



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Physical Therapy Section
August 9, 2007
9:40 a.m.

Members Present

Donna Baker (left @ 5:25 p.m.)
Raymond Bilecky
Thomas Caldwell
Robert Frampton
Beth Gustafson
Mike Herbert (left @ 4:50 p.m.)
Janet Howells (left @ 5:30 p.m.)
Barbara Kraynik (left @ 4:30 p.m.)
Averell Overby

Non Voting Member

Gary Weiss (left @ 5:05 p.m.)

Legal Counsel

Melinda Snyder Osgood, Assistant Attorney General
Yvonne Tertel, Assistant Attorney General

Guests

Lynn Colby (OPTA)
Nancy Garland (OPTA)
Kristie Hatala
Vicky Humphrey, (OPTA)
William Hills (JCARR)
Carolyn Kisner
Mark Lane (FSBPT)
Erin Mahan (OPTA)
Charles Meacci (FSBPT)
Amanda Sines
Carole Weiss

Staff Present

Christine Bass, Investigator
Lisa Foor, Enforcement Division Supervisor
Joseph Kirk, Executive Assistant
Jeffrey Rosa, Executive Director

Call to Order

The meeting was called to order by Section Chairperson, Robert Frampton, at 9:40 a.m.

Beth Gustafson and Averell Overby arrived from Education Oversight review at 9:55 a.m.

Approval of Minutes

Action: Mike Herbert moved that the May 17, 2007 meeting minutes be approved as submitted. Donna Baker seconded the motion. Beth Gustafson, Barbara Kraynik, and Averell Overby were absent for the vote. The motion carried.

Action: Donna Baker moved that the June 21, 2007 meeting minutes be approved as corrected. Beth Gustafson and Averell Overby were absent for the vote. Janet Howells seconded the motion. The motion carried.

Executive Director's Report

- Jeffrey Rosa stated that there are currently several bills limiting the ability for regulatory boards to discipline individuals for criminal convictions to only those convictions substantially related to the practice of that profession. Mr. Rosa expressed concerns that an attorney representing a licensee could argue that a conviction for a sex crime would not be substantially related to the practice since sex was not part of the practice of physical therapy. Mr. Rosa also reported that the criminal records check bill supported by various boards was reported out of the House committee.
 - The Board's appropriation authority contained in the budget bill did not change from what was initially requested by the Board.
 - The Board encumbered roughly \$180,000.00 from fiscal year 2007 to cover various end of year expenses.
 - The Board's fiscal audit was completed and Mr. Rosa has an exit interview with the auditors on July 26.
 - Only two small issues were identified, both of which are easily fixed.
 - The Executive Director indicated that the Board had crossed the 20,000 active licensees threshold.
- Mr. Rosa thanked Mike Herbert, Janet Howells, and Barbara Kraynik for their years of service, and specifically the four years Mr. Rosa has been the Executive Director.

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

Correspondence

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

1. John Ottens: Mr. Ottens asked the Section several questions regarding the use of unlicensed personnel in the practice of physical therapy.

2. Mark Phillips: Mr. Phillips asked the Section for guidance in dealing with a situation at his place of employment.

3. Jody Benda: Ms. Benda asked the Section a question regarding referrals.

4. Karen Green: Ms. Green asked the Section a question regarding electronic documentation.

5. Jennifer Bartrum: Ms. Bartrum asked the Section several practice related questions.

6. Tark Chester: Mr. Chester asked the Section a question regarding standing orders.

Administrative Reports

Education Oversight Report

The Education Oversight Liaisons reviewed the applications of the following individuals:

Cahill, Timothy
Nemunaitis, Jason
Slates, Erin

Lane, Tom
Rouse, Alisa

Leonardi, Sara
Sabine, Jessica

Action: Beth Gustafson moved to grant Timothy Cahill a twelve month extension to complete the terms of his consent agreement. Averell Overby seconded the motion. Barbara Kraynik was absent for the vote. All Section members voted nay. The motion failed.

Action: Averell Overby moved to grant Erin Slates special accommodations including extra time and a separate testing room for the NPTE. Mike Herbert seconded the motion. The motion carried.

Action: Averell Overby moved to grant Jason Nemunaitis special accommodations including extra time and a quiet testing room for the NPTE. Mike Herbert seconded the motion. The motion carried.

Action: Janet Howells moved to rescind the motion granting Jason Nemunaitis the special accommodations of extra time and a separate testing room. Mike Herbert seconded the motion. Beth Gustafson and Donna Baker opposed the motion. The motion carried.

Action: Robert Frampton moved to grant Jason Nemunaitis a conditional grant of licensure agreement, including granting of special accommodations for the NPTE. Janet Howells seconded the motion. Donna Baker opposed the motion. The motion carried.

