

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Occupational Therapy Section
May 5, 2005
Board Room
9 a.m.

Members Present

Lois Borin, OTR/L
Martha Cameron, OTR/L
Paul Hoffer, OTR/L (Left at 2:30pm)
Rebecca LeBron, OTR/L

Staff Present

Gina Longstreth, Investigator
Jeffrey Rosa, Executive Director
Stephanie Youst, Executive Secretary

Members Absent

Hector Merced, OTR/L

Legal Counsel

Steven McGann, AAG

Guests

Jackie Chamberlin, OOTA Liaison

Call to Order

Martha Cameron, Chairperson, called the meeting to order at 9 a.m.

Approval of Minutes

Action: Martha Cameron moved to approve the March 8, 2005 minutes as submitted. Lois Borin seconded the motion. The motion carried.

Executive Director's Report

- There was no formal report from the Executive Director.

Administrative Reports

Action: Lois Borin moved to disband all formal committees of the Section. Rebecca LeBron seconded the motion. Hector Merced was absent. The motion carried.

Continuing Education Report

Action: Martha Cameron moved to approve 143 applications for contact hour approval. Rebecca LeBron seconded the motion. The motion carried.

Action: Martha Cameron moved to approve 20 applications pending the receipt of additional information for contact hour approval. Rebecca LeBron seconded the motion. The motion carried.

Action: Martha Cameron moved to deny 2 applications for contact hour approval for not meeting the requirements of rule 4755-9-01 of the Ohio Administrative Code. Rebecca LeBron seconded the motion. The motion carried.

Licensure Report

Action: Paul Hoffer moved that the Occupational Therapy Section ratify, as submitted, the licenses and limited permits initially issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board March 9, 2005 through May 4, 2005 to occupational therapists and occupational therapy assistants, pending receipt of any outstanding items and passage of the laws and rules examination, taking into account those licenses subject to discipline, surrender, or non-renewal. Lois Borin seconded the motion. The motion carried.

Occupational Therapist – Full License

Anderson, Melissa Ann
Aylward, Christa Lynn
Beck, David Allen
Bosworth, Gina R.
Brubaker, Clinton E.
Budhraj, Ritu

Dahlhausen, Rita-Lizane
Deyo, Andrea Susanne
McLennan, Marie T.
Oles, Allison Dawn
Searight, LaToya Sheri
Stephens, Karen Lee

Straub, Drue Alison
Strohm, Jennifer Dawn
Thomas, Elizabeth Anne

Vance, Shasta Dawn
Wilguess, Sarah Elizabeth

Occupational Therapy Assistant – Full License

Dalton, Bridgette A.
Hast, Amber Lynn
Hearley, Lisa Christine
McCabe, Kevin James

Munyan, Carrie Rena
Schmidt, Stephanie Marie
Snyder, Terena Ann

Occupational Therapist – Limited Permit

Babai, Hومان
Halter, Vanessa Kathleen
Maust, Anna Marie

Mohr, Laura Ann
Shotwell, Carrissa Marie

Occupational Therapy Assistant – Limited Permit

Canter, Ashley Nicole
Gonzales, Chillim

Ryan, Amber Christine

Occupational Therapist – Reinstatement

Berry, W. Bradley
Heath, Valerie Kay

Kinnan, Paulette Bollin
Murray, Thomas Patrick

Occupational Therapy Assistant – Reinstatement

Biegenwald, Dawn Marie
Myers, Kathy G.

Verhoff, Mary Martha

Occupational Therapist – Restoration

Hewitt, Bethany

McDonough, Joeleen

Occupational Therapy Assistant – Restoration

Schwendeman, Blanca Inez

Action: Paul Hoffer moved that the Occupational Therapy Section approve the following licenses and limited permits pending receipt of any outstanding items and passage of the laws and rules examination. Lois Borin seconded the motion. The motion carried.

Occupational Therapy – Full License

Munoz, Nicole

Occupational Therapy – Reinstatement

Connelly, Bonnie Rebecca

Action: Paul Hoffer moved to deny the request for waiver of continuing education for Kenneth Peisecki, OT. Lois Borin seconded the motion. The motion carried

Rationale: The Section recommended that Mr. Peisecki place his license in escrow until he is able to return to work. At that time, the Section asked Mr. Peisecki to provide medical documentation, including a neuropsych evaluation of his executive thinking skills and of his neuromotor functions. If the results of the testing are satisfactory, the Section will waive the 20 hours of continuing education required to restore Mr. Peisecki's license.

