



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Occupational Therapy Section*  
*March 10, 2011*  
*9:00 a.m.*

**Members Present**

Rebecca Finni, OTR/L  
Jean Halpin, OTR/L, Secretary  
Kimberly Lawler, OTR/L  
Mary Stover, OTR/L, Chairperson

**Members Absent**

Nanette Shoemaker, COTA/L

**Public Member**

Janenne Allen

**Legal Counsel**

Yvonne Tertel, AAG

**Staff**

H. Jeffery Barker, Investigator  
Lisa Ratinaud, Enforcement Division Supervisor  
Jeffrey Rosa, Executive Director

**Guests**

Jacquelyn Chamberlin, OOTA

**Call to Order**

Mary Stover, Chairperson called the meeting to order at 9:43 a.m.

The Section began the meeting by reading the vision statement.

The Occupational Therapy Section is committed to proactively:

- Provide Education to the Consumers of Occupational Therapy Services;
- Enforce Practice Standards for the Protection of the Consumer of Occupational Therapy Services;
- Regulate the Profession of Occupational Therapy in an Ever-Changing Environment;
- Regulate Ethical and Multicultural Competency in the Practice of Occupational Therapy;
- Regulate the Practice of Occupational Therapy in all Current and Emerging Areas of Service Delivery.

**Approval of Minutes**

**Action:** Jean Halpin moved that the minutes from the January 20, 2011 meeting be approved as submitted. Kimberly Lawler seconded the motion. The motion carried.

**Administrative Reports**

**Continuing Education Report**

**Action:** Jean Halpin moved that the Section approve 96 applications and deny 29 applications for contact hour approval. Rebecca Finni seconded the motion. The motion carried.

**Licensure Report**

**Action:** Kimberly Lawler moved that the Occupational Therapy Section ratify, as submitted, the occupational therapist and occupational therapy assistant limited permits and licenses issued by examination, endorsement, reinstatement, and restoration by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from January 20, 2011 through March 10, 2011, taking into account those licenses subject to discipline, surrender, or non-renewal. Jean Halpin seconded the motion. Kimberly Lawler abstained from voting on the occupational therapy assistant examination application for Stacey Smith. Kimberly Lawler abstained from voting on the occupational therapy assistant endorsement application for Kimberly Pritts. The motion carried.

**Occupational Therapist – Examination**

Anderson, Lyndsey  
Bishop, Beth  
Bumgardner, Tierney  
Cook, Jesse

Ansley, Erin  
Bogner, Mary  
Cestari, Brittannie  
Courtney, Kara

Bazner, Jennifer  
Bott, Rebeka  
Colcord, Melissa  
Dearth, Nichole

Edmonds, Ashley  
Foster, Abby  
Giacobbe, Krista  
Hosek, Laura  
McCallen, Jennifer  
Novak, Jamie  
Pratt, Catherine  
Scheible, Kristin  
Siders, Michele  
Stattmiller, Emily  
Warner, Tiffany  
Zimmerman, Alina

Fisher, Lauren  
Gattshall, Echo  
Harmon, Kathryn  
Jennings, Christina  
Mueller, Christina  
Orovay Castella, Adela  
Rehs, Allison  
Schroeder, Katherine  
Smith, Stephanie  
Striebel, Dianne  
Westgerdes, Kylie

Ford, Stephanie  
German, Ashley  
Haynes, Jillian  
Jones, Christine  
Noel, Laura  
Paterniti, Elizabeth  
Reiss, Heather  
Sheidler, Deborah  
Stark, Rachel  
Vanden Bosch, Mary  
Winhusen, Jillian

Occupational Therapy Assistant – Examination

Anglin, Connie  
Darr, Joanne  
Fassett, Michelle  
Jordan, Gary  
Medved, Meagan  
Moore, Christina  
Sammon, Stephen  
Weger, Shayla

Barnett, Courtney  
Dodson, Lanae  
Garrett, Joanne  
Lewis, Dayne  
Meier, Laura  
Overholser, Brandi  
Seacrist, Rachel  
Wright, Shauna

Bryant, Elizabeth  
Dufour, Cathy  
Hogrefe, Ally  
McCormack, Megan  
Minor, Lake  
Pongor, Agota  
Smith, Stacey  
Yufeltz, Seunghyun

