



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Occupational Therapy Section  
January 15, 2015  
9:00 a.m.*

**Members Present**

Beth Ann Ball, OTR/L, Secretary  
Rebecca Finni, OTR/L, Chair  
Jean Halpin, OTR/L  
Mary Beth Lavey, COTA/L  
Kimberly Lawler, OTR/L  
Trevor Vessels, Public Member

**Staff**

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

**Legal Counsel**

Melissa Wilburn, AAG

**Guests**

Heather Meredith, OOTA  
Stacy Schumacher

**Call to Order**

Rebecca Finni, Section Chair called the meeting to order at 9:24 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:** Rebecca Finni moved that the minutes from the November 13, 2014 meeting be approved as submitted. Jean Halpin seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel.. The motion carried.

**Executive Director's Report**

- The Executive Director informed that Section that the Governor's Executive Budget will be released in February 2015.
- The Executive Director informed the Section that he testified before the Ohio Youth Sports Concussion and Head Injury Return to Play Guidelines Committee regarding the scopes of practice for athletic trainers and physical therapists.
- The Executive Director informed the Section that the State is still exploring alternate solutions for the new licensing system.

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

**Discussion of Law and Rule Changes**

The Section reviewed the 2015 Five Year no change rules and proposed rule changes.

**Action:** Rebecca Finni moved that the Occupational Therapy Section file rules 4755-7-02, 4755-7-08, and 4755-7-10 as no change rules. Ms. Finni further moved that the Occupational Therapy Section file proposed changes to rules 4755-3-10, 4755-7-01, 4755-7-03, 4755-7-04, and 4755-9-01. Jean Halpin seconded the motion. The motion carried.

**Action:** Rebecca Finni moved that the Occupational Therapy Section file proposed changes to rule 4755-7-04 to eliminate supervisory ratios and include amended AOTA language as discussed. Jean Halpin seconded the motion. The motion carried.

The Section will hold a public rules hearing at the March 2015 meeting pending the feedback from the Common Sense Initiative Office.

### **Administrative Reports**

#### **Licensure Report**

**Action:** Rebecca Finni moved that the Occupational Therapy Section ratify, as submitted, the occupational therapist and occupational therapy assistant licenses issued by examination, endorsement, reinstatement, and restoration by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from November 13, 2014 through January 15, 2015, taking into account those licenses subject to discipline, surrender, or non-renewal. Beth Ann Ball seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. Jean Halpin was absent for the vote. The motion carried.

#### **Occupational Therapist – Examination**

Brown, Sarah	Gauntner, Margaret	Hamel, Brady
Lavach, Samantha	Meeks, Kari	Palay, Brianne
Parisey, Emily	Shores, Brooke	Sohail, Sharay
Terry-Jones, Blake	Weinert-Stein, Kristyn	Yarbrough, Shannon

#### **Occupational Therapy Assistant – Examination**

Benner, Monica	Blake, Jessica	Brown, Linda
Bucher, Sherry	Carpenter, Stacie	Corcodel, Adina
Erney, Andrea	Fazenbaker, Jessica	Griffin, Hillary
Haught, Jessica	Johnson, Eldridge	Jones, Julie
Levline, Jessica	McKenzie, Tenisha	Peterson, Kathryn
Pfeffer, Marlie	Propst, Pamela	Putman, Roman
Ratliff-Gatliff, Katelyn	Ries, Brianne	Schultz, Angela
Sherman, Matthew	Sorrells, Sheila	Treffe, David
Wilson, Nicole	Wort, Brittany	

#### **Occupational Therapist – Endorsement**

Burde, Joel	Calko, Laura	Graham, Aubrey
Ingersoll, Lindsay	Kirk, Jayme	McAllister, Kaitlin
Mickle, Joshua	Pellerito, Joseph	Pennington, Kristen
Schramm, Kathleen	Spinks, Audrey	

#### **Occupational Therapy Assistant – Endorsement**

Askin, Emily	Carlson, Lesley	Gonzales, Kimberly
Kramer, Randi	Oswald, James	Slaght, Lisa
Soucek, Lisa	White, Abigail	

