



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

*Physical Therapy Section
November 10, 2011
10:00 a.m.*

Members Present

Raymond Bilecky
Lynn Busdeker
Thomas Caldwell, Chair
Sam Coppoletti, Secretary
Mary Kay Eastman
Karen Holtgreffe
James Lee
Marilyn Mount

Staff Present

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

Guests

Shane Yates, OPTA
Carolyn Towner, OPTA
Dale Deubler

Legal Counsel

Yvonne Tertel, Assistant Attorney General

Call to Order

The meeting was called to order by the Chair, Thomas Caldwell, at 10:02 a.m.

The Section welcomed new Board member Lynn Busdeker from Tiffin, Ohio. Ms. Busdeker is replacing Kimberly Payne, whose term expired.

Thomas Caldwell thanked Marilyn Mount for her service on the Board. Ms. Mount last meeting is today, she is resigning due to personal reasons.

Approval of Minutes

Action: Raymond Bilecky moved that the September 8, 2011 meeting minutes be approved as amended Karen Holtgreffe seconded the motion. The motion carried.

Executive Director's Report

- The Executive Director informed the Section that Thomas Caldwell and Raymond Bilecky were re-appointed to the Board. The Board is still waiting to hear if Dale Deubler will be re-appointed.
- The Executive Director reported that the position description for the investigator assistant has not been approved. The Board is working on revising the job duties.
- The Executive Director informed the Section that the final biennial audit will be released soon.
- The Executive Director discussed the results of the newsletter request for expert witnesses. The Board only received two responses from licensees. The Section will provide additional names of physical therapy practitioners that are experts in areas of physical therapy practice

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

Liaison Appointments

The Section made changes to the Liaison appointments due to the changes in Board Member appointments.

Continuing Education Liaison – Sam Coppoletti
Correspondence Liaison – Karen Holtgreffe and Lynn Busdeker
Enforcement Liaisons- Thomas Caldwell and Raymond Bilecky
Licensure Liaison – James Lee

Administrative Reports

Licensure Applications

Action: Raymond Bilecky moved that the Physical Therapy Section ratify, as submitted, the individuals approved by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board to sit for the National Physical Therapy Examination for physical therapists and physical therapist assistants from September 8, 2011 through November 10, 2011, taking into account those individuals subject to discipline, surrender, or non-renewal. Mr. Bilecky further moved that the following persons be licensed as physical therapists/physical therapist assistants pending passage of the National Physical Therapy Examination and Ohio laws and rules examination. Mary Kay Eastman seconded the motion. The motion carried.

Physical Therapist – Examination

Anderson, Erica
Butler, Alyson
Dickerson, Sherrice
Estock, Jared
Gallagher, Brian
Hesselbrock, Jeremy
Jennings, William
King, Ryan
Marulli, Joseph
McGarry, Megan
Palani, Thendral
Poole, Sarah
Sechrest, Keith
Starr, Charles
Stutzman, Melissa
Tippie, Sarah
Westerheide, Katherine
Zwack, Jessica

Bailey, Renee
Coate, Roger
Eaton, Andrew
Fernandes, Andrea
Giacomo, Gretchen
Hoskins, Dana
Johnson, Gary
Kynyk, Nicholas
Mattson, Allison
Offie, Noel
Paul, Christopher
Reinhard, Bradley
Smith, Jessica
Stoffer, Jaime
Sutter, Maggie
Tomlan, Kristina
Whitehead, Natasha

Basgier, Erin
Coriell, Zachary
Estock, Jared
Gabehart, Amanda
Hatteberg, Lindsay
Irwin, Nicole
Kaverman, Heather
Levandusky, Nathaniel
McGarry, Megan
O'Hara, Nicole
Poirier, Elizabeth
Schemp, Danielle
Soltesz, Dedra
Stoller, Preston
Thompson, Amanda
Watson, Michele
Zwack, Jessica

Physical Therapist Assistant – Examination

Anderson, Christopher
Azzarello, Samantha
Batterton, Keith
Blevings, Kyle
Brunthaver, Ashley
Cheney, Scott
Dempsey, Michelle
Duke, Elizabeth
Flynn, Mandy
Frazier, Claire
Gonzalez, Judith
Gregory, Adrienne
Harris, Terry
Hindel, Elizabeth
John, Courtney
Knapik, Dana
Kott, Michael
Kurtz, Todd
Lawrence, Jason
Marbais, Angela
Mason, Renee
Mead, Andrew
Moll, Tabatha
Newman, Kristi
Orzan, Elena