Occupational Therapist – Endorsement

Bales, Mary  
Dholakia, Ami  
Herp, Amy  
Simmons, Valerie  
Yap, Abigail

Burns, Amy  
Fetzner, Denise  
Hickerson, Jennifer  
Velis, Jill

Crilley, Barbara  
Hayes, Kimberly  
Lehman, Rebecca  
Wieczorek, Deanette

Occupational Therapy Assistant – Endorsement

Allen, Kristen  
Pritts, Kimberly

Buckels, Justin

Buckman, Seth

Occupational Therapist – Reinstatement

Fisher, Jennifer  
Reiter, Linda

Kisner, Jamie

McGregor, Katherine

Occupational Therapy Assistant – Reinstatement

Guyton, Heather  
Yoder, Nichole

Hausfeld, Stephanie

Masanotti, Sheryl

Occupational Therapist – Limited Permit

Aeschliman, Rebecca  
Gaines, Christina  
Hovest, Jenna  
Kohus, Laura  
Mayes, Patrick  
Perrine, Amy  
Southman, Emily

Damaseviciute, Renata  
Hancock, John  
Hughes, Lisa  
Kopowski, Kimberly  
Morchak, Maureen  
Rathman, Christine  
Srivastava, Rakhi

Flannery, Abigail  
Hawkins, Erica  
Jordan, America  
Luzar, Jennifer  
Parsley, Erica  
Rogers, Shauna

Occupational Therapy Assistant – Limited Permit

Cammerata, Lori  
Knight-Leister, Denise  
Snyder, Kimberley

Cleaves, Appollonia  
Lopez, Mary

Crum, Megan  
Morefield, Kimberly

### Limited License Agreements

Kimberly Lawler reported that Jill Bostian, Richard Szado, and Lisa Tramontana complied with all the terms and conditions and were released from their limited license agreements.

Kimberly Lawler recommended that the Section rescind the limited license requirement for occupational therapy assistant reinstatement applicant #5024983, as the applicant provided employment information that demonstrated that she was actively practicing within the previous five years. **Action:** Jean Halpin moved that the Section rescind the limited license requirement for occupational therapy assistant reinstatement applicant #5024983, as the applicant provided employment information that demonstrated that she was actively practicing within the previous five years. Mary Stover seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section rescinded the limited license requirement for Heather Guyton.

Kimberly Lawler recommended that the Section grant an extension of two months for occupational therapy assistant limited license agreement for reinstatement application file #4969702. **Action:** Rebecca Finni moved that the Section grant an extension of two months to complete the terms of the limited licensure agreement reinstatement application file #4969702 based on the documentation provided. Mary Stover seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section granted a two month extension for Marlyne Pennell.

Kimberly Lawler recommended that, pursuant to rule 4755-3-12 (D)(2) of the Administrative Code, the Section offer a limited license agreement to occupational therapy assistant reinstatement applicant #5042678. **Action:** Rebecca Finni moved that the Section grant a limited occupational therapy assistant license agreement to reinstatement applicant #5042678. Mary Stover seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section granted a limited license agreement to Lisa Pilon.

Kimberly Lawler recommended that, pursuant to rule 4755-3-01(F) of the Administrative Code, the Section offer a limited license agreement to occupational therapy assistant endorsement applicant #5038311. **Action:** Jean Halpin moved that Section grant a limited occupational therapy assistant license agreement to applicant #5038311. Mary Stover seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section granted a limited license agreement to Kristin Girard.

### Assistant Attorney General's Report

Yvonne Tertel, AAG, had no formal report for the Section.

### Case Review Liaison Report

The Enforcement Division opened two new cases and closed twenty-one cases since the January 20, 2011 meeting. There are currently nine cases open. There are fifteen consent agreements and one adjudication order being monitored.

Rebecca Finni informed the Section that Jan Stefango, Linda Troquille, Melissa Miller, Victoria Dasent-Beane, Robert Laughner, Sr., Jacqueline Guy, Alison McCarthy, Sally Swartzmiller, Erik Hansel, Patrice Root, Eric Driver and Vivian Fields complied with all terms and conditions and were released from their consent agreements.