#### **Occupational Therapist – Reinstatement**

Goddard, Virginia	Mundwiler, Jennifer	Thorman, Tricia
Yost, Laura		

#### **Occupational Therapy Assistant – Reinstatement**

Cook, Jillian	Harr, Ashley	Manos, Lisa
Sopher, Douglas	Thompson, Patricia	

Occupational Therapist – Restoration

Weiser, Beth

Occupational Therapy Assistant Restoration

Highfield, Jessica

Limited License Agreements

Jean Halpin recommended that, pursuant to rule 4755-3-12 (D)(2) of the Administrative Code, the Section offer a limited license agreement to occupational therapist reinstatement applicant #5409015 based on the documentation provided. **Action:** Rebecca Finni moved that Section grant a limited occupational therapist license agreement to occupational therapist restoration applicant #5409015 based on the documentation provided. Kimberly Lawler seconded the motion. Jean Halpin abstained from voting. The motion carried. The Section granted a limited license agreement to Marla Zingales.

Continuing Education Report

**Action:** Mary Beth Lavey moved that the Section approve 62 applications for contact hour approval. Rebecca Finni seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. Jean Halpin was absent for the vote. The motion carried.

Assistant Attorney General's Report

Melissa Wilburn, AAG, gave a brief report.

Case Review Liaison Report

Kimberly Lawler reported that the Enforcement Division opened twelve cases and closed five cases since the November 13, 2014 meeting. There are currently twenty-two cases open. There are zero consent agreements and one adjudication order being monitored.

**Enforcement Actions**

Kimberly Lawler recommended that a notice of opportunity for hearing be issued for case OT- FY12-014 for felony conviction. **Action:** Jean Halpin moved that the Section issue a notice of opportunity for hearing for case OT-FY12-014 for felony conviction. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

Kimberly Lawler recommended that a notice of opportunity for hearing be issued for case OT- FY15-022 for failure meet the continuing education requirements for the 2014 licensure renewal. **Action:** Jean Halpin moved that the Section issue a notice of opportunity for hearing for case OT-FY15-022 for failure meet the continuing education requirements for the 2014 licensure renewal. Beth Ann Ball seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

Kimberly Lawler recommended that a notice of opportunity for hearing be issued for case OT- FY15-023 for failure meet the continuing education requirements for the 2014 licensure renewal. **Action:** Jean Halpin moved that the Section issue a notice of opportunity for hearing for case OT-FY15-023 for failure meet the continuing education requirements for the 2014 licensure renewal. Beth Ann Ball seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

Kimberly Lawler recommended that a notice of opportunity for hearing be issued for case OT- FY15-024 for failure meet the continuing education requirements for the 2014 licensure renewal. **Action:** Jean Halpin moved that the Section issue a notice of opportunity for hearing for case OT-FY15-024 for failure meet the continuing education requirements for the 2014 licensure renewal. Beth Ann Ball seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

Kimberly Lawler recommended that a notice of opportunity for hearing be issued for case OT- FY15-025 for failure meet the continuing education requirements for the 2014 licensure renewal. **Action:** Jean Halpin moved that the Section issue a notice of opportunity for hearing for case OT-FY15-025 for failure meet the continuing education requirements for the 2014 licensure renewal. Beth Ann Ball seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

Kimberly Lawler recommended that a notice of opportunity for hearing be issued for case LD OT-15-002 for proposing to deny application for insufficient evidence of rehabilitation and past disciplinary action. **Action:** Jean Halpin moved that the Section issue a notice of opportunity for hearing for case LD OT-15-002 for proposing to deny application for insufficient evidence of rehabilitation and past disciplinary action. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

Kimberly Lawler recommended that the Section accept consent agreement OT FY15-005 in lieu of going to hearing. **Action:** Jean Halpin moved that the Section accept consent agreement OT FY15-005 in lieu of going to hearing. Beth Ann Ball seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Amanda Farin, OT.

**Affidavit Hearing**

Good afternoon. My name is Rebecca Finni, Chairperson 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 10:39 am on January 15, 2015, 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:

Beth Ann Ball	Present
Rebecca Finni	Present
Jean Halpin	Present
Mary Beth Lavey	Present
Kimberly Lawler	Present

It will be noted for the record that a majority of the members of the Board are present. There will be one adjudication proceeding today. The proceeding is in the matter of case number OT-LD-15-001, Sarah L. Endicott.