Ashby, Erin
Baker, Arthur
Beatty, Edward
Bohnsack, Nicole
Burke, Holly
Clark, Alicison
Dever, Jennifer
Evanick, Dorene
Ford, Shawn
Fuller, Kathleen
Good, Joel
Hardesty, Brian
Hernandez, Krista
Hogan, Matthew
Johns, Miranda
Knueve, Kelly
Krieger, Barbara
Lahmers, Jill
Lewis, Amy
Marok, Lindsey
McConnaughey, Amy
Mirus, Kelly
Motz, Lisa
O'Dea, Christopher
Pepper, Brooke

Atterholt, Amanda
Ballhaus, Eric
Bergman, Renee
Broderick, Jared
Campbell, Jessica
Deehr, Jessica
Dowler, Misty
Fenton, William
Francois, Hannah
Garvin, Thomas
Grasso, Chrystal
Harris, Nicole
Hill, Bryan
Hornak, Karen
Keener, Jared
Kott, Ashleigh
Kufel, Andrew
Laid-Law, Floyd
Lloyd, Nicole
Mason, Joann
McPike, Laura
Molek, Stephen
Nelson, Alison
Ohms, Abby
Perry, Christi

Posadny, Daniel
Riggs, Jacquelyn
Serota, Daniel
Starr, Jenna
Vanzile, Alicia
West, Amber
Wilbarger, Christopher
Wilson, Rebecca
Zandarski, Brian

Putnam, Robert
Rothman, Nicole
Smith, Derrick
Storer, Joshua
Vittorio, Lindsay
Wheatley, Karen
Wilhelm, Leanne
Wolf, Peggy

Rasberry, Kristin
Sayger, Jessica
Smith, Laurie
Taylor, Shonna
Warner, Stephanie
Wickham, James
Willis, Richard
Woods, Diona

Action: Raymond Bilecky moved that the Physical Therapy Section ratify, as submitted, the physical therapist and physical therapist assistant licenses issued by endorsement and reinstatement by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from September 8, 2011 through November 10, 2011, taking into account those licenses subject to discipline, surrender, or non-renewal. Karen Holtgreffe seconded the motion. The motion carried.

Physical Therapist – Endorsement

Anderson, Traceyann
Bonds, Lyndsay
Constantine, Maria
Di Stasi, Stephanie
Gurgul, Melinda
Jordan, Yudelka
Parke, Kathleen
Stirm, Robert
Wilborn-Halverson, Terrie

Behling, Chelsea
Borowicz, Alexander
Cooper, Andrea
Fogel, Eliana
Israel, Jamie
Kallu, Aparna
Ras Ricci, Dante
Thirunavukarasu, Amutha
Williams, Kelly

Billa, Sushma
Butcher, Elizabeth
Davis, Julie
Gurbani, Alpa
Johnson, Kathryn
Matako, Heather
Smith, Alisa
Thompson, Marie
Wood, David

Physical Therapist Assistant – Endorsement

Bradley, Janie
Kline, Amanda
Linn, Amanda
Schuschke, Wendy

Deutsch, Jessica
Knight, Melissa
Mead, Karen

Hart, Alexander
Liner, Leigh
Schildmeyer, Amy

Physical Therapist Reinstatement

Birk, Thomas
Kuhn, Christine

Candy, David

Geletka, Karuna

Physical Therapist Assistant Reinstatement

Brumley, Cloteal

Tarver, Rosalyn

Vandervoort, Elizabeth

Testing Accommodations Requests

Raymond Bilecky recommended that the Section grant the testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist assistant examination application file #5114472 based on the documentation provided. **Action:** Marilyn Mount moved that the Section grant the testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist assistant examination file #5114472 based on the documentation provided. Sam Coppoletti seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted the testing accommodation request for Travis Wood.

Educational Equivalency for Licensure

Raymond Bilecky recommended that the Section determine that the education be deemed reasonably equivalent to Ohio law for the physical therapist licensure by endorsement application file #4206405. **Action:** Marilyn Mount moved that the Section determine that the education be deemed reasonably equivalent to Ohio law for physical therapist licensure by endorsement application file #4206405. Lynn Busdeker seconded the motion. Mary Kay Eastman was absent for the vote. Raymond Bilecky abstained from voting. The motion carried. The Section accepted the foreign education of Ibrahim Altubasi.