### Enforcement Actions

Rebecca Finni recommended that the Section deny the reinstatement application for applicant # 5034389 and issue a notice of opportunity for hearing for case OT-LD-FY11-001 for continuing to work with a revoked licensed. **Action:** Mary Stover moved that the Section deny the reinstatement application for applicant # 5034389 and issue a notice of opportunity for hearing for case OT-LD-FY11-001 for continuing to work with a revoked licensed. Jean Halpin seconded the motion. Rebecca Finni abstained from voting. The motion carried.

Rebecca Finni recommended that the Section accept the consent agreement for case OT-FY11-008 in lieu of going to hearing. **Action:** Jean Halpin moved that the consent agreement for case OT-FY11-008 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca Finni abstained from voting. The motion carried. The Section accepted the consent agreement for Jody Miller, OTA.

Rebecca Finni recommended that the Section accept the consent agreement for case OT-FY11-014 in lieu of going to hearing. **Action:** Jean Halpin moved that the consent agreement for case OT-FY11-014 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca Finni abstained from voting. The motion carried. The Section accepted the consent agreement for Tiffany VanMatre, OTA.

**Affidavit Hearings**

Good afternoon. My name is Mary Stover, Chairwoman of the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board. Let the record show that these proceedings were called to order at 1:01 pm on March 10, 2011, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. Members of the Board present for the proceedings are:

The Executive Director called roll:

Rebecca Finni	Present
Jean Halpin	Present
Kimberly Lawler	Present
Nanette Shoemaker	Absent
Mary Stover	Present

It will be noted for the record that a majority of the members of the Board are present. There will be two adjudication proceedings today. The proceedings are in the matter of case number OT-FY11-007, Charlotte S. Williamson, OTA.03348, and OT-FY 11-025, Stephanie D. Traugott, OTA.03823.

These proceedings shall be an affidavit-based adjudication relative to a Notice of Opportunity for Hearing mailed to the respondent in the aforementioned cases/matters and believed to have been properly serviced according to the Administrative Procedures Act (Chapter 119. of the Ohio Revised Code).

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

You have already received sworn affidavits from the Board's Investigator and accompanying exhibits for the Goldman Proceedings in your board packet. The affidavits contain the evidence and testimony upon which you will deliberate. I trust that each of you has had the opportunity to review the affidavit and accompanying exhibits. If not, you may review them now.

In lieu of a stenographic record being made, let the minutes reflect the sworn affidavits and exhibits shall be kept as the official record of the proceedings in the aforementioned matters in the Board office.

I will now recognize Assistant Attorney General, Yvonne Tertel, for the purpose of providing a brief synopsis of each case.

Ms. Tertel reviewed the cases for the Board.

Having heard Ms. Tertel's synopses, may I now have motion to admit the sworn affidavits and the accompanying exhibits in the aforementioned cases into evidence?

**Action:** Jean Halpin moved to accept the facts and exhibits outlined in the affidavit for of case number OT-FY11-007, Charlotte S. Williamson, OTA.03348. Mary Stover seconded the motion. Rebecca Finni abstained from voting. The motion carried.

**Action:** Jean Halpin moved to accept the facts and exhibits outlined in the affidavit for of case number OT-FY-11-025, Stephanie D. Traugott, OTA.03823. Mary Stover seconded the motion. Rebecca Finni abstained from voting. The motion carried.

There being no further evidence to come before the board, these proceedings are now closed at 1:14 pm.

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

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

**Action:** Kimberly Lawler moved to go into private session for the purpose of quasi-judicial deliberation on these matters. Jean Halpin seconded the motion.

The Executive Director called roll:

Rebecca Finni	Yes
Jean Halpin	Yes
Kimberly Lawler	Yes
Nanette Shoemaker	Absent
Mary Stover	Yes

The Section went into private session at 1:14 p.m. and came out at 1:26 p.m. Rebecca Finni left the room during private session and did not participate in the deliberations.

**Action:** Jean Halpin moved to revoke the license of Charlotte S. Williamson, OTA.03348, effective May 6, 2011, based on the affidavit and information before us. Kimberly Lawler seconded the motion. Rebecca Finni abstained from voting. The motion carried.

**Action:** Jean Halpin moved to revoke the license of Stephanie D. Traugott, OTA.03823, effective May 6, 2011, based on the affidavit and information before us. Kimberly Lawler seconded the motion. Rebecca Finni abstained from voting. The motion carried.