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

As the respondent did not properly request a hearing in the case, this proceeding will be held before the board pursuant to *Goldman v. State Medical Board of Ohio*. The individual named does 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 affidavit from the Board's Enforcement Division Supervisor and accompanying exhibits for the Goldman Proceeding in your board packet. The affidavit contains the evidence and testimony upon which you will deliberate. Please take a few moments to review the evidence and testimony.

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

I will now recognize Assistant Attorney General, Melissa Wilburn, for the purpose of providing a brief synopsis of the case.

Ms. Wilburn reviewed the case for the Board.

Having heard Ms. Wilburn's synopsis, may I now have motion to admit the facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence?

**Action:** Mary Beth Lavey moved to admit the facts and exhibits outlined in the sworn affidavit for case number OT-LD-15-001, Sarah L. Endicott. Jean Halpin seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

There being no further evidence to come before the board, this proceeding is now closed at 10:47 am.

The procedural and jurisdictional matters having being satisfied, we will now continue with the proceeding by deliberation on the sworn affidavit and exhibits.

At this time, is there a motion to recess the meeting in order to go into private session for the purpose of quasi-judicial deliberation on case number OT-LD-15-001, Sarah L. Endicott, and to reconvene the meeting after deliberations are complete?

**Action:** Jean Halpin moved to recess the meeting to go into private session for the purpose of quasi-judicial deliberation on the matter. Mary Beth Lavey seconded the motion.

The Executive Director called roll:

Beth Ann Ball	Yes
Rebecca Finni	Yes
Jean Halpin	Yes
Mary Beth Lavey	Yes
Kimberly Lawler	Yes

The Section went into private session at 10:47 a.m. and came out at 11:12 a.m. Kimberly Lawler left the room during private session and did not participate in the deliberations.

After review of the evidence the Board makes the following findings:

1. Endicott's license to practice as an occupational therapist in the State of Ohio was revoked on March 7, 2013.
2. Endicott submitted an application to have her occupational therapist license reinstated in the State of Ohio on August 18, 2014.
3. Endicott was sent a Notice of Opportunity for a Hearing via certified mail on October 8, 2014. The Notice was delivered, and signed for on an unknown date.
4. The Notice informed Endicott of the Board's intent to deny her application to have her license to practice as an occupational therapist reinstated in the state of Ohio for the following violation(s)/reason(s):

Section 4755.11(A) of the Ohio Revised Code authorizes the Board to suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, or place a license or limited permit holder on probation, on any of the following grounds:

- (1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred;
- (2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;
- (3) Violation of any lawful order or rule of the occupational therapy section;
- (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state of jurisdiction.

### **Count 1**

On November 23, 2009, in Muskingum County, Ohio, Court of Common Pleas, you were convicted of two (2) counts of illegal processing of drug documents, felonies of the fourth and fifth degree, and three (3)

counts of possession of drugs, felonies in the third and fourth degrees. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(1) & (2).

**Count 2**

As a result of your felony convictions, you entered into a consent agreement with the Board on November 16, 2010, agreeing to submit to random drug screenings. On October 24, 2012 you were contacted by a member of the Enforcement Division and advised to report to your approved facility for a drug screening pursuant to the consent agreement you entered into with the Board, which went into effect on November 16, 2010. You failed to submit to a screening. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(3).

**Count 3**

As a result of your felony convictions, you entered into a consent agreement with the Board on November 16, 2010, agreeing to submit to random drug screenings. On October 31, 2012 you were contacted by a member of the Enforcement Division and advised to report to your approved facility for a drug screening pursuant to the consent agreement you entered into with the Board, which went into effect on November 16, 2010. You failed to complete the screening. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(3).

**Count 4**

As a result of your felony convictions, you entered into a consent agreement with the Board on November 16, 2010, agreeing to submit to random drug screenings. On November 1, 2012 you were contacted by a member of the Enforcement Division and advised to report to your approved facility for a drug screening pursuant to the consent agreement you entered into with the Board, which went into effect on November 16, 2010. You failed to complete the screening. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(3).