Physical Therapist Applications

Action: Donna Baker 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 from June 21, 2007 through August 9, 2007, taking into account those individuals subject to discipline, surrender, or non-renewal. Ms. Baker further moved that the following persons be licensed as physical therapists pending passage of the national physical therapy examination and Ohio laws and rules examination. Ms. Baker further moved that the Physical Therapy Section ratify, as submitted, the physical therapist licenses issued by endorsement or reinstated by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from June 21, 2007 through August 9, 2007, taking into account those licenses subject to discipline, surrender, or non-renewal. Averell Overby seconded the motion. The motion carried.

Physical Therapist - Examination

Blake, Amy
Chismar, Aby
Dean, Cari
Donatelli, Maggie

Braun, Megan
Coons, Toni
Deem, Casey
Elias, Alexis

Chima, Rachel
Cusac, Sonja
Diaz-Rivera, Naomi
Evans, Eva

Fitzgerald, Kathleen
Hartman, Karen
Kane, Kevin
Lantz, Aaron
Levering, Lisa
Moenter, Stacey
Pander, Lauren
Reroma, Maria Noleen
Smith, Emily
Tang, Kaidong

Frost, Morgan
Hershman, Alaina-Marie
Kapasi, Fatema
Lemon, Michelle
Michaud, Margaret
Nett, Elizabeth
Parrett, Gregory
Russell, Mary
Spade, Shaun
Weyer, Beverly

Galleher, Kerry
Jackson, Sabrina
Koontz, Jeffrey
Leshner, Laura
Miller, Melissa
Ott, David
Petras, Bryan
Saunders, Catherine
Stachler, Teresa
Yarcia, Jacqueline

Physical Therapist – Endorsement

Berke, Shelley
Heusel, Luke
Jenkins, Jennifer
Nunez, Rebecca
Schultz, Kristina
Thomas, Elizabeth

Burke, Matthew
Hillwig, Carla
Johnson, Jessica
Racki, Leann
Strickland, Jonathan
Tong, Chanin

Grunkemeyer, Angela
Huber, Benjamin
Limings, Crystal
Roa, Luis
Tarriman, Ionee

Physical Therapist - Reinstatement

Lerma, Kami

Action: Raymond Bilecky moved to waive the English equivalency requirements contained in rule 4755-23-03 of the Administrative Code for Pranjali Sathe. Barbara Kraynik seconded the motion. The motion carried.

Physical Therapist Assistant 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 therapist assistants from June 21, 2007 through August 9, 2007, taking into account those individuals subject to discipline, surrender, or non-renewal. Mr. Bilecky further moved that the following persons be licensed as physical therapist assistants pending passage of the national physical therapy examination and Ohio laws and rules examination. Mr. Bilecky further moved that the Physical Therapy Section ratify, as submitted, the physical therapist assistant licenses issued by endorsement or reinstated by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from June 21, 2007 through August 9, 2007, taking into account those licenses subject to discipline, surrender, or non-renewal. Mike Herbert seconded the motion. The motion carried.

Physical Therapist Assistant - Examination

Adkins, Ashley
Bailey, Alicia
Blankenship, Katie
Brazie, Jessica
Buhrman, Jessica
Conley, Sandra
Dodd, Kenneth
Fisher, Anthony
Gant, Gregory
Grieger, Wesley
Hammond, Kimberly
Harstel, Erica
Herzner, James
Hootman, William
Keckler, Justin
Kellogg, Elizabeth
Krieg, Kimberly
Lewis, Andrea
Mackall, Tyler

Altier, Jan
Bertke, Gwen
Bowen, Jennifer
Brokaw, Heather
Burroughs, James
Craig, Susan
Evans, Linda
Fitzpatrick, Sean
Gfell, Shannon
Hamilton, Kimberly
Hankison, Carl
Hay, Thurman
Highland, Jordan
Hupp, Aaron
Kelley, Caroline
Kinhalt, Tonya
Kurpely, Carrie
Lewis, Angela
Mains, Juila

Arcari, Joanna
Bilek, Ashley
Brankamp, Melissa
Bryant, Karen
Childs, Joseph
Dech, Michael
Farris, Heather
Forney, Dustin
Gibson, Justin
Hammock, James
Harigle, Pamela
Hayslip, Jennifer
Hively, Stefanie
Irwin, Tamitha
Kelley, Kevin
Koehler, Sarah
Lambert, Thelma
Lohr, Matthew
Manfred, Nicholas

Action: Janet Howells moved to rescind the notice of opportunity for hearing for case PT-07-018 to add additional counts to the notice. Averell Overby seconded the motion. Robert Frampton and Janet Howells abstained from voting. The motion carried.

Action: Janet Howells moved to issue a notice of opportunity for hearing for case PT-07-018 for failure to respond to the continuing education audit, falsifying a renewal application, and failure to obtain the required amount of continuing education. Averell Overby seconded the motion. Robert Frampton and Janet Howells abstained from voting. The motion carried.

Action: Janet Howells moved to go into executive session to discuss pending litigation. Averell Overby seconded the motion. The staff was invited to stay.