### **Correspondence**

- 1. Margie Bengé:** Ms. Bengé asked the Section how long should patient records be kept. **Reply:** The initial response from January 25, 2011 did not change. The Section does not have policy for records retention. The Section suggests that you contact your Medical Information Department and/or legal counsel regarding an appropriate record retention policy.
- 2. Adrienne Colegrove:** Dr. Colegrove asked whether physician's order for evaluation and treatment of swallowing disorders should be integrated the general occupational therapy treatment plan. **Reply:** Pursuant to rule 4755.04 (A)(3) of the Administrative Code, the practice of occupational therapy includes the management of feeding, eating, and swallowing to enable eating and feeding performance. Occupational therapists are not required to have a referral and/or prescription to evaluate or treat patients in the State of Ohio. 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 of occupational therapy services.
- 3. Cheryl Rodriguez:** Ms. Rodriguez asked the Section whether companies should be reimbursed for services performed by occupational therapy students. **Reply:** 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 appropriate insurance company, the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association.
- 4. Mary Petrosky:** Ms. Petrosky asked the Section whether an occupational therapist can bill under CPT code 97750. **Reply:** It is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. As you are probably aware, the only specific physical therapy CPT codes are physical therapy evaluation and re-evaluation (97001 and 97002). Other codes, such as physical performance test or measurement (97750), are not considered physical therapy codes in the CPT Manual,

although some payers may reimburse only if they are provided by a physical therapist or physical therapist assistant. 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 appropriate insurance company, the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association.

5. **Helen Reimann:** Ms. Reimann asked the Section whether there are any regulations that would prohibit an occupational therapy practitioner from having friendships with clients after the treatment is completed. **Reply:** There is nothing in the Ohio Occupational Therapist Practice Act that would prohibit a friendship with a previous client after the licensee-client relationship has been terminated. Please note that while a licensee-client relationship exists, the occupational therapy practitioner must adhere to the code of ethical conduct established in rule 4755-7-08 (C) of the Administrative Code which will state, effective May 1, 2011: (9) A licensee shall not exploit a client, or the parent/guardian of a minor client, sexually, physically, emotionally, financially, socially, or in any other manner. (11) A licensee shall not engage in any sexual relationship or conduct, including dating, with any client, or engage in any conduct that may reasonably be interpreted by the client to be sexual, whether consensual or nonconsensual, while a practitioner-client relationship exists and for six months immediately following the termination of the practitioner-client relationship. In the case of minors, the practitioner-client relationship extends to the minor's parent or guardian.
6. **Mary Schmitt:** Ms. Schmitt asked the Section if an occupational therapy assistant can upgrade short-term goals and complete the discharge summary. **Reply:** It is the position of the Occupational Therapy Section that the initial plan, long-term goals, and initial short-term goals must be written by the occupational therapist. The occupational therapist may collaborate with the occupational therapy assistant in the development of these items. Once the initial plan of care and goals are established, the occupational therapy assistant may update short-term goals in collaboration with the occupational therapist. Please review rule 4755-7-03 (B) of the Administrative Code for additional information on the roles and responsibilities of the occupational therapist and occupational therapy assistant. It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information for the discharge summary; 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, as indicated in rule 4755-7-03 of the Ohio Administrative Code. The collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the patient documentation.
7. **Robin Saum:** Ms. Saum asked the Section questions regarding the level of detail that should be documented by the occupational therapist on the progress of a student receiving occupational therapy services under an IEP. **Reply:** It is the position of the Occupational Therapy Section that occupational therapy practitioners should follow the AOTA Guidelines for Documentation of Occupational Therapy (*AJOT November/December 2008*) when determining documentation of occupational therapy in any setting. The occupational therapy code of ethical conduct, as established in rule 4755-7-08 (B) of the Administrative Code (effective May 1, 2011), states that occupational therapy practitioners shall: (4) not falsify, alter, or destroy client records, medical records, or billing records without authorization. The licensee shall maintain accurate client and/or billing records. (15)(a) not document or bill for services not actually performed. There is nothing in the Ohio Occupational Therapy Practice Act that stipulates the minimum level of detail that should be documented by the occupational therapist on the progress of a student receiving occupational therapy services under an IEP. The Ohio Occupational Therapy Association's pediatrics member support group chair may be able to assist you with many of your questions regarding school based Individualized Education Program (IEP) issues. You can contact the Ohio Occupational Therapy Association at [www.oota.org](http://www.oota.org). The Section encourages you to address your questions to your child's IEP team.
8. **Gina Badanjek:** Ms. Badanjek asked the Section if PRN occupational therapy assistants are required to have formal supervision by an occupational therapist. **Reply:** Under the Ohio Occupational Therapy Practice Act, the occupational therapist is ultimately responsible for all clients/students served by an occupational therapy assistant. The occupational therapist must provide appropriate supervision and assure that treatments are rendered according to safe and ethical standards and in compliance with rule 4755-7-08 of the Administrative Code, which states that "occupational therapy practitioners shall provide adequate supervision to individuals for whom the practitioners have supervisory responsibility." Pursuant to rule