**Count 5**

As a result of your felony convictions, you entered into a consent agreement with the Board on November 16, 2010, agreeing to submit to random drug screenings. On November 8, 2012 you were contacted by a member of the Enforcement Division and advised to report to your approved facility for a drug screening pursuant to the consent agreement you entered into with the Board, which went into effect on November 16, 2010. You failed to complete the screening. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(3).

**Count 6**

On November 1, 2012 you emailed a member of the Enforcement Division regarding another matter and mentioned that you had to wait one month to get a paycheck after starting employment with Select Rehab and you indicated that you would get paid on November 5, 2012. Pursuant to your consent agreement you entered into with the Board, which went into effect on November 16, 2010, you failed to notify the Enforcement Division, in writing via fax, of your change of place of employment within 24 hours. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(3).

**Count 7**

On November 1, 2012 you emailed a member of the Enforcement Division regarding another matter and mentioned that had to wait one month to get a paycheck after starting employment with Select Rehab and you indicated that you would get paid on November 5, 2012. Pursuant to your consent agreement you entered into with the Board, which went into effect on November 16, 2010, you failed to have your new employer submit written notification indicating that they were provided with a copy of your consent agreement within 30 days of your start date. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(3).

**Count 8**

On March 7, 2013, you entered into a Consent Agreement with the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, in which you agreed to voluntarily surrender and the Board simultaneously revoked your license to practice as an occupational

therapist in the State of Ohio for Counts 2 through 7 listed above. Said conduct constitutes a violation of Ohio Revised Code section 4755.11(A)(3).

Endicott applied to have her license to practice as an occupational therapist reinstated in the State of Ohio on August 18, 2014. Endicott has not submitted any evidence or proof of rehabilitation for her prior disciplinary action.

Statutory basis for reinstatement denial:

In accordance with Chapter 119. and section 4755.11 of the Ohio Revised Code, you are hereby notified that on January 15, 2015, the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "**Board**") voted to refuse (thereby denying) your application to reinstate your license to practice as an occupational therapist in the state of Ohio for the above stated reasons.

Ohio Administrative Code rule 4755-3-06(B) authorizes the occupational therapy section to deny, suspend, or revoke the license or limited permit of an individual or reprimand, fine, or place a licensee or limited permit holder on probation for violation of any provision of Chapter 4755 of the Revised Code or any lawful order or rule of the section.

Ohio Administrative Code rule 4755-3-07(A) provides: "A person whose license is revoked or denied under the provisions of section 4755.11 of the Revised Code may, after one year from the date of revocation or denial, apply for reinstatement of license or reconsideration of denial of license subject to examination prescribed by the rules of the section."

Ohio Administrative Code rule 4755-3-07(B) authorizes the Board to consider the following when evaluating an application for reinstatement of a license:

- (1) The nature and severity of the acts which resulted in revocation or denial of license;
- (2) The time elapsed since the commission of the acts;
- (3) Possible additional violations occurring after the revocation or denial;
- (4) Compliance with previous orders of the occupational section; and,
- (5) Any evidence of rehabilitation which the applicant may submit to the section.

5. Endicott did not request a hearing on the aforementioned charges.
6. Endicott did not provide evidence of rehabilitation that would warrant reinstatement of her occupational therapist license.

After review of the evidence, the Board makes the following conclusions of law:

1. Endicott was properly served with the notice of opportunity for hearing pursuant to Revised Code section 119.07.
2. Endicott did not request a hearing within thirty (30) days of the mailing of the Notice, as required by R.C. 119.07.
3. Endicott's application to have her occupational therapist license reinstated is properly denied based upon counts 1-8 outlined in the October 8, 2014 Notice, Ohio Revised Code section 4755.11 (A)(2) & (A)(21), and Ohio Administrative Code rules 4755-3-06(B) & 4755-3-07(B).

**Action:** Rebecca Finni moved that the Section deny the application of Sarah L. Endicott. Jean Halpin seconded the motion.

The Executive Director called roll:

Beth Ann Ball	Present
Rebecca Finni	Present
Jean Halpin	Present
Mary Beth Lavey	Present
Kimberly Lawler	Abstained

The motion carried. The application of Sarah L. Endicott, is hereby denied.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandates of this Board and serve the order on OT-LD-15-001, Sarah L. Endicott, in the manner prescribed by law.

