A)(5) of the Revised Code, all licensed physical therapists must follow the code of ethical conduct for physical therapists and physical therapist assistants established in rule 4755-27-05 of the Ohio Administrative Code. Paragraph (B)(5)(h) of this rule cites "Abandoning the patient by inappropriately terminating the patient practitioner relationship by the licensee" as a "failure to adhere to the minimal standards of acceptable prevailing practice." It is the position of the Physical Therapy Section that if, for any reason, the evaluating physical therapist will no longer be available to provide and supervise the physical therapy services, the evaluating physical therapist must transfer the patient to another physical therapist. This includes situations where a physical therapist's sole responsibility is to evaluate a patient either due to temporary coverage or as terms of their employment. The evaluating physical therapist in this instance must complete and document the transfer of their responsibilities to another physical therapist to provide and supervise the physical therapy services for the patient. Termination of care does not include a physical therapist taking regularly scheduled days off or job sharing. Each physical therapy practice should determine a system that will allow for this transfer of care in situations where a physical therapist is terminating the patient/therapist relationship. That transfer of care must be documented in the patient's medical record by identifying the new physical therapist by name or transferring to the physical therapist supervisor for reassignment. The physical therapist that has accepted the transfer of care is then responsible to supervise all aspects of the physical therapy program that are delegated to physical therapy personnel, including co-signing physical therapist assistant documentation. If the patient is not transferred to another physical therapist, the evaluating physical therapist is responsible for the overall care of the patient including the supervision of any physical therapy personnel providing services to that patient.
4. **Betsy Trame, PT:** Ms. Trame asked the Section whether it is appropriate for physical therapists to list the same generic goals on the interdisciplinary goals as the same goals on the physical therapy documentation. **Reply:** The Ohio Physical Therapy Practice Act does not dictate the format of documentation. The Physical Therapy Section recommends that you consult payer policies, facility or agency policies, or the American Physical Therapy Association's Defensible Documentation as resources for addressing your concerns related to appropriate physical therapy goals. However, the physical therapy goals should be specific and individualized to the patient based on the physical therapy examination and evaluation.

5. **Todd Lewarchick, PT, DPT:** Dr. Lewarchick asked the Section whether there is a policy on informed consent procedures for treating minors in an outpatient physical therapy setting. **Reply:** Yes, you need informed consent, although there is nothing in the Ohio Physical Therapy Practice Act that addresses this topic. However we do suggest you consult with your legal counsel.
6. **Jeff Cowen, PT, DPT:** Dr. Cowen asked the Section whether physical therapy documentation needs to be written in blue or black ink. **Reply:** Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. 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. On another topic, the Physical Therapy Section is working to educate physical therapists and physical therapist assistants in the correct credentials to use in professional signatures. Since PT or PTA is the regulatory designation allowing practice, rule 4755-27-07 of the Administrative Code requires that only those letters should immediately follow the person's name. Academic degrees may then follow the regulatory credential. For example, a nametag or signature might read Pat Doe, PT, DPT, MS, OCS.
7. **Tim Robinson, PTA:** Mr. Robinson asked the Section clarification on treating a Medicare client and not completing the functional assessment would affect the 30-day eligibility period. **Reply:** Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. 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. On another topic, the Physical Therapy Section is working to educate physical therapists and physical therapist assistants in the correct credentials to use in professional signatures. Since PT or PTA is the regulatory designation allowing practice, rule 4755-27-07 of the Administrative Code requires that only those letters should immediately follow the person's name. "L" should not be used in front of "PT" or "PTA" since no one may use the "PT" or "PTA" credential in Ohio without a valid license.
8. **Jennifer Fast, PT:** Ms. Fast asked the Section whether it is acceptable for physical therapists to train early intervention staff and parents on therapeutic approaches and how to document training. **Reply:** The practice of physical therapy is not affected by the setting in which the physical therapist provides services. The physical therapist, in all cases, must conduct the initial patient evaluation and develop the physical therapy plan of care regardless of the manner in which services will be provided. Rule 4755-27-03(C) of the Ohio Administrative Code states, in part, that the physical therapist shall perform personally the following activities, which may not be delegated, regardless of the setting in which the service is given: Interpretation of referrals; Initial patient evaluation; Initial and ongoing treatment planning; Periodic re-evaluation of the patient; Adjustment of the treatment plan; Identifying channels of communication; Assessing the competence of physical therapist assistants or other licensed personnel; and Discharge evaluations and follow-up plans of care. The physical therapist shall select the appropriate portions of the program to be delegated and provide instruction in the delegated functions for a specific child to the Primary Service Provider/Early Intervention Specialist and parent or guardian. Such direction shall include precautions, special problems, contraindications, goals and anticipated progress, plans for re-evaluation, and actual re-evaluation of the patient and adjustment of the treatment plan. Only services provided by a physical therapists or physical therapist assistant may be called physical therapy. Activities implemented by other members of the transdisciplinary team may not be called physical therapy. The physical therapy plan of care may be solely to establish and educate others in a maintenance or home program to be provided by non-physical therapy providers. It is the opinion of the Physical Therapy Section that the Individual Family Service Plan (IFSP) is an Early Intervention document and is not a physical therapy plan of care. The evaluating/supervising physical therapist must write the physical therapy plan of care and this cannot be delegated to others. If the physical therapist determines that services require the skills of a physical therapist or physical therapist assistant, then those interventions cannot be delegated to other providers. Further information about the Primary Service Provider model may also be found on the OPTA Pediatric SIG web site ([http://associationdatabase.com/aws/OPTA/pt/sp/signs\\_pediatrics](http://associationdatabase.com/aws/OPTA/pt/sp/signs_pediatrics)). Under Resources on this website, the Looks Like/Doesn't Look Like (document describing PSP model) may give you additional information about the Primary Service Provider model.
9. **Donald Williamson, PT:** Mr. Williamson asked the Section if there are regulations for physical therapist to provide nutritional consultation/guidance to clients. **Reply:** Section 4755.40 of the Ohio Revised Code defines physical therapy as the evaluation and treatment of a person by physical measures and the use of therapeutic exercises and rehabilitative procedures. It is the position of the Physical Therapy Section that