Continuing Education Approval Request

Raymond Bilecky recommended that the Section grant approval to use a course taken on January 30, 2010 towards the continuing education requirement for the 2012 renewal for file #4197115 based on the documentation presented and provided that the course has a valid Ohio Approval Number. **Action:** James Lee moved that the Section grant approval to use a course taken on January 30, 2010 towards the continuing education requirement for the 2012 renewal for file #4197115 based on the documentation presented and provided that the course has a valid Ohio Approval Number. Mary Kay Eastman seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted approval to use the course titled "Interventions to Improve Geriatric Mobility" taken on January 30, 2010 towards the continuing education requirement for the renewal period beginning on February 1, 2010 and ending on January 31, 2012 for Jean Willis, PT.

Raymond Bilecky recommended that the Section grant approval to use a course taken on January 19-22, 2012 towards the continuing education requirement for the 2014 renewal for file #4199140 based on the documentation presented and provided that the course has a valid Ohio Approval Number. **Action:** James Lee moved that the Section grant approval to use a course taken on January 19-22, 2012 towards the continuing education requirement for the 2014 renewal for file #4199140 based on the documentation presented and provided that the course has a valid Ohio Approval Number. Sam Coppoletti seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted approval to use the course titled "Part D McKenzie Course" taken on January 19-22, 2012 towards the continuing education requirement for the renewal period beginning on February 1, 2012 and ending on January 31, 2014 for Tonya Powers, PT.

The Section received a continuing education waiver request for file #4195740 due to undue hardship. Raymond Bilecky recommended that the Section grant a 90 day extension for file #4195740 to complete 24 hours of continuing education as required for the 2012 licensure renewal based on the documentation provided. **Action:** Marilyn Mount moved that the Section grant a 90 day extension for file #4195740 to complete 24 hours of continuing education as required for the 2012 licensure renewal based on the documentation provided. Karen Holtgreffe seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section granted an extension for Mary Ann Smith, PT. The deadline to submit the proof of completion of continuing education requirements is April 30, 2012.

Assistant Attorney General's Report

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

Case Review Liaison Report

Thomas Caldwell reported that the Enforcement Division closed three and opened six new cases since the September 8, 2011 meeting. There are nineteen cases currently open. There are six disciplinary consent agreements, one adjudication order, and one non-disciplinary agreement being monitored.

Thomas Caldwell informed the Section that Jonathan Strickland complied with all terms and conditions and was released from his disciplinary consent agreement.

The Section received a request from Susan Kester to be released early from her probation. The Physical Therapy Enforcement Review Panel (PTERP) recommendation is to deny the request for early release of probation. The Physical Therapy Section is in agreement with the PTERP recommendation to deny the request. Ms. Yvonne Tertel, AAG, will convey this information to Ms. Kester's attorney.

Enforcement Actions

Thomas Caldwell recommended that the Section accept the surrender consent agreement for case PT-FY12-003 in lieu of going to a hearing. **Action:** Mary Kay Eastman moved that the surrender consent agreement for case PT-FY12-003 be accepted in lieu of going to a hearing. Karen Holtgreffe seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried. The Section accepted the consent agreement for Eugenia Operacz-Kehres, PTA, in which Ms. Operacz-Kehres agrees to voluntarily surrender her license and the Section hereby simultaneously revokes her physical therapist assistant license.

Thomas Caldwell recommended that the Section accept the surrender consent agreement for case PT-FY12-011 in lieu of going to a hearing. **Action:** Mary Kay Eastman moved that the surrender consent agreement for case PT-FY12-011 be accepted in lieu of going to a hearing. Karen Holtgreffe seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried. The Section accepted the consent agreement for Brittany Kelper, PTA, in which Ms. Kelper agrees to voluntarily surrender her license and the Section hereby simultaneously revokes her physical therapist assistant license.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY12-007 for documenting and billing for services not provided. **Action:** Karen Holtgreffe moved that a notice of opportunity for a hearing be issued for case PT-FY12-007 for documenting and billing for services not provided. Marilyn Mount seconded the motion. Thomas Caldwell, James Lee, and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT LD-12-001 proposing to deny the reinstatement application due to prior disciplinary action in Ohio. **Action:** Mary Kay Eastman moved that a notice of opportunity for a hearing be issued for case PT LD-12-001 proposing to deny the reinstatement application due to prior disciplinary action in Ohio. Lynn Busdeker seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Thomas Caldwell recommended the Section rescind the notice of opportunity for a hearing for case PT-FY11-057 due to eventual response and compliance with to the continuing education audit. **Action:** Marilyn Mount moved that the Section rescind the notice of opportunity for a hearing for case PT-FY11-057 due to eventual response and compliance with to the continuing education audit. Mary Kay Eastman seconded the motion. Thomas Caldwell and Raymond Bilecky abstained from voting. The motion carried.