This concludes the Matter of OT-LD-15-001, Sarah L. Endicott.

### **Correspondence**

- 1. Josee Bouliane:** Ms. Bouliane asked the Section questions regarding online therapy. **Reply:** The American Occupational Therapy Association (AOTA) and the National Board for Certification in Occupational Therapy (NBCOT) use the term telerehabilitation in reference to therapy services provided on line. It is the position of the Ohio Occupational Therapy Section that an occupational therapy practitioner is required to hold a valid, current license in the State of Ohio to serve any clients residing in Ohio. Therefore, out of state occupational therapy personnel must hold a valid Ohio license to treat clients in Ohio via telerehabilitation. If your client resides outside the state of Ohio, the Section recommends you contact the occupational therapy board in that state to explore their specific requirements related to licensure and practice via telerehabilitation. You may also wish to have your therapists check with their liability insurance provider to determine if they would be covered in this situation. Telerehabilitation is an emerging area of practice. The Section suggests that you review the American Occupational Therapy Association's *Position Paper: Telerehabilitation* (AOTA, 2010) for additional guidance and resources regarding process and best practice for provision of occupational therapy remotely. Provision of these services to students of virtual schools with established IEPs may also involve regulatory requirements from the Ohio Department of Education.
- 2. Leanne Ramos, OTR/L:** Ms. Ramos asked the Section if an occupational therapist can supervise a family member. **Reply:** As long as both you and your husband follow the code of ethical conduct established in rule 4755-7-08 of the Administrative Code, there is nothing in the Ohio Occupational Therapy Practice Act that directly addresses personal relationships between a supervisor and supervisee. Although the Ohio Occupational Therapy Practice Act does not expressly prohibit supervision of family members, scenarios may arise that make it difficult to remain objective within the supervisory relationship. In addition, please be aware that employers may have more stringent guidelines in place regarding supervision of family members. Hospital or facility policies, accrediting bodies, and/or reimbursement agencies may have other requirements and guidelines. You should follow the most restrictive policies. You also may wish to discuss your question with your legal counsel and your malpractice provider.
- 3. Jennifer Sekela, OT/L:** Ms. Sekela asked the Section questions regarding starting a private practice. **Reply:** The Ohio Occupational Therapy Practice Act does not address requirements for establishing private occupational therapy practices. Regarding your question about billing insurance, this question relates to the clarification/interpretation of payer policies and not to the Ohio Occupational Therapy Practice Act. 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 Third Party Reimbursement Chair, or the Reimbursement Department of the American Occupational Therapy Association. AOTA has resources available for guidance for private practice.
- 4. Amanda Papav, OTR/L:** Ms. Papav asked the Section questions regarding supervision of occupational therapy assistants in a home health setting. **Reply:** As you noted in your correspondence, 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. The Ohio Occupational Therapy Practice Act does not specify where the supervision must take place. The supervision referenced in the rules is supervision of the occupational therapy assistant and not of each client. The Section recommends that you refer to Medicare, Medicaid, and/or payer policies for any specific billing and reimbursement requirements in your setting regarding supervision and/or client interaction. Insurer policies and/or federal regulations may be more or less restrictive than the Ohio Occupational Therapy Practice Act. In any situation, licensees should follow the more restrictive policies. The requirements regarding the occupational therapist's interaction with the client are documented in rule 4755-7-02, which states: (A) Occupational therapist. The occupational therapist shall assume professional responsibility for the following activities, which shall not be wholly delegated, regardless of the setting in which the services are provided: (1) Interpretation of referrals or prescriptions for occupational therapy services; (2) Interpretation and analysis for evaluation purposes; (3) Development, interpretation, and modification of the treatment/intervention plan and the discharge plan.

