



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Occupational Therapy Section
January 10, 2008
9:20 a.m.

Members Present

Rebecca LeBron, OTR/L
Nanette Shoemaker, COTA/L, Acting Chairperson
Mary Stover, OTR/L
Rebecca Finni, OTR/L
Kimberly Lawler, OTR/L

Staff

Jeffrey Rosa, Executive Director
Andrew Snouffer, Investigator

Legal Counsel

Yvonne Tertel, AAG

Call to Order

Nanette Shoemaker, Acting Chairperson, called the meeting to order at 10:00 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.

Nanette Shoemaker welcomed the new members of the Occupational Therapy Section: Kimberly Lawler, OT and Rebecca Finni, OT.

Approval of Minutes

Action: Rebecca LeBron moved to approve the November 13, 2007 minutes as submitted. Rebecca Finni seconded the motion. The motion carried.

Special Orders

Election of Officers

Action: Rebecca LeBron nominated Nanette Shoemaker to be Section Chairperson for the period beginning January 10, 2008 and ending immediately following the January 2009 Section meeting. Rebecca Finni seconded the nomination. All members present voted to elect Nanette Shoemaker as Section Chairperson.

Action: Nanette Shoemaker nominated Mary Stover to be Section Secretary for the period beginning January 10, 2008 and ending immediately following the January 2009 Section meeting. Rebecca LeBron seconded the nomination. All members present voted to elect Mary Stover as Section Secretary.

Appointment of Liaisons

The 2008 liaisons are:

- Enforcement Division: Rebecca LeBron and Rebecca Finni
- Licensure Liaison: Kimberly Lawler

Discussion of Rule Changes

Action: Rebecca LeBron moved to file rule 4755-3-14 requiring criminal records check for initial applicants. Nanette Shoemaker seconded the motion. The motion carried.

Action: Nanette Shoemaker moved to file rules 4755-4755-5-01, 4755-5-02, 4755-5-06, 4755-5-07, 4755-5-08, 4755-5-09, 4755-5-10, and 4755-9-02 as no change rules. Mary Stover seconded the motion. The motion carried.

Administrative Reports

Continuing Education Report

Action: Nanette Shoemaker moved to approve 64 applications for contact hour approval. Rebecca LeBron seconded the motion. The motion carried.

Licensure Report

Action: Mary Stover 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 November 13, 2007 through January 10, 2008 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. Rebecca LeBron seconded the motion. The motion carried.

Occupational Therapist – Examination

Dillon, Mary Beth	Jensen, Kristina	Kummerer, Rebecca
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Occupational Therapy Assistant – Examination

Briggs, Carla	Elder, Amy	Harris, Susan
McGinty, Tracy	Tollefson, Tammy	Trela, Patricia
Vrooman, Judith		

Occupational Therapist – Endorsement

Gold, Amy	Griesemer, Kelly	Koziel, Michelle
Lebeau, Teresa	Mcmahon, Elinor	Mun-Bryce, Sheila
Obyc, Renee	Tiffin, Susan	

Occupational Therapy Assistant – Endorsement

Aungst, Gregory	Aungst, Harmony	Bell, Wilma
Fritz, Angela	Heckathorn, Robert	

Occupational Therapist – Limited Permit

Brown, Ashleigh	Luebbe, Chyi	Manford, Elizabeth
Wilmer, Kihmberly		

Occupational Therapy Assistant – Limited Permit

Fletcher, Donna	Moore, Samuel	Smith, Tiffany
Triplett, Jennifer		

Occupational Therapist – Reinstatement

Chism, Patricia	Dick, Christine	Marcum, Curtis
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Occupational Therapy Assistant – Reinstatement

Pelvit, Nikala

Occupational Therapist – Escrow Restoration

Stokes, Nuchi

Conditional Grant of Licensure Agreements

Mary Stover informed the Section that Jeanne Hunt complied with the terms and conditions of her conditional grant of licensure and was released from the terms of the agreement.

Investigative Report

The Enforcement Division opened three new cases and closed two cases since the November 13, 2007 meeting. There are currently twenty-three cases open. There are two disciplinary consent agreements and one non-disciplinary consent agreement being monitored.

Action: Rebecca LeBron moved that the consent agreement for case OT-07-019 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Donna Maynard, OT.