The Executive Director called roll:

Donna Baker	Present
Raymond Bilecky	Present
Thomas Caldwell	Present
Robert Frampton	Present
Beth Gustafson	Present
Mike Herbert	Present
Janet Howells	Present
Barbara Kraynik	Present
Averell Overby	Present

The Section went into executive session at 3:25 p.m. and came out at 3:35 p.m.

Action: Janet Howells moved to rescind the notice of opportunity for hearing for case PT-06-046 for supervising a physical therapist licensure applicant who did not hold licensure applicant status. Robert Frampton seconded the motion. Robert Frampton and Janet Howells abstained from voting. The motion carried.

Old Business

Ohio Physical Therapy Association (OPTA) Report

- Nancy Garland attended the meeting on behalf of OPTA.
- Ms. Garland stated that OTPA met with the Ohio Department of Education regarding supervision of physical therapist assistants in the school setting.
- H.B. 119, which went into effect on July 1, 2007, contained uncodified language in the Ohio Department of Education budget section requiring supervision of physical therapist assistants to be in accordance with the Ohio Physical Therapy Practice Act and stating that physical therapist assistants cannot carry their own caseloads.
- OPTA has concerns with a Medicaid proposal to limit the prescription of a power wheel chair to only those individuals who are ATP certified. Ms. Garland stated that currently, only nine physical therapists in Ohio are ATP certified. The certification costs \$500.00 and the practitioner must have 2 year of practical experience, and complete continuing education to remain certified.
 - OPTA is working with Medicaid and APTA is working with Medicare to have physical therapists exempted from this requirement based on physical therapy licensure requirements.
- OPTA has a meeting scheduled with the Ohio Superintendent of Insurance to discuss issues related reduction in reimbursement for physical therapy services.
- Nancy Garland informed the Section that OPTA has only submitted one name to the Governor's office to fill the upcoming vacant Physical Therapy Section positions.

New Business

Continuing Education

Action: Robert Frampton moved to assign an Ohio continuing education approval number for the Federation of State Boards of Physical Therapy's Jurisdictional Board Member Orientation. Thomas Caldwell seconded the motion. Beth Gustafson and Averell Overby were absent for the vote. The motion carried.

The Section also intends to offer continuing education credit and assign an Ohio approval number for the seminars that the Enforcement Division will be conducting over the next year.

The Section informed OPTA of their intent to assign the approval numbers for these activities.

Scantron

Joseph Kirk informed the Section that a Scantron machine capable of doing the tasks the Section stipulated would cost between \$8,000 and \$10,000.

The Section agreed that the cost outweighed the benefit in this situation, and will continue with the current laws and rules examination while it potentially works with the FSBPT to construct a new jurisprudence examination.

Public Rules Hearing

The Section held a public rules hearing from 11:02 a.m. to 11:10 a.m. to receive input on proposed changes to rule 4755-27-04. There were no witnesses or testimony given during the hearing regarding the proposed revisions. The JCARR hearing will be held on August 20, 2007.

FSBPT

Mark Lane and Charles Meacci attended the meeting to present to the Section information on FSBPT's continuing competency activities and jurisprudence examination construction.

Mr. Lane's presentation is attached to the minutes for reference.

Action: Beth Gustafson moved that the Section work with the FSBPT to construct and administer the Ohio physical therapy jurisprudence examination, pending confirmation that the examination application fee can be lowered to offset the increased cost to the applicant. Thomas Caldwell seconded the motion. Averell Overby opposed the motion. Mike Herbert and Barbara Kraynik were absent for the vote. The motion carried.

Action: Thomas Caldwell moved to table the discussion on limiting the number of times an application may take the NPTE until the September meeting. Janet Howells seconded the motion. Mike Herbert and Barbara Kraynik were absent for the vote. The motion carried.

Action: Janet Howells moved to table the discussion on revision of the standard responses until after the proposed rules changes are adopted. Raymond Bilecky seconded the motion. Mike Herbert and Barbara Kraynik were absent for the vote. The motion carried.

Items for Next Meeting

- The Section will review the standard responses.
- The Section will discuss adoption of a definition for “fraud.”
- Discussion of limiting number of times applicants may take NPTE.
- Discussion of conditional grant of licensure agreements for individuals volunteering information that may endanger the public.
- Ty Rader will attend the meeting to discuss electronic signature use with the Section.
- The Executive Director will present information on lowering the physical therapy licensure by examination fee.
- The Section will work on a documentation rule and discuss the updated delegation and supervision forms.
- Discussion on the purpose of discipline.

Next Meeting Date

The next meeting date of the Physical Therapy Section is scheduled for Thursday, September 20, 2007.

Adjournment

Beth Gustafson moved that the meeting be adjourned. Thomas Caldwell seconded the motion. Donna Baker, Mike Herbert, Janet Howells, and Barbara Kraynik were absent for the vote. The motion carried. The meeting adjourned at 5:35 p.m.

Respectfully submitted,
Joseph A. Kirk

Robert Frampton, PT, Chairperson
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

Beth Gustafson, PT, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

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

BG:jmr:jak