5. **Beth Lacy, OT/L:** Ms. Lacy asked the Section questions regarding cosigning therapy notes provided by an occupational therapy assistant. **Reply:** Your question asks whether "treatment encounter notes" need to be cosigned in addition to the "therapy addendum notes," which are cosigned in the "esign box." It is the position of the Section that for **any** electronic documentation, the supervising occupational therapist must co-sign and reference the dates of the entries into the client's medical record. The occupational therapist may make a separate entry, referencing the date of the note(s) that are being reviewed with documentation referencing the review, noting agreement, and/or changes needed in the treatment plan.
6. **Pam Berry, OT/L:** Ms. Berry asked the Section if occupational therapy services can stand alone on an IEP for a student who has fine motor deficits. **Reply:** If the student qualifies for an IEP in the school setting, occupational therapy may be the only service necessary for the student to achieve in the school setting. The IEP team determines the necessary services for the student. It is the responsibility of the occupational therapy practitioner to advocate for and act in the best interest of the student. The Occupational Therapy Section does not determine policy regarding how children qualify for occupational therapy services in a school setting. The Section recommends contacting Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office of Exceptional Children at (419) 747-2806 or via email at [cathy.csanyi@ode.state.oh.us](mailto:cathy.csanyi@ode.state.oh.us) for answers to your specific questions. The Ohio Occupational Therapy Association's pediatrics member support group may also be able to assist you with your questions regarding school-based practice. You can contact the Ohio Occupational Therapy Association at [www.oota.org](http://www.oota.org).
7. **Jeffrey Reeder:** Mr. Reeder asked the Section if occupational therapists can perform the Wechsler Memory Scale. **Reply:** The Ohio Occupational Therapy Practice Act does not address specific evaluative tools. If an occupational therapy practitioner demonstrates and documents competency in administration and interpretation of this assessment, in accordance with rule 4755-7-08 of the Administrative Code, it is the position of the Section that it is within the scope of occupational therapy practice to utilize this tool. The Ohio Occupational Therapy Association or AOTA may also be able to assist you with your questions regarding practice. You can contact the Ohio Occupational Therapy Association at [www.oota.org](http://www.oota.org) or AOTA at [www.aota.org](http://www.aota.org).
8. **Kathleen Riley, OTR/L:** Ms. Riley asked the Section questions requesting clarification on supervision of occupational therapy assistants in a school-based setting. **Reply:** The situation you describe may be addressed by looking at the code of ethical conduct established in rule 4755-7-08 of the Administrative Code. Your reference to your role as supervisor is correct. Paragraph (A) of this rule states: Supervision must ensure consumer protection. The supervising occupational therapist is ultimately responsible for all clients/students and is accountable and responsible at all times for the actions of persons supervised. The occupational therapist shall assume professional responsibility for the following activities, **which shall NOT be wholly delegated**, regardless of the setting in which the services are provided: (1) Interpretation of referrals or prescriptions for occupational therapy services; (2) Interpretation and analysis for evaluation purposes; (3) Development, interpretation, and modification of the treatment/intervention plan and the discharge plan. Paragraph (C) of this rule states: (1) A licensee shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a client occurred, includes, but is not limited to: (a) Failing to assess and evaluate a client's status or establishing an occupational therapy intervention plan prior to commencing treatment/intervention of an individual client. (b) Providing treatment interventions that are not warranted by the client's condition or continuing treatment beyond the point of reasonable benefit to the client. (c) **Providing substandard care**

**as an occupational therapy assistant by exceeding the authority to perform components of interventions selected by the supervising occupational therapist.** The occupational therapy assistant should be working under your supervision and your recommendations should be followed. You do not need to communicate “through” your occupational therapy assistant regarding occupational therapy services since the students are on your caseload. Collaborating with the occupational therapy assistant and the teacher together as you described would be best practice. In accordance with Ohio Department of Education’s Operating Standards, as well as the Ohio Occupational Therapy Practice Act, occupational therapy assistants do not have their own caseloads separate from that of the supervising therapist. Rule 4755-7-02 of the Administrative Code outlines the roles and responsibilities of both the occupational therapist and the occupational therapy assistant. (A) Occupational therapist. The occupational therapist shall assume professional responsibility for the following activities, which shall not be wholly delegated, regardless of the setting in which the services are provided: (1) Interpretation of referrals or prescriptions for occupational therapy services; (2) Interpretation and analysis for evaluation purposes; (3) Development, interpretation, and modification of the treatment/intervention plan and the discharge plan. (B) Occupational therapy assistant. (1) The occupational therapy assistant may contribute to and collaborate in: (a) The evaluation process by gathering data, administering standardized tests and /or objective measurement tools, and reporting observations. (b) The preparation, implementation, and documentation of the treatment/intervention plan and the discharge plan. (2) The occupational therapy assistant may independently: (a) Select the daily modality of choice according to the established treatment/intervention plan. (b) Document the progress and outcomes summary. (3) The occupational therapy assistant may not evaluate independently or initiate treatment/intervention before the supervising occupational therapist performs an evaluation. The Section recommends contacting Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office for Exceptional Children at (419) 747-2806 or via email at [cathy.csanyi@ode.state.oh.us](mailto:cathy.csanyi@ode.state.oh.us). The Section also recommends that you contact the Ohio Occupational Therapy Association’s pediatrics member support group coordinator who may have further suggestions regarding school-based issues at [www.oota.org](http://www.oota.org).