Action: Rebecca LeBron moved that the consent agreement for case OT-07-020 be accepted in lieu of going to hearing. Nanette Shoemaker seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Cheryl Sato, OT.

Action: Rebecca LeBron moved that the consent agreement for case OT-07-022 be accepted in lieu of going to hearing. Nanette Shoemaker seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Sarah Thomson, OT.

Action: Rebecca LeBron moved that the consent agreement for case OT-07-023 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Joyce Romaker, OTA.

Action: Rebecca LeBron moved that the consent agreement for case OT-07-029 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Blanca Schwendeman, OTA.

Rebecca LeBron recommended that the Section accept the consent agreement for case OT-07-031 in lieu of going to a hearing. **Action:** Nanette Shoemaker moved that the consent agreement for case OT-07-031 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Michelle Wilson, OT.

Rebecca LeBron recommended that the Section accept the consent agreement for case OT-07-024 in lieu of going to a hearing. **Action:** Nanette Shoemaker moved that the consent agreement for case OT-07-024 be accepted in lieu of going to hearing. Rebecca Finni seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Melinda Shaw, OTA.

Rebecca LeBron recommended that the Section accept the consent agreement for case OT-07-028 in lieu of going to a hearing. **Action:** Nanette Shoemaker moved that the consent agreement for case OT-07-028 be accepted in lieu of going to hearing. Rebecca Finni seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Melissa Thacker, OTA.

Rebecca LeBron recommended that the Section accept the consent agreement for case OT-07-030 in lieu of going to a hearing. **Action:** Nanette Shoemaker moved that the consent agreement for case OT-07-030 be accepted in lieu of going to hearing. Rebecca Finni seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Amber Schweickart, OT.

Rebecca LeBron recommended that the Section accept the consent agreement for case OT-07-033 in lieu of going to a hearing. **Action:** Nanette Shoemaker moved that the consent agreement for case OT-07-033 be accepted in lieu of going to hearing. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried. The Section accepted the consent agreement for Billie Maurice, OT.

Rebecca LeBron recommended that the Section rescind the notice of opportunity for hearing issued for case OT-07-032 since the licensee is now in compliance with the 2007 continuing education audit. **Action:** Nanette Shoemaker moved to rescind the notice of opportunity for hearing for case OT-07-033. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Rebecca LeBron recommended that the Section rescind the notice of opportunity for hearing issued for case OT-07-034 since the licensee is now in compliance with the 2007 continuing education audit. **Action:** Nanette Shoemaker moved to rescind the notice of opportunity for hearing for case OT-07-034. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Rebecca LeBron recommended that the Section rescind the notice of opportunity for hearing issued for case OT-07-009 since the occupational therapy investigative case review panel determined that the issue should be handled in a non-disciplinary manner. **Action:** Nanette Shoemaker moved to rescind the notice of opportunity for hearing issued for case OT-07-009. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Rebecca LeBron recommended that the Section issue a notice of opportunity for hearing for case OT-07-032 due to multiple felony convictions. **Action:** Nanette Shoemaker moved that a notice of opportunity for hearing be issued for case OT-07-032 due to multiple felony convictions. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Rebecca LeBron recommended that the Section rescind the notice of opportunity for hearing issued for case OT-07-035 and issue a new notice of opportunity for hearing for case OT-07-035 to add additional charges, including alleged violations of ORC 4755.11(A), (9), (17), (21), and (22). **Action:** Nanette Shoemaker moved to rescind the notice of opportunity for hearing for case OT-07-035 be rescinded and a new notice be issued for case OT-07-035 in order to add additional charges, to include alleged violations of ORC 4755-11(A)(9)(17)(21) and (22). Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Rebecca LeBron recommended that the Section issue a notice of opportunity for hearing for case OT-07-036 for working as an occupational therapist prior to obtaining a license. **Action:** Nanette Shoemaker moved that a notice of opportunity for hearing be issued for case OT-07-036 for working as an occupational therapist prior to obtaining a license. Kimberly Lawler seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Assistant Attorney General's Report

Yvonne Tertel informed the Section that she and the investigative staff will be looking at the agreement templates to be sure they are consistent. Yvonne Tertel reported to the Section that she observed a variety of occupational therapy settings, including intensive care and long term care, to get a better understanding of the profession of occupational therapy.