Action: Paul Hoffer moved to deny the request for waiver of continuing education for Tammy McGee, OTA. Rebecca LeBron seconded the motion. The motion carried

Rationale: The Section denied the waiver for Ms. McGee who stated that she was unable to earn any continuing education during the July 1, 2003 through June 30, 2005 renewal period. The Section also denied the waiver due to a lack of information regarding the date and type of injury Ms. McGee sustained. The Section recommended that Ms. McGee place her license in escrow until she is able to return to work.

Action: Lois Borin moved to grant Jeanette Muller, OT, an extension of three months to complete her continuing education requirements. Rebecca LeBron seconded the motion. The motion carried.

Rationale: The Section granted Ms. Muller an extension to complete her continuing education requirements because she had completed 11.5 hours and will be required to provide proof of completion of all 20 hours of continuing education by October 1, 2005. The waiver was granted for medical reasons. Any continuing education used by Ms. Muller to renew her license for 2005 may not be used for the upcoming renewal period.

Action: Lois Borin moved to grant Laurie Ryan, OTA, an extension of three months to complete her continuing education requirements. Rebecca LeBron seconded the motion. The motion carried.

Rationale: The Section granted Ms. Ryan an extension to complete her continuing education requirements because she is currently enrolled in courses to complete the required 20 hours of continuing education and will be required to provide proof of completion of all 20 hours of continuing education by October 1, 2005. Ms. Ryan was planning to place her license in escrow, but was offered an occupational therapy assistant position and had difficulty enrolling in enough continuing education courses to meet the 20 hour requirement prior to the renewal deadline. Any continuing education used by Ms. Ryan to renew her license for 2005 may not be used for the upcoming renewal period.

Investigative Report

The Enforcement Division opened two new cases and closed one case since the March 8, 2005 meeting. There are currently nine cases open and one active consent agreements. There were two spot inspections conducted since the last meeting.

Executive Session

Action: Lois Borin moved to go into executive session to discuss matters required to be kept confidential by statute. Rebecca LeBron seconded the motion. The motion carried.

Roll Call Vote:

Lois Borin	Yes
Martha Cameron	Yes
Paul Hoffer	Yes
Rebecca LeBron	Yes
Hector Merced	Absent

- The Section went into executive session at 1:40 p.m. and came out of executive session at 1:55 p.m.

Action: Rebecca LeBron moved to accept the consent agreement for occupational therapy case number 04-008 in lieu of going to hearing. Lois Borin seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

- The Section accepted the consent agreement for Stacey Winger, OT.

Action: Rebecca LeBron moved to accept the consent agreement for occupational therapy case number 04-027 in lieu of going to hearing. Paul Hoffer seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

- The Section accepted the consent agreement for Heather Datko, OTA.
- Rebecca LeBron discussed a letter that was received during the course of an investigation and asked the Section for their opinion regarding how to aid a facility in documenting in a client's medical chart.

Correspondence

1. Michelle Peterlin: Ms. Peterlin asked the Section to clarify the use and supervision of rehab aides in school based settings. **Action:** Rule 4755-7-02 of the Ohio Administrative Code states that licensed occupational therapy practitioners, which includes occupational therapy assistants, may delegate and supervise non-treatment tasks to unlicensed personnel. Some examples of allowable delegation include department maintenance, transport of patients, preparation of work area, assisting with patient's personal needs during treatment, assisting in the construction of adaptive equipment and splints, and other clerical or administrative functions. The following all violate the Ohio Occupational Therapy Practice Act: 1) Delegating evaluative procedures; 2) Delegating treatment

procedures; 3) Documenting in the client's official record; or 4) Acting on behalf of the occupational therapist in any matter related to occupational therapy that requires decision making. Therefore, the above tasks may not be delegated to a rehab aide. This practice act does apply to those professionals working in a school based setting. Pursuant to section 4755.10 (A)(11) of the Revised Code, a licensed occupational therapist may face disciplinary action if he/she delegates the tasks indicated in rule 4755-7-02 (B) of the Ohio Administrative Code to a person considered unlicensed personnel in the provision of occupational therapy services. A rehab aide, in the provision of occupational therapy services, should not be carrying their own caseload since they are acting as unlicensed personnel.

2. Esther Kovacs: Ms. Kovacs asked the Section to clarify billing procedures when an occupational therapy and physical therapy practitioner co-treat a client. **Action:** It is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. The Section recommended that Ms. Kovacs contact her third party payors for each client because their reimbursement requirements may differ. They suggested that Ms. Kovacs contact Monica Robinson, the Ohio Occupational Therapy Association Governmental Affairs Chair. Ms. Robinson provided information regarding codes and reimbursement changes in O.T. Newsbreak and may be a good resource.