9. **Holly Wendling OT/L:** Ms. Wendling asked the Section a question regarding caseload numbers when the occupational therapist is treating preschool, school aged, and early intervention students. **Reply:** Your reference to the caseload numbers provided by the Ohio Department of Education is correct. Rule 3301-51-09 (I)(3)(c) & (e) of the Ohio Department of Education’s Operating Standards states that an occupational therapist shall provide services to no more than 50 school-age students or 40 preschool students. The Ohio Department of Education interprets this as the number of students to whom the therapist provides direct service. However, the following factors also should be used in this determination. Paragraph (I)(1) of rule 3301-51-09 also states that determination of the appropriate ratio for an individual therapist must take into consideration the following: The severity of each eligible child’s needs; The level and frequency of services necessary for the children to attain IEP goals/objectives; Time required for planning services; Time required for evaluations including classroom observations; Time required for coordination of the IEP services; Time required for staff development; Time required for follow up; and Travel time required for the number of building served. Services provided to students without disabilities must also be considered in determination of therapist/student ratio. This includes screenings, assessments, consultation, and counseling with families and professionals. Attending Intervention Assistance Team (IAT) meetings, participating in Response to Intervention (RTI) programs, and training education professionals as a part of these programs also must be considered when determining the therapist/student ratio. The Ohio Occupational Therapy Practice Act does not determine caseload number limits. You would be well served to take into consideration the time needed during each week or month to provide services for each level of student that qualifies for service, along with the considerations named above that impact your time, and collaborate with your supervisor/district/employer to understand the limits of your time and the ethical practice you are expected to accomplish.
10. **Brandy Heistand, OTR/L:** Ms. Heistand asked the Section questions regarding SNF documentation of functional decline before referral for occupational therapy. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that requires nursing to document a functional decline before making a referral to occupational therapy. 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 Occupational Therapy Practice Act, and may include the requirement of documenting the functional decline before making the referral. In any situation, licensees should follow the more restrictive

policies. On another topic, the Occupational Therapy Section is working to educate licensees on the correct credentials to use in professional signatures. Rule 4755-7-10 of the Administrative Code states that licensees who are currently certified by NBCOT must use the credential OTR/L to indicate licensure. Academic degree must be listed separately from the regulatory designation. For example, a licensee should use Jane Doe, MS, OTR/L and not Jane Doe, MOTR/L.