Correspondence

1. **Kristi Rambis:** Ms. Rambis asked the Section if an occupational therapy assistant can received a verbal order from a physician. **Reply:** The occupational therapy assistant may receive and record a physician's verbal order for occupational therapy services. However, it is the responsibility of the occupational therapist to interpret the verbal order or referral and establish the occupational therapy plan of care.
2. **Christine Bruegger:** Ms. Bruegger asked the Section if occupational therapists and occupational therapy assistants are required to maintain their NBCOT Certification to be able to practice in the State of Ohio. **Reply:** Ohio law does not require individuals to maintain certification by NBCOT to renew a license to practice occupational therapy in the State of Ohio. Therefore, NBCOT recertification is not necessary for Ohio licensure. Those occupational therapy practitioners choosing not to be recertified by NBCOT should use the following designations: OT/L for occupational therapists and OTA/L for occupational therapy assistants. However, accrediting bodies and/or reimbursement agencies may require NBCOT certification for reimbursement of services.
3. **Jody Wolfe:** Ms. Wolfe asked the Section if they had any guidelines for an occupational therapist to become a driving rehabilitation specialist. **Reply:** Although there is nothing in the Ohio Occupational Therapy Practice Act that establishes requirements for driving rehabilitation specialists, the Occupational Therapy Section recommended that Ms. Wolfe contact the Association for Driver Rehabilitation Specialists (ADED) to obtain information on becoming a Certified Driver Rehabilitation Specialist. The web address for the ADED is <http://www.aded.net>. They can be reached at (877) 529-1830.

4. **Molly Clarkson:** Ms. Clarkson asked the Section if it would be unethical to provide home based occupational therapy services to a former patient. **Reply:** As stated in rule 4755-7-08(A)(6)(c) Occupational therapy practitioners shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship. Ms. Clarkson may contact the Section with additional specific concerns regarding the situation described in her letter.
5. **Joyce Baldwin:** Ms. Baldwin asked the Section if an occupational therapist may perform wound care. **Reply:** In accordance with section 4755.04 (A) of the Ohio Revised Code, it is the position of the Occupational Therapy Section that occupational therapy practitioners may perform wound care, dressing treatment, and/or suture removal provided the therapist demonstrates and documents the appropriate knowledge, skills, and ability in the treatment(s) being performed and is practicing within the occupational therapy scope of practice.
6. **Carolyn Little:** Ms. Little asked the Section if an occupational therapist is required to have a physician order to treat and evaluate patients. **Reply:** Occupational therapists are not required to have a physician's prescription to evaluate or treat patients in the State of Ohio. However, accrediting bodies and reimbursement agencies may have other requirements and guidelines that need to be met for reimbursement of occupational therapy services.
7. **Susan Morit:** Ms. Morit asked the Occupational and Physical Therapy Sections if a physical therapist can perform occupational therapy services. **Reply:** As stated in rule 4755-7-02 of the Ohio Administrative Code, licensed occupational therapy practitioners may delegate 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: Delegating evaluative procedures; Delegating treatment procedures; Documenting in the client's official record; Acting on behalf of the licensed occupational therapy practitioner in any matter related to occupational therapy that requires decision making. Professionals holding a license other than an occupational therapy license are considered unlicensed personnel in the provision of occupational therapy services. Therefore, the occupational therapy practitioner may not delegate the above tasks to professionals such as licensed nurses, physical therapists, physical therapist assistants, speech language pathologists, etc. Pursuant to section 4755.11 (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. The Section encouraged Ms. Morit to forward a copy of the correspondence to her Medical Mutual contact.
8. **Premier Therapy:** Premier Therapy asked the Section to clarify the guidelines for treating Part B patients by an occupational therapy practitioner. **Reply:** The Section recommended that Premier Therapy contact the Centers for Medicare and Medicaid Services (CMS) regarding payment and supervision requirements for Medicare. Ohio law does not address reimbursement questions.
9. **Matthew Willis:** Mr. Willis asked the Occupational and Physical Therapy Sections a question regarding eligibility for licensure as a physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant, if the applicant has a misdemeanor/felony conviction. **Reply:** The Occupational Therapy and Physical Therapy Sections cannot make a determination or commit future Sections to a position on a potential licensure applicant with a misdemeanor/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.
10. **Rick Cline:** Mr. Cline asked the Occupational and Physical Therapy Sections a question regarding whether there are licensure liabilities if an occupational therapist or occupational therapy assistant facilitates group exercises in assistive living facilities and senior centers. **Reply:** If the group exercise is represented as occupational therapy or physical therapy, then the occupational therapy assistant or physical therapist assistant should not be leading the activity without the appropriate assessment and plan of care developed by a supervising occupational therapist or physical therapist. If it's not been represented as occupational therapy or physical therapy and if the occupational or physical therapy practitioner happens to be qualified as a group exercise instructor, then the Sections recommend that the practitioner ensures appropriate medical screenings