physical therapists do not have sufficient educational training to provide in depth nutritional consultation and would need to refer anyone in need of this consultation to a registered dietician. The Physical Therapy Section also recommends that you refer to the frequently asked questions section of the Ohio Board of Dietetics website (<http://dietetics.ohio.gov>) for further guidance on this question.

10. **Kristin Petrosky, PT:** Ms. Petrosky asked the Section whether there are certain educational requirements/regulations for physical therapist to perform dry needling. **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 intramuscular manual therapy techniques (“dry needling”). 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. Please note that the Physical Therapy Section is working with the Ohio Physical Therapy Association (OPTA) on establishing criteria for demonstrating competence in this area. You can periodically check the Board website for an update on the project.
11. **Scott Behrend, PT:** Mr. Behrend asked the Section if there are regulations for defining a physical therapist as the physical therapist of record. **Reply:** The phrase “PT of Record” is not defined in the Ohio Physical Therapy Practice Act. However, pursuant to section 4755.47 (A)(5) of the Revised Code, all licensed physical therapists must follow the code of ethical conduct for physical therapists and physical therapist assistants established in rule 4755-27-05 of the Ohio Administrative Code. The Physical Therapy Section considers the evaluating therapist as the “PT of Record” unless the patient has been transferred to another therapist as described below. Paragraph (B)(5)(h) of this rule cites “Abandoning the patient by inappropriately terminating the patient practitioner relationship by the licensee” as a “failure to adhere to the minimal standards of acceptable prevailing practice.” **It is the position of the Physical Therapy Section that if for any reason, the evaluating physical therapist will no longer be available to provide and supervise the physical therapy services, the evaluating physical therapist must transfer the patient to another physical therapist.** This includes situations where a physical therapist’s sole responsibility is to evaluate a patient either due to temporary coverage or as terms of their employment. The evaluating physical therapist in this instance must complete and document the transfer of their responsibilities to another physical therapist to provide and supervise the physical therapy services for the patient. Termination of care does not include a physical therapist taking regularly scheduled days off or job sharing. Each physical therapy practice should determine a system that will allow for this transfer of care in situations where a physical therapist is terminating the patient/therapist relationship. That transfer of care must be documented in the patient’s medical record by identifying the new physical therapist by name or transferring to the physical therapist supervisor for reassignment. The physical therapist that has accepted the transfer of care is then responsible to supervise all aspects of the physical therapy program that are delegated to physical therapy personnel, including co-signing physical therapist assistant documentation. If the patient is not transferred to another physical therapist, the evaluating physical therapist is responsible for the overall care of the patient including the supervision of any physical therapy personnel providing services to that patient. If a team of physical therapists has a system that allows for transfer of care to assure that patients are scheduled appropriately and that a physical therapist is always assigned to supervise each patient’s care whenever the patient is seen, the PRN physical therapist is not required to make an extra visit to document the transfer. However, in a situation where the PRN therapist is not confident that another physical therapist on the team is assuming responsibility for each patient’s care, the PRN therapist should arrange with the employer for the opportunity to arrange and document the transfer of care. For further information regarding Joint Commission, we recommend referring to the American Physical Therapy Association for more guidance.
12. **Luke Kuchta, PT:** Mr. Kuchta asked the Section questions regarding physical therapist performing and billing for injury prevention screens. **Reply:** In response to question one regarding a physical therapist administering a screen, according to rule 4755-27-03 (E)(5) of the Administrative Code, when practicing within the scope of physical therapy, screens include a review of the patient’s medical information and/or verbal contact with other health care practitioners, family, or the patient to review the patient’s medical history and past functional ability, and may include physical contact with the patient. In response to question two, regarding issuance of a home exercise program after screen completion, health screenings at public health fairs may be performed by physical therapy practitioners as long as the screenings are not represented as individual physical therapy evaluations and specific treatment recommendations are not