4755-7-01 of the Administrative Code, when maintaining a separate caseload, a full-time equivalent occupational therapist may supervise no more than four full-time equivalent limited permit holders and/or occupational therapy assistants. If there are occupational therapy assistants working part-time or PRN, their hours need to be accounted for as part of this four full-time equivalent maximum. If the occupational therapist is only providing client evaluations and supervision and does not have a separate caseload, the occupational therapist may supervise six full-time equivalent limited permit holders and/or occupational therapy assistants. The number of limited permit holders and/or occupational therapy assistants that a part-time occupational therapist may supervise is proportionate to the number of hours worked by the part-time occupational therapist. However, this ratio may not be acceptable in the school setting. Pursuant to rule 4755-7-01 of the Administrative Code, the supervising occupational therapist must determine that the occupational therapy assistant possesses a current license to practice occupational therapy prior to allowing him or her to practice. Supervision requires initial directions and periodic inspection of the service delivery and relevant in-service training. The supervising licensed occupational therapist need not be on-site, but must be available for consultation with the occupational therapy assistant at all times. Supervision is an interactive process; simply co-signing client documentation does not meet the minimum level of supervision. Supervision must include a review of the client assessment, reassessment, treatment plan, intervention, and the discontinuation of the intervention. The occupational therapy assistant may not initiate or modify a client's treatment plan without first consulting with the supervising occupational therapist. The supervising occupational therapist must provide supervision at least once per week for all occupational therapy assistants who are in their first year of practice. Occupational therapy assistants beyond their first year of practice must be supervised at least once per month. Evidence must be established, either in the client records or in a separate document (e.g.: collaboration log), that the supervision took place.

9. **Joe Harig:** Mr. Harig asked the Section for clarification on the caseload ratios for occupational therapy practitioners. **Reply:** The Board's website (<http://otptat.ohio.gov/>) contains various information related to school-based practice. Two items to note include the "Comparison of Responsibilities of School-Based Occupational Therapy Practitioners," which is available under the Occupational Therapy Publications page, and the "Frequently Asked Questions" related to school-based practice. In response to your statement concerning information you received from the Ohio Department of Education (ODE) regarding caseloads, the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers (OTPTAT) Board has continually tried to work with and educate the ODE Office for Exceptional Children about the roles of the occupational therapist and occupational therapy assistant and the licensure rules that occupational therapy practitioners must follow. In 2009, meetings were held with representatives from ODE, including Kathe Shelby, Director of the Office for Exceptional Children, concerning the role of assistants and interpretation of caseload ratios. At that time, representatives of the OTPTAT Board made it clear that the Board considers every student assigned to an occupational therapy assistant (OTA) or physical therapist assistant (PTA) to be part of the supervising occupational or physical therapist's caseload. In response to the meetings, Dr. Shelby stated in a letter to the OTPTAT Board, dated February 1, 2010, that there are no ratios for OTAs and PTAs in the ODE Operating Standards because an OTA or PTA cannot have a caseload that is not supervised by an OT or PT. Dr. Shelby also stated that OTs and PTs who supervise OTAs and PTAs must use their professional judgment to determine what is a reasonable caseload given the fact that the OTAs and PTAs assist in providing therapy to students. Factors impacting caseload outlined in the Operating Standards must be considered when determining an appropriate caseload. It is the position of the Occupational Therapy Section that if an educational facility interpreting the ODE caseload rules only considers paragraph (I)(3) of rule 3301-51-09, which establishes the maximum number of students to whom an individual may provide direct services, and ignores paragraphs (H) and (I)(1) of rule 3301-51-09, which establishes the factors to be considered when establishing service provider ratios, including supervision of assistants, a potential conflict exists between that interpretation of ODE rules and the occupational therapy licensure rules. Under Chapter 4755. of the Revised Code, the occupational therapist **must not** provide/supervise care for a higher number of students than that for which skilled care by licensed practitioners can be delivered. Potentially, any licensee who violates the provisions of the Ohio Occupational Therapy Practice Act could be disciplined by the Ohio OTPTAT Board. The Section recommends that you contact the Ohio Occupational Therapy Association's pediatrics member support group coordinator concerning questions regarding school based issues. You can contact the Ohio Occupational Therapy Association at [www.oota.org](http://www.oota.org).

