



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Physical Therapy Section Strategic Planning Retreat  
136 East Broad Street, Columbus, Ohio 43215  
February 19, 2009  
9:00 a.m.*

**Members Present**

Donna Baker  
Raymond Bilecky, Chair (arrived at 9:25 a.m.)  
Thomas Caldwell  
Sam Coppoletti (arrived at 10:15 a.m.)  
Dale Deubler  
Mary Kay Eastman  
Robert Frampton (arrived at 9:10 a.m.)  
Marilyn Mount, Secretary  
Kimberly Payne

**Legal Counsel**

Yvonne Tertel, Assistant Attorney General

**Staff Present**

Diane Moore, Executive Assistant  
Jeffrey Rosa, Executive Director

**Guests**

Shane Yates, OPTA

**Call to Order**

The meeting was called to order by the Section Secretary, Marilyn Mount, at 9:05 a.m.

**Assistant Attorney General Legal Review**

Yvonne Tertel, AAG gave a brief legal review of the Ohio Administrative Procedures Act, types of action that impact the Section's disciplinary process, and explained what happens after the Section renders a decision.

**Consumer Education**

Raymond Bilecky provided the Section with information from the FSBPT website on consumer education. The Section revised the content of the consumer education document and will review the revisions at the March 12, 2009 Section meeting.

**Physical Therapist Assistant Delegation to Aides**

It is the position of the Physical Therapy Section that a physical therapist assistant cannot delegate to unlicensed personnel and other licensed personnel. However, a physical therapist assistant can supervise unlicensed personnel and other licensed personnel and utilize them as a second pair of hands.

**Wellness and Fitness**

**Use of "PT" after an individual's name when completing an exercise program**

It is the position of the Physical Therapy Section that physical therapists are not excluded from providing wellness/fitness services. When represented as physical therapy, the physical therapist must notify the patient's physician of the services being provided. Pursuant to section 4755.481 of the Ohio Revised Code, a physical therapist can practice under the direct access laws. The Section proposed to draft a white paper to address the appropriate use of the physical therapists' credential when advertising for wellness fitness services.

If not represented as physical therapy and if no "PT" or "PTA" credential is shown after the practitioner's name, the wellness activity does not fall under the jurisdiction of the Physical Therapy Section. The educational degree in physical therapy or physical therapist assisting may be listed in the practitioner's resume.

**Does Wellness and Fitness fall under the HIPAA requirements?**

The Section recommends that physical therapy practitioners contact their facility's legal counsel to determine if HIPAA applies to the exercise cards (e.g.: if the cards contain medical information such as blood pressure, heart rate, etc.) in their facility and adhere to the facility's policy on record keeping.

May a physical therapist delegate exercise supervision to an aide if it is not billed as physical therapy and is not part of the physical therapy session (e.g. Supervising on exercise equipment or in exercises that are part of a home program but performed at the physical therapy facility.)

The physical therapist plan of care is teaching the person how to do the program and the client/other person how to monitor the exercise. The actual monitoring of the general exercise is not part of the plan of care and is not technically part of the practice of physical therapy and therefore the paid employee is not limited to being a second pair of hands as unlicensed personnel.

### **Model Practice Act**

#### Exemption from Licensure –Non-Ohio Physical Therapist traveling with Sports Teams

The Section reviewed Article 3.04(B)(5) of the FSBPT Model Practice Act, which contains language exempting an individual from the license requirements provided that the physical therapist is licensed in a jurisdiction of the United States or credentialed in another country, if that person by contract or employment is providing physical therapy to individuals affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in the state for no more than 60 days in a calendar year.

The Section will consider amending the Ohio Physical Therapy Practice Act to include this exemption for physical therapists and physical therapist assistants traveling in Ohio. If the physical therapist would need more than 60 days, then the therapist would be required to submit a request to stay to continue practicing under the exemption.

#### Exemption from Licensure –Emergency Situations

The Section reviewed the FSBPT Model Practice Act Article 3.04(B) dealing with exemption of the licensure requirements for persons engaged in the following activities:

- (6) A physical therapist who is licensed in a jurisdiction of the United States who enters this state to provide physical therapy during a declared local, state, or national disaster or emergency. This exemption applies for no longer than 60 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of their intent to practice.
- (7) A physical therapist licensed in a jurisdiction of the United States who is forced to leave his/her residence or place of employment due to declared local, state, or national disaster or emergency and due to such displacement seeks to practice physical therapy. This exemption applies for no longer than 60 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of their intent to practice.

The Section will consider amending the Ohio Physical Therapy Practice Act to include these exemptions.

### **Definition of practice as it relates to being “out of practice” pursuant to the endorsement/reinstatement rules.**

**Action:** Marilyn Mount moved to define out of practice for a physical therapy practitioner as working less than 500 hours over a five year period. Mary Kay Eastman seconded the motion. Kimberly Payne abstained from voting. The motion carried.

### **Physical Therapists selling nutritional supplements and providing nutritional advice**

It is the position of the Physical Therapy Section that physical therapists can provide consultation on nutrition as it relates to the pathology in which the patient is being treated as long as the physical therapist does not call himself or herself a dietitian and as long as the physical therapist demonstrates knowledge and competence in the nutritional information. The physical therapist has the responsibility to refer the patient to the appropriate health care practitioner for further nutritional advice. The physical therapist must disclose to the patient if he/she will receive a profit from selling nutritional supplements.

### **CE waiver requests tied to illness prohibiting licensee from earning CE in proper timeframe**

The Section will continue to review continuing education waiver requests on a case by case basis. The Section will educate licensees about the waiver process and continuing education requirements.

The Section discussed amending the reinstatement rule for continuing education to allow reinstatement of applicants who are renewing their license within one month from the date in which the applicant’s license expired, with the

completion of the applicant shall complete the number of contact hours of continuing education that were required to renew the expired license.

**Action:** Thomas Caldwell moved to modify the reinstatement rule to amend the continuing education requirement for reinstatement applicants who are renewing their license within one month from the date in which the applicant's license expired. The applicant shall complete the number of contact hours of continuing education that were required to renew the expired license. Sam Coppoletti seconded the motion. The motion carried.

**Future Newsletter Topics**

- Continuing Education waiver process and deadlines
- Reinstatement continuing education requirements
- NPTE required for endorsement/reinstatement if "out of practice"

**Adjournment**

Robert Frampton moved that the meeting be adjourned. Mary Kay Eastman seconded the motion. The motion carried. The meeting adjourned at 2:55 p.m.

Respectfully submitted,  
*Diane Moore*

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

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Marilyn Mount, 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

MM:jmr:dm