provided, other than a recommendation to consult with healthcare providers. Information on the potential benefits from physical therapy may be provided. Fitness tests with results compared to norms can be performed by laypeople, physical therapists, or physical therapist assistants. If you want to include a home exercise program after completing a screening, then you must follow the Ohio Administrative Code and complete an individual examination and evaluation with the home exercise program as the plan of care. In response to question three regarding compensation for the screen, there is nothing in the Ohio Physical Therapy Practice Act that would prohibit you from being paid for this service provided you follow the code of ethical conduct for physical therapists and physical therapist assistants established in rule 4755-27-05 of the Ohio Administrative Code. Paragraph (A) of this rule: (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 the practice setting, shall safeguard the public from unethical and unlawful business practices. (4) A licensee shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the source of the compensation.

13. **Diana Baisden, PTA:** Ms. Baisden asked the Section questions regarding supervision requirements for physical therapist assistants in general and in a home health setting. **Reply:** Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. 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.
14. **Allison Swisher, PT:** Ms. Swisher asked the Section clarification on physical therapists reporting requirements for medication reconciliations. **Reply:** If you have identified medication issues with a patient you are evaluating and treating, you have a responsibility to communicate this information to the patient's physician. The Section has stated that there is nothing in the Physical Therapy Practice Act that prohibits a physical therapist from performing a medication reconciliation that includes interviewing a patient about current medications, comparing those to the list of prescribed medications, and implementing a computerized program or referring the lists to other practitioners to identify suspected drug interactions. It is also the opinion of the Physical Therapy Section that a physical therapist may give the patient previously prepared and approved information about medications (e.g. side effects, adverse reactions, when to call the physician), as long as the therapist does not advise the patient on initiating or stopping a medication without the patient talking with his/her physician.
15. **Jennifer Wissinger, PT, DPT:** Dr. Wissinger asked the Section clarification on documentation requirements for physical therapist providing services free of charge. **Reply:** It is the position of the Physical Therapy Section that regardless of practice setting, documentation must clearly reflect the physical therapy services provided, who performed the service and when the services were provided. The Ohio Physical Therapy Practice Act does not dictate the format of documentation. The Physical Therapy Section recommends that you consult facility or agency policies on providing pro-bono services to be sure your policies reflect physical therapy laws and regulations. You may also wish to review the American Physical Therapy Association for information on documentation.
16. **Nickie Wolfe, OT:** Ms. Wolfe asked the Section whether physical therapists can supervise home health aide services for physical therapy clients. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act prohibiting the physical therapist or physical therapist assistant from accepting the administrative assignment of supervising a home health aide in provision of services external to physical therapy (i.e. ADLs –bathing/grooming, assisting the family in patient care). These services must not be represented as physical therapy. The Physical Therapy Section recommends that you consult agency and payer policies regarding supervision of home health aides.
17. **Sandra Williams, PTA:** Ms. Williams asked the Section whether clarification on physical therapist assistants discharge summaries and planning. **Reply:** Rule 4755-27-03 (B)(5) of the Ohio Administrative Code states that physical therapist assistants are not qualified to perform the discharge evaluation and complete the final discharge summary. Discharge planning and the completion of the discharge evaluation