and disclosure are in place to ensure the safety of the participants. Under Ohio law, the occupational or physical therapy practitioner can practice without a physician order, but should be aware of any facility policies that might be more restrictive than the law.

11. **Lisa Shiozawa-Lin:** Ms. Shiozawa-Lin asked the Section a question regarding clarification supervision and co-signatures requirements for an occupational therapist holding licensure for less than one year. **Reply:** Once an occupational therapist is fully licensed, there are no restrictions on supervision of limited permit holders or occupational therapy assistants. The occupational therapist limited permit holder and occupational therapy assistant limited permit holder must be supervised by an occupational therapist. The supervising occupational therapist must determine that the limited permit holder possesses a current limited permit to practice occupational therapy prior to allowing him or her to practice. 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 limited permit holder may not initiate or modify a client's treatment plan without first consulting with the supervising occupational therapist. The supervisor need not be on-site, but must be available for consultation at all times. The supervisor and limited permit holder must meet in person at least once per week, and establish evidence, either in the client records or in a separate document, that the supervision took place. 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 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, that the supervision took place.
12. **Karen Hanson:** Ms. Hanson asked the Section a question regarding whether an occupational therapy assistant can write orders. **Reply:** The occupational therapy assistant may receive and record a physician's verbal order for occupational therapy services. However, it is the responsibility of the occupational therapist to interpret the verbal order or referral and establish the occupational therapy plan of care.
13. **Jean Dykyj:** Ms. Dykyj asked the Section a question regarding the role of occupational therapists and occupational therapy assistants with adapted equipment and wheelchairs in the school setting. **Reply:** Pursuant to section 4755.04(C) of the Revised Code and rule 4755-7-03 of the Administrative Code, it is the position of the Occupational Therapy Section that for adapted equipment assessments, occupational therapy assistants may gather objective information and report observations. However, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations.
14. **Cindy Fasline:** Ms. Fasline asked the Section a question regarding whether the certified hand therapists designation would impact the scope of practice for occupational therapy practitioners and clarification on referrals and plan of care for occupational therapy services. **Reply:** Failure to maintain registration as a certified hand therapist would not impact a licensee's occupational therapy scope of practice in Ohio. However, accredited bodies and/or reimbursement agencies may require registration as a certified hand therapist for reimbursement of services. The Ohio Occupational Therapy Practice Act does not require occupational therapists to have a physician's referral and/or to have a physician review and approve the occupational therapy plan of care. The Section recommended that Ms. Fasline contact her third party payers regarding additional requirements they may have regarding potential referral requirements.
15. **Katherine Deeken:** Ms. Deeken asked the Section a question regarding supervision requirements for occupational therapy assistants. **Reply:** 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 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, that the supervision took place. The supervising occupational therapy practitioner shall only assign duties or functions to the occupational therapy student or aides that are commensurate with his/her education or training.