3. Polly Grasser: Ms. Grasser asked the Section to clarify occupational therapy practitioner accepting out of state referrals for occupational therapy services. **Action:** Occupational therapists are not required to have a physician's prescription to evaluate or treat patients in the State of Ohio and there is nothing in the Occupational Therapy Practice Act that prohibits any healthcare practitioner from making direct referrals to occupational therapy. However, hospital or facility policies, accrediting bodies, and/or reimbursement agencies may have other requirements and guidelines, including requiring a physician's referral, which need to be met for accreditation and/or reimbursement purposes.

4. Jody Wolfe: Ms. Wolfe asked the Section if NBCOT certification is required to maintain and renew her Ohio license. **Action:** The Section apologized for not responding to Ms. Wolfe's original inquiry; however, a letter or email requesting information regarding Ms. Wolfe's question was never received. Ohio law does not require individuals to maintain certification by NBCOT or membership in AOTA to renew a license to practice occupational therapy in the state of Ohio. Therefore, NBCOT recertification is not necessary for Ohio licensure, nor is membership in AOTA. Occupational therapy practitioners that are not currently certified by NBCOT should use the following designations: OT/L for occupational therapists and OTA/L for occupational therapy assistants. However, the Section recommended that Ms. Wolfe check with accrediting bodies and/or reimbursement agencies regarding their requirements for reimbursement of services.

5. Darlene Ward: Ms. Ward asked the Section if an occupational therapy practitioner can perform modalities and if there are specifics on the patient to client ratio in a clinic/treatment room setting. **Action:** Section 4755.01(A) of the Ohio Revised Code states, "Occupational therapy means the evaluation of learning and performance skills and the analysis, selection, and adaptation of activities for an individual whose abilities to cope with daily living, perform tasks normally performed at this stage of development, and perform vocational tasks are threatened or impaired by developmental deficiencies, the aging process, environmental deprivation, or physical, psychological, or social injury or illness, through specific techniques which include: 1) Planning and implementing activities and programs to improve sensory and motor function at the level of performance normal for the individual's stage of development; 2) Teaching skills, behaviors, and attitudes crucial to the individual's independent productive, and satisfying functioning; 3) Designing, fabricating, applying, recommending, and instructing in the use of selected orthotic or prosthetic devices and other equipment which assists the individual to adapt to his potential or actual impairment; 4) Analyzing, selecting, and adapting activities to maintain the individual's optimal performance of tasks and to prevent further disability. Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code." Therefore, it is the position of the Occupational Therapy Section that occupational therapy practitioners may use physical agent modalities in the provision of occupational therapy services provided that the therapist documents competency in the modality and is practicing within the occupational therapy scope of practice. The Ohio Occupational Therapy Practice Act does not specify requirements that must be met to demonstrate competency. The Ohio Occupational Therapy Practice Act does not specify additional patient/therapist ratios. It addresses caseload numbers in terms of treatment supervision of occupational therapy assistants and limited permit holders. When maintaining a separate caseload, a full-time occupational therapist may supervise no more than four full-time limited permit holders and/or occupational therapy assistants. 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 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. There are no requirements in the Ohio Occupational Therapy Practice Act that specify a patient to therapist ratio.

6. Carla Shrimpton: Ms. Shrimpton asked the Section to clarify what a restorative aide can do and what level of supervision they require from the occupational therapy practitioner. **Action:** As stated in rule 4755-7-02 of the Ohio Administrative Code, licensed occupational therapy practitioners may delegate non-treatment tasks to unlicensed personnel, which includes restorative aides. Some examples of allowable delegation include department maintenance, transport of patients, preparation of work area, assisting with patient's personal needs during treatment, assisting in the construction of adaptive equipment and splints, and other clerical or administrative functions. It is the opinion of the Section that a restorative aid may assist an individual in putting on/removing their splint, in performing PROM, and in carrying out general activities that help maintain their upper extremity strength. These types of activities do not require the skilled services of an occupational therapist. Therefore, no supervision is required. The following all violate the Ohio Occupational Therapy Practice Act: 1) Delegating evaluative procedures; 2) Delegating treatment procedures; 3) Documenting in the client's official record; 4) Acting on behalf of the occupational therapist in any matter related to occupational therapy that requires decision making. Pursuant to section 4755.10 (A)(11) of the Revised Code, a licensed occupational therapist may face disciplinary action if he/she delegates the tasks indicated in rule 4755-7-02 (B) of the Ohio Administrative Code to unlicensed personnel.