are the responsibility of the supervising physical therapist and may be performed and documented by the physical therapist in a reasonable timeframe prior to discharge. The physical therapist assistant may provide care per that discharge assessment and plan and may document objective information about that care, but the physical therapist must then complete the final discharge summary. It is the position of the Physical Therapy Section that physical therapist assistants may gather and summarize objective information; however, they may not interpret this data, **thus they cannot document whether or not goals have been met.** It is the responsibility of the physical therapist to interpret and make recommendations for the purpose of discharge development. If there is collaboration between the physical therapist and the physical therapist assistant, the collaboration must be reflected in the patient documentation, but only the physical therapist may document the discharge evaluation and recommendations in the discharge summary. Even if the discharge evaluation and recommendations for follow-up care are included in the initial evaluation, a discharge summary must still be completed to document final discharge date and disposition. The discharge summary may refer to the last treatment note for patient status. **Any collaboration between a physical therapist and physical therapist assistant is documented on the date it occurred within the documentation system used at your facility/agency.** The ultimate responsibility for care of the patient lies with the evaluating physical therapist. Replying solely on information gathered by the physical therapist assistant during treatment does not constitute a reassessment, and may not fulfill the physical therapist's obligation to provide the appropriate standard of care. Likewise, the physical therapist assistant has a legal obligation, in the overall care of the patient, to make sure the review and assessment is performed by the physical therapist to meet the same standard of care. Regarding your final question, yes, this would apply to recertification as well.

18. **Carla Thompson, PT:** Ms. Thompson asked the Section questions regarding billing for kinesio taping in a physical therapy setting. **Reply:** Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. 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.
19. **Gary Kelley, PT, DPT:** Dr. Kelley asked the Section if physical therapist can delegate to athletic training students. **Reply:** Under the Ohio Physical Therapy Practice Act, athletic training students working under the direction of physical therapists are considered unlicensed personnel. Rule 4755-27-01 of the Administrative Code defines unlicensed personnel as any person who is on the job trained and supports the delivery of physical therapy services. Rule 4755-27-03 of the Administrative Code describes the routine duties that assist in the delivery of physical therapy care and operations that may be assigned to unlicensed personnel. The rule on delegation to unlicensed personnel is intended to limit the involvement of unlicensed personnel in direct patient care to assisting the physical therapist or physical therapist assistant as “a second pair of hands on the same patient.” For example, the unlicensed aide may assist a physical therapist or physical therapist assistant in transferring a patient who requires the support of two people for a safe transfer, or the unlicensed aide may guard a patient while the therapist steps back to assess the patient’s gait pattern. It is NOT intended that unlicensed personnel provide a component of physical therapy treatment to patient A while the physical therapist or physical therapist assistant treats patient B or performs other activities, e.g. documentation. A physical therapist or physical therapist assistant may provide administrative oversight of an unlicensed aide who is providing restorative or maintenance care in a nursing home after the termination of a physical therapy plan of care. The Section recommends that you review the Commission on Accreditation of Athletic Training Education (CAATE) Standards regarding supervision of athletic training students. Section 4755.48 (F) of the Ohio Revised Code specifies that students enrolled in an entry-level physical therapy program are exempt from the licensure requirements contained in the physical therapy laws. This is why it is legal for a physical therapy student to perform physical therapy tasks and duties as part of their clinical education. Although section 4755.65 (A)(3) includes similar provisions for students enrolled in an entry-level athletic training program, the exemption applies to the Athletic Training Practice Act and licensure requirements, and not to the requirements contained in the Physical Therapy Practice Act. Therefore, if a physical therapist were to delegate a component of the physical therapy plan of care to an athletic training student, that individual would be practicing in accordance with the physical therapy laws and rules and, therefore, function as unlicensed personnel. Third party payer policies and/or federal regulations may be more or less restrictive than the Ohio Physical Therapy Practice Act. In any situation, licensees should follow the more restrictive policies. Although Medicare regulations for skilled nursing Part A permit therapy aides to perform physical therapy

services provided that a physical therapist provides “line of sight” supervision, that practice is illegal in Ohio. In Ohio, therapy aides (unlicensed personnel) are not permitted to perform physical therapy services, other than serving as the second pair of hands as described in the previous paragraph of this letter.