16. **Renee Maghes:** Ms. Maghes asked the Section a question regarding supervision of occupational therapist and occupational therapy assistants. **Reply:** The situation that Ms. Maghes described would be allowed under the Ohio Occupational Therapy Practice Act. There is nothing in the law that prohibits a non-occupational therapy practitioner from administratively supervising an occupational therapist or occupational therapy assistant. As occurs in the situation Ms. Maghes described, an occupational therapy assistant may only be clinically supervised by a licensed occupational therapist.
17. **Cindy Kief:** Ms. Kief asked the Section a question regarding supervision ratio requirements for occupational therapy assistants supervising level II students. **Reply:** The Ohio Occupational Therapy Practice Act only establishes ratios for the number of occupational therapy assistants and/or limited permit holders an occupational therapist may supervise and does not regulate caseload levels. In accordance with rule 4755-7-08 (A)(4)(d) of the Administrative Code, "Occupational therapy practitioners shall provide appropriate supervision to individual for whom the practitioners have supervisory responsibility." Although current law does not specifically address the inclusion of student supervision in the occupational therapist to occupational therapy assistant ratio, this is an issue that will be studied by the Occupational Therapy Section for potential change to the current rule.
18. **Vivian Conde:** Ms. Conde asked the Section if occupational therapists are allowed to assign diagnosis codes to students treated in a school setting. **Reply:** The occupational therapist may assign a treatment code without actually assigning a medical diagnosis. In the scenario Ms. Conde described, it would be acceptable to code for treatment. The fact that she is using a code for treatment does not mean she is diagnosing.
19. **Tonya Morrison:** Ms. Morrison asked the Occupational and Physical Therapy Sections a question regarding discharging occupational or physical therapy services. **Reply:** Ms. Morrison's questions address both physical therapy and occupational therapy practice. Please be aware that the regulation of these professions is undertaken by two separate entities. As stated in rule 4755-7-06 of the Ohio Administrative Code, "an occupational therapist or occupational therapist assistant shall not exploit persons served professionally by: Accepting individuals for treatment if benefit cannot reasonably be expected to occur; Continuing treatment without reasonable expectation of further benefits." It is the responsibility of the physical therapist to determine if a patient will benefit from physical therapy services. The physical therapist should document specific functional outcomes expected and determine if adequate progress is being made within a reasonable timeframe for that patient's condition. The Occupational Therapy and Physical Therapy Sections recommend that Ms. Morrison contact the Centers for Medicare and Medicaid Services (CMS) or her specific insurance company regarding their guidelines pertaining to plateau or progress and insurance coverage for an extended stay at a skilled nursing facility. The Sections also recommend the American Occupational Therapy Association (AOTA) and the American Physical Therapy Association (APTA) as resources she may wish to contact.
20. **Catherine Sweeney:** Ms. Sweeney asked the Section a question regarding whether there are restrictions for occupational therapy practitioners licensed for less than one year when working in a home health setting. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that restricts an area of practice for licensees who have been practicing for less than one year provided that that therapist demonstrates and documents the appropriate knowledge, skills, and ability in the treatment(s) being performed.
21. **Sara Varian:** Ms. Varian asked the Occupational and Physical Therapy Sections a question regarding the use of unlicensed personnel in a physical therapy or occupational therapy setting. **Reply:** Ms. Varian's questions address both physical therapy and occupational therapy practice. Please be aware that the regulation of these professions is undertaken by two separate entities. Currently, rehabilitation technicians working in a physical therapy setting are considered "unlicensed personnel." Pursuant to rule 4755-27-04 (E), physical therapists shall not consider unlicensed supportive physical therapy personnel as being as skilled, competent, knowledgeable, or qualified as the licensed physical therapist assistant and therefore, shall not assign the same type or level of duties as those assigned to the licensed physical therapist assistant. The physical therapist must recognize the difference in the education and training of staff and assume responsibility for controlling their duties and

activities. Supervision of unlicensed supportive physical therapy personnel requires on-site, immediate availability, and on-going involvement of the physical therapist or physical therapist assistant. Direct supervision is defined as being physically present and immediately available to direct and supervise tasks that are related to patient/client management. The direction and supervision is continuous throughout the time these tasks are performed. Signing a written progress note does not demonstrate immediate availability, nor does it meet the adequate involvement in each treatment session standard, as outlined in rule 4755-27-04 of the Ohio Administrative Code. New rules have been proposed and the Physical Therapy Section strongly recommended that Ms. Varian revisit this rule on the Physical Therapy Section's website in the near future. In addition, under the Occupational Therapy Practice Act, as stated in rule 4755-7-02 of the Ohio Administrative Code, "licensed occupational therapy practitioners may delegate 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: delegating evaluative procedures; delegating treatment procedures; documenting in the client's official record; acting on behalf of the licensed occupational therapy practitioner in any matter related to occupational therapy that requires decision making." Professionals holding a license other than an occupational therapy license are considered unlicensed personnel in the provision of occupational therapy services. Therefore, the occupational therapy practitioner may not delegate the above tasks to professionals such as licensed nurses, physical therapists, physical therapist assistants, speech language pathologists, etc. Pursuant to section 4755.11 (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. The Occupational Therapy Section has been studying the use of aides as service extenders for the past year. Please visit the Board's website for upcoming information on potential changes to rule 4755-7-02 of the Administrative Code. It is also not within the jurisdiction of the Occupational and Physical Therapy Sections to render billing and reimbursement advice.