7. Deana Lore: Ms. Lore asked the Section to explain the transfer of care from one therapist to another. **Action:** If, for any reason, the evaluating occupational therapist will no longer be available to provide and supervise the occupational therapy care, the patient must be transferred by that occupational therapist to another occupational therapist. Each occupational therapy practitioner should determine a system that will allow for this transfer of care in situations where an occupational therapist is terminating the patient/therapist relationship. That transfer of care must be documented in the patient's medical record by identifying a new occupational therapist or by transferring to the occupational therapy supervisor for reassignment. The occupational therapist that has accepted the transfer of care is then professionally responsible to supervise all aspects of the occupational therapy program that are delegated to him/her. There is nothing in the Ohio Occupational Therapy Practice Act that addresses occupational therapy practitioners signing notes for clients that have been transferred from one therapist to another.

8. Cheri Susens: Ms. Susens asked the Section to clarify the scope of practice and provision of services occupational therapy practitioners can provide in a school based setting. **Action:** The Section does not determine policy regarding how children qualify for occupational therapy services in a school setting. You will need to contact the Ohio Department of Education, Office for Exceptional Children at www.ode.state.oh.us. It is also not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. The Ohio Occupational Therapy Association has a pediatric representative, Brenda Brodbeck, to assist Ms. Susens with many of her questions regarding school based IEP issues, as well as questions regarding funding. The Section recommended that Ms. Susens contact Ms. Brodbeck at brodbeck@oota.org. The Ohio Occupational Therapy Practice Act does not address specific settings in which occupational therapy services may be provided. It is the position of the Section that the setting in which occupational therapy is provided should not impact the delivery of services that the client receives. The Section suggests that Ms. Susens contact her state professional association for this information.

9. Amy Youngs: Ms. Youngs asked the Section to clarify if an occupational therapy practitioner is able to assist a certified nurse anesthetist in transferring a patient who is not on their caseload and if the assistance would place their occupational therapy assistant license in jeopardy. **Action:** In Ohio, no referral is required for occupational therapy services. It is the opinion of the Section that transfers are a part of the formalized training all occupational therapy practitioners receive; therefore, one may assist a patient without being on caseload. The Section recommends that Ms. Youngs contact her facility's legal counsel or human resources department to determine if she would be covered by their liability policy when assisting with a client who is not on her caseload.

10. Robert Myers: Mr. Myers asked the Section if he would be eligible for an Ohio license with a prior felony conviction on his record. **Action:** The Occupational Therapy Section cannot make a determination or commit a future Occupational Therapy Section to a position on a potential licensure applicant with a felony conviction. The

Ohio Revised Code establishes provisions for denying the application of an individual convicted of a felony. Determinations may only be rendered after the Section receives and reviews a completed application for licensure.

11. Caryl Young: Ms. Young asked the Section several questions regarding the practice of occupational therapy. **Action:** In regard to license display, occupational therapy practitioners are required by rule 4755-3-02 of the Ohio Administrative Code to display the original license certificate at their principal place of business and shall have on file at all locations of service delivery a photocopy of their current pocket identification card. License certificates are not to be photocopied. When working in a location that does not have an administrative office (i.e., private homes), occupational therapy practitioners must carry their original current pocket identification card. In regard to supervision, review rule 4755-7-01 of the Administrative Code, dealing with supervision and the requirements of all occupational therapy practitioners in Ohio. Supervision must ensure consumer protection. 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. 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 your 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, that the supervision took place. According to rule 4755-7-01(A)(3) of the Ohio Administrative Code, “any documentation written by an occupational therapy assistant or limited permit holder for inclusion in the client’s official record shall be co-signed by the supervising occupational therapist.” It is the position of the Occupational Therapy Section that if client documentation includes a treatment grid of some type, a single co-signature on the form is sufficient. Co-signature verifies that the supervisor reviewed the document and agrees with its content and is the responsibility of the supervising occupational therapist. Pursuant to section 4755.01 (C) of the Revised Code and rule 4755-7-03 of the Administrative Code, it is the position of the Occupational Therapy Section that occupational therapy assistants may gather objective information, with or without the patient and/or occupational therapist being present, for home assessments. However, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations. Rule 4755-3-08 of the Administrative Code requires that all occupational therapy practitioners notify the Board of any change of name, address, or employment within 30 days of the change. All occupational therapy practitioners are required to have on file with the Board a list of all places they are employed, even if they are only PRN. This list should include the name of the facility, supervisor name, mailing address, and phone number for each location. If a therapist works PRN for a large corporation, only the address and phone number of the corporate headquarters needs to be on file with the Board. However, if a therapist works PRN for several individual facilities, the name and address information for each facility must be on file with the Board. An occupational therapy practitioner who is also licensed as another healthcare professional or acting in another capacity would not be governed by the Ohio Occupational Therapy Practice Act provided that the therapist was not holding himself out as an occupational therapist, and so long as the therapist was not billing or being reimbursed for occupational therapy services. In providing services other than occupational therapy, the therapist must make it clear to the client or family that the therapist is acting only in this other capacity. That is, in such a way that if the client or their family is asked, they 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. Ms. Young may wish to also note that her professional liability policy (if you have one) would not cover her while acting in any capacity other than as a licensed occupational therapy practitioner. The Section recommends that Ms. Young review the Ohio Occupational Therapy Practice Act and previous issues of *OT Outlook* as many of the answers to her questions are answered within those documents.