**OT/PT Joint Correspondence**

- JB1. Jacque Brown OTR/L:** Ms. Brown asked the Occupational and Physical Therapy Sections questions regarding whether occupational and physical therapists can use more than one billing code with the evaluation code for Medicare clients. **Reply:** According to rule 4755-7-08 (B)(4) and (B)(15)(a) of the Ohio Administrative Code, occupational therapy licensees have a responsibility to maintain accurate client and billing records; documenting or billing for services not actually performed is considered failure to adhere to the minimal standards of acceptable practice. Accurate billing as outlined in the Practice Act includes correctly identifying the specific services rendered (evaluation and/or treatment), and billing appropriately for those services. Regarding the use of modifiers with the billing of evaluation and treatment charges to Medicare, it is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. The Section recommends that you refer to 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. Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. 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.
- JB2. Shelly DeLamatre, PT:** Ms. DeLamatre asked the Occupational and Physical Therapy Sections whether occupational and physical therapists are required to complete a discharge summary, if the physician discharges the client from an acute hospital setting **Reply:** Yes, a discharge summary must still be completed to document final discharge date and disposition, as the ultimate responsibility for care of the patient lies with the evaluating occupational therapist or physical therapist. Third party payer policies, other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational and Physical Therapy Practice Acts. In any situation, licensees should follow the more restrictive policies.
- JB3. Melinda Morrison:** Ms. Morrison asked the Occupational and Physical Therapy Sections questions regarding whether occupational therapy assistants and physical therapist assistants can complete the discharge summary and clarification regarding documenting the 10<sup>th</sup> therapy visit for Medicare B clients. **Reply:** Pursuant to section 4755.04(C) of the Revised Code and rule 4755-7-03 (A) of the Administrative Code, it is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information for the discharge summary, with or without the patient and/or occupational therapist being present. However, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development. Collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the patient documentation. However, third party payer policies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act. The “10<sup>th</sup> visit note” is a documentation requirement specific to Medicare Part B that requires specific visits during a course of therapy to be completed and documented by a licensed therapist. As 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 policies for specific guidelines regarding this requirement. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association. According to rule 4755-27-03 (C)(9) of the Ohio Administrative Code, discharge planning and the completion of the discharge evaluation are the responsibility of the supervising physical therapist and cannot be delegated to others. This evaluation and planning must be performed and documented by the physical therapist in a reasonable timeframe prior to discharge. The physical therapist assistant may provide care per that discharge assessment and plan and may document objective information about that care, but the physical therapist must then complete the final discharge summary. It is the position of the Physical Therapy Section that physical therapist assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the physical therapist to interpret and make recommendations for the purpose of discharge development. If there is collaboration between the physical therapist and the physical therapist assistant, the collaboration must be reflected in the patient documentation, but only the physical therapist may document the discharge evaluation and recommendations in the discharge summary. Even if the discharge evaluation and recommendations for

follow-up care are included in the initial evaluation, a discharge summary must still be completed to document final discharge date and disposition. The discharge summary may refer to the last treatment note for patient status. The ultimate responsibility for care of the patient lies with the evaluating physical therapist. Relying solely on information gathered by the physical therapist assistant during treatment does not constitute a reassessment, and may not fulfill the physical therapist's obligation to provide the appropriate standard of care. Likewise, the physical therapist assistant has a legal obligation, in the overall care of the patient, to make sure the review and assessment is performed by the physical therapist to meet the same standard of care. Be aware that payer policies may have specific requirements for final visits to be completed by the physical therapist.

### **Old Business**

#### **Competency Demonstration Update**

There was no new information presented on this topic.

#### **Continuing Competence Taskforce Update**

Raymond Bilecky gave an update on the Continuing Competence Taskforce. Mr. Bilecky informed the Section that the next meeting will probably be held via telephone conference in the fall. OPTA will submit a plan to the CC Taskforce on how they plan to approve courses to demonstrate competency in dry needling.

### **New Business**

*None*

### **Open Forum**

*None*

### **Ohio Physical Therapy Association (OPTA) Report**

Victoria Gresh informed the Section that OPTA is preparing for the Leadership Conference in October 2012. Ms. Gresh noted to follow up with the Continuing Competence Taskforce on establishing a process to approve courses to demonstrate competency in dry needling. Carolyn Towner gave a brief legislative report.

### **Federation of State Boards for Physical Therapy (FSBPT) Report**

#### **Update on Leadership Issues Forum**

Raymond Bilecky gave a brief report on the FSBPT Leadership Conference.

Mr. Bilecky informed the Section that there are a lot of states that use jurisprudence examinations as a component to the licensure renewal process. Mr. Bilecky asked the Section whether they wanted to include a jurisprudence examination for every renewal or every other renewal. The Section will consider these options.

#### **FSBPT Annual Meeting**

The Section briefly discussed the 2012 FSBPT Delegate Assembly motions.

### **Items for Next Meeting**

- Continuing Competence Update

### **Next Meeting Date**

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, November 15, 2012.

**Adjournment**

Mary Kay Eastman moved that the meeting be adjourned. Lynn Busdeker seconded the motion. The motion carried. The meeting adjourned at 2:10 p.m.

Respectfully submitted,  
*Diane Moore*

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Thomas Caldwell, PT, Chair  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, PT Section

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

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

SC:jmr:dm