10. **Joe Miller:** Mr. Miller asked the Section whether the services documentation and/or progress notes documented in the Ohio School Medicaid Program can be used as the plan of care documentation required for occupational therapists. **Reply:** 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 appropriate insurance company, the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association. Medicaid may accept the IEP as the Plan of Care in their documentation requirements. However, it is the position of the Occupational Therapy Section that the IEP is not an occupational therapy intervention plan and the IEP alone does not meet the requirement for developing an intervention plan as specified in rule 4755-7-02 (A) of the Administrative Code, which deals with the responsibilities of the occupational therapist. It is the position of the Occupational Therapy Section that IEP goals and objectives are written by the educational team and **do not** constitute the occupational therapy treatment/intervention plan. In addition to the IEP goals/objectives addressed by the occupational therapy practitioner, the separate occupational therapy treatment/intervention plan should include intervention approaches, types of interventions to be used, outcomes, and any additional occupational therapy goals not listed in the IEP.

### **OT/PT Joint Correspondence**

- JB1. Jose Sanchez:** Ms. Sanchez asked whether individuals holding dual licensure as an occupational therapist and physical therapist can work in both positions for one employer. **Reply:** It is the position of the Occupational Therapy Section that there is no law or rule prohibiting an individual from working as both an occupational therapy assistant and a physical therapist assistant for one employer. The individual would be required to document very clearly that the appropriate plan of care was being followed when working under either license. The occupational therapy assistant may only practice pursuant to the occupational therapy plan of care, and the physical therapist assistant may only practice pursuant to the physical therapy plan of care. In addition, the person would be required to inform patients and other practitioners at each encounter which role was being filled. While there is nothing in the Ohio Practice Act that prohibits a physical therapist or physical therapist assistant from working under both licenses for an employer, when 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. 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. 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.
- JB2. Todd Lewarchick:** Mr. Lewarchick asked if it is mandatory to have short term goals in occupational and physical therapy documentation. **Reply:** While the Ohio Occupational Therapy Practice Act is not specific about the components of documentation, it is the position of the Occupational Therapy Section that occupational therapy practitioners should follow the AOTA Guidelines for Documentation of Occupational Therapy (*AJOT November/December 2008*) when determining documentation of occupational therapy in any setting. There is nothing in the laws and rules that govern the practice of physical therapy in Ohio that requires short-term goals/objectives for each goal as a part of the plan of care. However, to meet best practice standards the plan of care must include measurable objectives for expected patient/client outcomes. You may wish to refer to Medicare and other third party payer policies to determine what they require. Insurer 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.
- JB3. Susan DeCelle:** Ms. DeCelle asked whether it is legal for occupational and physical therapists to perform PROM and not bill for the service if the client has been determined to be inappropriate for therapy by the evaluating therapist. **Reply:** It is the position of the Physical Therapy Section that there is nothing in the laws and rules that govern the practice of physical therapy in Ohio that prohibits a physical therapist or physical therapist from providing PROM when the evaluating therapist has determined that physical therapy services are not warranted for the patient. However, the service cannot be represented as physical therapy. Providing and representing PROM as physical therapy services in this situation would be a violation of the Code of Ethical Conduct for physical therapists as established in rule 4755-27-05(A)(8) of