Old Business

Call for Papers

- Lois Borin informed the members of the Section that she submitted the information on their presentation for the OOTA meeting in October.
- Ms. Borin has not received a confirmation on the date of the Section’s presentation.

Ohio Department of Education (ODE)/Ohio Occupational Therapy Association (OOTA) Meeting:

- The Section members reviewed a letter from Brenda Brodbeck regarding her proposed timeline and plan of action to address occupational therapy practitioner issues in school based setting.

- The Section supports Ms. Brodbeck in her efforts and would be willing to help in any way.
- Lois Borin will serve as the primary contact for Ms. Brodbeck and Martha Cameron will serve as the alternate contact.
- Ms. Cameron will respond to Ms. Brodbeck's letter.
- The letter is attached to the minutes for reference.

Renewal Report

- The Executive Director presented the Section with a renewal report current as of April 21, 2005. The report is attached to the minutes for reference.

New Business

Ethics Requirement Discussion

- Rebecca LeBron informed the Section that several occupational therapy practitioners had contacted her to determine if the Section was going to allow a grace period for practitioners to meet the ethics requirement and if there was a maximum amount of ethics continuing education a practitioner could have per renewal period.
 - The Section is not going to allow a grace period for practitioners to complete the ethics requirement.
 - At this time, the Section is not going to put a maximum amount on the ethics continuing education requirement.
 - Both of these items will be submitted to *OT Newsbreak* for the "Ask the Licensure Board" article.

Letter Format/Review

- Rebecca LeBron presented the Section with several letters that had been distributed by the office on the Section's behalf.
 - The Section reviewed the letters and was pleased with the changes to the letters made by the staff.
 - The Section would like to view all letters sent from the office on their behalf.

Limited Permit Application Changes

- The Executive Director asked the Section to consider requiring all applicants for limited permit applications to be registered to take the NBCOT examination, prior to their limited permit being issued by the Section.
 - The Executive Director informed the Section that one downside to this proposal may be the limited issue time of a limited permit.
- The Section tabled further discussion until the June 14, 2005 meeting.

Presentations

- Rebecca LeBron reported that she had given several presentations at district meetings and a joint presentation, with the Executive Director, to the occupational therapy staff from the Cleveland Clinic Health System.
 - Ms. LeBron reported that her presentations had gone well and were well attended by the occupational therapy community.

Assistant Attorney General's Report

Steven McGann had no formal report for the Section.

OTA Report

- Jackie Chamberlin reported that the OTA was working with the Executive Director and Daryl Deever, the OTA lobbyist, regarding the proposed consolidation of the Board's and Commissions.
- Ms. Chamberlin informed the Section that she would be testifying on the consolidation proposal and Brenda Brodbeck will be testifying regarding Medicaid.
- Ms. Chamberlin informed the Section that she may approach Representative Fessler about incorporating the addition of an occupational therapy assistant to the Section in the Joint Board legislation.

Preparation for the Next Meeting

- The Section will prepare their performance evaluation for the Executive Director.

- The Section will review the annual report.
- The Section will review all letters sent from the office on their behalf.
- The Section will discuss the limited permit approval process.
- The Section will review the renewal report.
- Lois Borin will update the Section on the OOTA conference and her contact with Brenda Brodbeck.
- The Section will review the Joint Board legislation language.

Next Meeting Date

The next meeting date of the Occupational Therapy Section will be Tuesday, June 14, 2005.

Action: Rebecca LeBron moved to adjourn the meeting. Lois Borin seconded the motion. The motion carried. The meeting adjourned at 3:20p.m.

Respectfully submitted
Stephanie Youst

Martha Cameron, OTR/L, Chairperson

Lois Borin, OTR/L Secretary

Jeffrey M. Rosa, Executive Director

LB:jmr:sky