22. **Shirley Bibler:** Ms. Bibler asked the Occupational and Physical Therapy Sections a question regarding public records request for occupational and physical therapy documentation for students treated in a school setting. **Reply:** The Occupational Therapy and Physical Therapy Sections expect that Ms. Bibler's documentation accurately reflects the services provided, including who provided the services and when the services were provided. Her documentation should meet industry standards and the Sections recommend the American Occupational Therapy Association (AOTA) and American Physical Therapy Association (APTA) as resources that may be helpful in establishing her documentation guidelines. Regarding Ms. Bibler's question related to the request of medical records, she should seek legal advice concerning regulations, including release of information from the parent/guardian, pertaining to management and disclosure of patient records.

Old Business

OT Aides Survey Results

The OT Aides survey process began in October 2006 and the Section refined the survey several times to collect data to evaluate if there was a need to propose new laws and rules. The Section complimented the Executive Director on the response rate of the survey. The Section noted some of the interesting responses:

- Negative response to having aides perform range of motion when occupational therapy practitioners train families to do range of motion.
- Negative response to having aides assist in construction of adaptive equipment since this is allowed in existing rules.
- Question individuals had on what is meant by the term "service extender?"
- Overall, the comments seem protective in nature.
- The survey respondents seem to narrowly interpret what tasks can be performed by an aide.

The Section's goal is not to take jobs from occupational therapy assistants and to ensure that the consumers of occupational therapy services are not negatively impacted by any changes. The Executive Director informed the Section that the Physical Therapy Section is looking at language that may limit what physical therapy aides may perform.

School Based Survey Results

The data collected from this survey will assist the Section to provide the Ohio Department Education (ODE) with feedback on proposed rule language for occupational therapy practitioners working in the school based setting. Mary Stover shared the summary of the comments from questions 8, 9, and 10 of the Survey of School Based OT Practitioners.

Mary Stover shared a copy of the letter sent by the Occupational Therapy Section to ODE expressing the Section's request to work with the ODE as the Department updates the Operating Standards for Ohio's Schools Serving Children with Disabilities.

The Section wants to ensure that ODE rules and the Ohio Occupational Therapy Practice Act are consistent, including language on therapist-student ratios that allow occupational therapy practitioners to be in compliance with the Occupational Therapy Practice Act and language that ensures that the Occupational Therapy Practice Act occupational therapy assistant supervision rules are followed.

New Business

OT Section Presentation at the 2008 OT/PT School Based Institute

The OT Section agreed to present at the OT/PT School Based Institute on August 12, 2008 at 1:30-3:30 PM. The Section plans to include the following topics in the presentation: ethics, with examples from school-based practice, and updates on school based issues.

Department of Mental Health Rules on Recreational Therapy

The Executive Director informed the Section that current Ohio Department of Mental Health rules appear to allow recreational therapists to practice as occupational therapy. Recreational therapists are unlicensed personnel in the provision of occupational therapy services. Therefore, they are prohibited from performing treatment tasks for occupational therapy services. The Section will write a letter to the Department of Mental Health regarding adopting rules that are clear violation of Occupational Therapy Practice Act. The Executive Director will email the rules and drafted letter to the Section prior to the March meeting.

Open Forum

There were no topics discussed for open forum.

Ohio Occupational Therapy Association (OOTA) Report

No OOTA representative was in attendance.

Items for Next Meeting

- Plan presentation to OT/PT School Based Institute for August 12, 2008.
- Discuss potential rules changes to establish requirements for licensees restoring an escrowed license who have not practiced for five or more years.
- Review draft letter to send to the Department of Mental Health on recreation therapy rules.
- Public Rules Hearing

Next Meeting Date

The next meeting date of the Occupational Therapy Section is scheduled for Tuesday, March 18, 2008.

Action: Nanette Shoemaker moved to adjourn the meeting. Mary Stover seconded the motion. The motion carried. The meeting adjourned at 3:55p.m.

Respectfully submitted,
Diane Moore

Nannette Shoemaker, COTA/L, Chairperson
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section

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

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

NS:jmr:dm