the Ohio Administrative Code, which requires a physical therapist to protect the public from overutilization of physical therapy services. The Code of Ethical Conduct for physical therapists also states in rule 4755-27-05 that 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. This rule goes on to state that 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. Effective May 1, 2011, the Code of Ethical Conduct for occupational therapy licensees, established in rule 4755-7-08(C) of the Ohio Administrative Code, will state in part that licensees shall demonstrate concern for the well-being of the client and shall respect the rights and dignity of all clients. (1)(b) A licensee shall not provide treatment interventions that are not warranted by the client's condition or continuing treatment beyond the point of reasonable benefit to the client. (13) A licensee shall advocate for clients to obtain needed services through available means. (17)(b) A licensee shall be guided by concern for the physical, psychosocial, and socioeconomic welfare of clients. (16) A licensee shall safeguard the public from underutilization or overutilization of occupational therapy services. In addition, rule 4755-7-08(B)(2) of the Ohio Administrative Code, will state on May 1, 2011 that an occupational therapy assistant shall not provide occupational therapy services without a supervising occupational therapist. The Section recommends that you consult with your nursing leadership to assess the option of developing a functional maintenance program for passive range of motion that does not need to be provided by an occupational therapist, occupational therapy assistant or other skilled provider. Education and training may be part of the occupational therapy discharge plan. The Ohio Occupational Therapy Association's member support services may be able to assist you with many of your questions regarding your concern. You can contact the Ohio Occupational Therapy Association at [www.oota.org](http://www.oota.org).

### **Old Business**

#### **Review Jurisprudence Examination Content and Questions**

Rebecca Finni will continue to work on the jurisprudence examination. The jurisprudence examination will be composed of thirty multiple choice questions. The pass rate for the jurisprudence examination will remain at ninety percent.

#### **Newsletter Update**

The Section made revisions to the newsletter. In the future, the Section will utilize the list serve and Twitter to inform licensees about new information that has been posted to the Board website.

#### **Update on School-Based practice Issues and Meetings**

The Occupational and Physical Therapy Sections were asked to present at the OT/PT School-Based Institute on August 9, 2011. Mary Kay Eastman, Mary Stover, and Jeffrey Rosa will present on behalf of the Sections.

Mary Stover reported that the Executive Director has been in contact with the Education Service Center (ESC) Association and further reported that the Executive Director is working on scheduling meetings with county ESCs and coordinators of special education.

Mary Stover reported that the Occupational and Physical Therapy Sections have drafted position papers to address common issues pertaining to caseload management in school-based practice.

### **New Business**

#### **Review Rules Scheduled for Five Year Review in 2012**

The Section reviewed the five year rules scheduled for 2012, which are included in Chapter 4755-3.

#### **Escrow Survey**

The Section reviewed the escrow survey. The Executive Director will proceed with e-mailing the escrow survey to licensees who currently hold escrow status.

Review Disciplinary Guidelines

The Occupational Therapy Enforcement Review Panel discussed some of the changes in the disciplinary guidelines pertaining to the disciplinary options regarding individuals who have: (1) worked on an expired license; (2) failed to respond to a continuing education audit; and (3) first or second offenses.

School-Based Practice Position Paper

The Section reviewed the position paper on *Determination of Appropriate Caseload for School-Based Occupational Therapy Practitioners*. The Physical Therapy Section is working on a similar position paper.

OTA Presentation

Jean Halpin informed the Section that the deadline to submit the presentation slides to OOTA is June 30, 2011. The Section reviewed the 2010 presentation slides to determine what topics to use in the 2011 presentation. The Section discussed including ethical scenarios to the current presentation, some of the content from the March 2011 OOTA Southeast District presentation, and the role of an occupational therapy assistant in school-based practice.

Ohio Occupational Therapy Association (OOTA) Report

There was no formal report.

Items for Next Meeting

- Records Retention Schedule for Enforcement Files
- Escrow Survey Results
- Jurisprudence Examination Update
- School-Based Position Paper Update
- Newsletter Update
- Retreat Agenda
- OOTA Presentation

Next Meeting Date

The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, May 5, 2011.

**Action:** Rebecca Finni moved to adjourn the meeting. Kimberly Lawler seconded the motion. The motion carried. The meeting adjourned at 3:47 p.m.

Respectfully submitted,  
*Diane Moore*

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Mary Stover, OTR/L, Chairperson  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, OT Section

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Jean Halpin, OTR/L, Secretary  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, OT Section

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

**JH:jmr:dm**