### Joint Correspondence

- JB1. Cathy Bookser-Feister, PT:** Ms. Bookser-Feister asked the Occupational and Physical Therapy Sections questions regarding whether occupational and physical therapists are required to write discharge summaries for deceased hospice patients. **Reply:** Yes, a physical therapy discharge summary still needs to be written in this scenario. Best practice would be to provide a brief physical therapy discharge summary including the diagnosis, problem list that was being addressed during the period of active treatment, summary of treatment provided, and the reason for discharge. In the example you provide, the reason for ending physical therapy services would be because the patient expired during the plan of care. Occupational therapists are not required to have a specific note to discharge clients in the State of Ohio. A discharge summary would document final discharge date and disposition, as well as the reason for discharge. However, hospital or facility policies, accrediting bodies, and/or reimbursement agencies may be more restrictive than the Ohio Occupational and Physical Therapy Practice Acts. They may have other requirements and guidelines which need to be met for accreditation and/or reimbursement of occupational therapy services. In any situation, licensees should follow the more restrictive policies. You may also want to review the AOTA position paper that highlights recommendations for this specific scenario.
- JB2. Janet Cimino, OT:** Ms. Cimino asked the Occupational and Physical Therapy Sections questions regarding occupational and physical therapists' roles in transdisciplinary teams. **Reply:** It is the position of the Physical Therapy Section that if you are providing physical therapy services, then this is physical therapy and all rules and laws apply, regardless of setting in which the services are provided. **Only a physical therapist or physical therapist assistant can provide physical therapy services. However, any service provided by a physical therapist or physical therapist assistant may be documented as physical therapy.** It is the opinion of the Occupational Therapy Section that collaborative teamwork, including multidisciplinary, interdisciplinary, and transdisciplinary approaches are appropriate forms of service delivery. Please refer to the AOTA Practice Advisory on Occupational Therapy in Early Intervention (AOTA, 2010) at <http://www.aota.org> for discussion of this topic. The occupational therapist determines the aspects of the occupational therapy intervention plan that may be carried out by other team members. Instructing team and family members on ways to implement appropriate activities may be part of the intervention plan. When working with other service providers and following suggestions provided for specific clients, the occupational therapist continues to use their professional judgment during this service. **Only services provided by an occupational therapist or occupational therapy assistant may be called occupational therapy. However, any service provided by an occupational therapist or occupational therapy assistant may be documented as occupational therapy.**
- JB3. Jean Howard, PT:** Ms. Howard asked the Occupational and Physical Therapy Sections questions regarding electronic co-signatures for occupational therapy assistant and physical therapist assistant documentation. **Reply:** Yes, a physical therapist's co-signature would be required according to rule 4755-27-03(E)(6) of the Ohio Administrative Code, which states that "All documentation shall be co-signed by the supervising physical therapist". The physical therapist's co-signature should be entered into an electronic medical record prior to the time established by the facility to close the record to further entries. It is the position of the Occupational Therapy Section that for any electronic documentation, the supervising occupational therapist must co-sign and reference the dates of the entries into the patient/client medical record. If needed, the occupational therapist may make a separate entry, referencing the date of the note(s) that are being reviewed with documentation referencing the review, noting agreement, and/or changes needed in the treatment plan. In accordance with rule 4755-7-04 of the Administrative Code, it is the position of the Occupational Therapy Section that if patient/client documentation includes any type of treatment grid, a single co-signature and date of review on the form is sufficient. Co-signature verifies that the supervisor reviewed the document and agrees with its content, which may document the absence of the client or therapy assistant.

**Old Business**

**Review Aging Limited License Agreements**

The Section tabled this item until the next Section meeting.

**Review RTI FAQ**

The Section made revisions to the RTI FAQ. The Section will review the revised document at the March 2015 section meeting.

**New Business**

**Review Supervisory Ratio Survey Results**

The Section reviewed the results of the supervisory ratio survey. The Section received approximately 1300 responses. The majority of the respondents' stated that the proposed change to eliminate supervisory ratios would have no impact on the practice. The Section noted that American Occupational Therapy Association is not supportive of supervisory ratios.

**Open Forum**

The Executive Director informed the Section that Adam Pennell, Investigator Assistant, accepted a new position with the Attorney General's office. The Section thanked Adam Pennell for his service to the Board.

**Ohio Occupational Therapy Association (OOTA) Report**

Heather Meredith gave a brief report to the Section.

**Items for Next Meeting**

- Rules Hearing
- Retreat Planning
- Review Other Regulatory Board's responses to consultative model in OT practice
- Review RTI FAQ

**Next Meeting Date**

The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, March 5, 2015.

**Action:** Jean Halpin moved to adjourn the meeting. Kimberly Lawler seconded the motion. The motion carried. The meeting adjourned at 12:24 p.m.

Respectfully submitted,  
*Diane Moore*

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Rebecca Finni, OTR/L, Chairperson  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, OT Section

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Beth Ann Ball, 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

**BB:jmr:dm**