Correspondence

- Kathleen O'Leary:** Ms. O'Leary asked the Section questions regarding how frequently a physical therapist must re-evaluate patients and whether a physical therapist assistant can treat a BWC patient based on a physician's evaluation and order for physical therapy services. **Reply:** The Ohio Physical Therapy Practice Act is silent on how often the supervising physical therapist must treat or re-evaluate patients delegated to physical therapist assistants. In all practice settings, the physical therapist should re-evaluate a patient in accordance with the needs of the patient/client. The frequency of re-evaluation of a patient must be individualized and based upon that patient's impairments and response to treatment. A physical therapist is to see the patient/client upon request of the physical therapist assistant for re-examination, when a change in treatment plan of care is needed, prior to any planned discharge, or in response to a change in the patient/client's medical status. The Physical Therapy Section also recommends that you consult with the Bureau of Workers Compensation to determine if they have specific rules regarding the frequency of interventions provided by a supervising physical therapist. In order to meet acceptable standards of care, the physical therapist assistant has a legal obligation in the overall care of the patient to ensure the supervising physical therapist performs the review and assessment. Regarding your second question, if the physician refers the patient for more physical therapy after the physical therapist has discharged the patient, the physical therapist must complete another evaluation prior to the physical therapist assistant continuing the care.
- Scott Behrend:** Mr. Behrend asked the Section questions regarding whether it is acceptable for a physical therapist to treat a patient outside of the physician clarification order to achieve the desired RUG level. **Reply:** Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section recommends that you contact the appropriate insurance company or the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association.
- Matthew Porter:** Mr. Porter asked the Section whether dance therapy falls under the scope of practice of physical therapy. **Reply:** It is not clear from your question if you are asking about physical therapy provided for dancers or dance therapy as defined by the American Dance Therapy Association. It is the position of the Physical Therapy Section that nothing in the Ohio Physical Therapy Practice Act prohibits a physical therapist from providing physical therapy for dancers or dance as part of physical therapy services. As with any specialized procedure, the physical therapist must have training and demonstrate competency

in the modality. The manner in which the training is obtained and competency demonstrated are not addressed in the Practice Act.

4. **June Haverland:** Ms. Haverland asked the Section if a clinically based therapist may require training for school personnel for a student served by a school-based physical. **Reply:** The Code of Ethical Conduct for physical therapists and physical therapist assistants as defined in rule 4755-27-05 (A)(7) of the Ohio Administrative Code states that a licensee shall respect the rights, knowledge, and skills of colleagues and other health care professionals. In the situation that you describe, the school is the practice site for the school-based therapist who has ultimate responsibility for physical therapy services provided in this setting. Although both a school-based therapist and a clinical therapist may provide services for the same student, the decision on how services are provided in the school setting belongs solely to the school-based therapist. While the Physical Therapy Section encourages consultation between therapists, each therapist must respect the decisions of the other therapist in their respective settings and not overstep into the other therapist's practice setting. The Physical Therapy Section also suggests that you contact Cathy Csanyi, the OT/PT Specialty Consultant at the Office for Exceptional Children, Ohio Department of Education, for further clarification of the school-based therapist's responsibilities in this situation. Ms. Csanyi can be reached at (419) 747-2806 or via email at cathy.csanyi@ode.state.oh.us.
5. **Kary Phleps:** Ms. Phelps asked the Section question regarding the method and frequency of co-signing physical therapy notes. **Reply:** Rule 4755-27-03 (E)(6) of the Ohio Administrative Code states that "All documentation shall be co-signed by the supervising physical therapist" but does not specify time requirements for co-signing the physical therapist assistant's notes. It is the position of the Physical Therapy Section that the urgency of reviewing and co-signing notes may vary with the patient population and with the acuity of the patient's condition. The physical therapist should be able to demonstrate that effective supervision was provided for the particular patient care delegated to the physical therapist assistant. Therefore, each visit note must be cosigned by the physical therapist.
6. **Mitzi Stephens:** Ms. Stephens asked the Section questions regarding making up IEP minutes and Medicaid billing for school-based physical therapy services. **Reply:** Your questions relate more to the Ohio Department of Education Operating Standards and the Medicaid for Schools Program than to the Ohio Physical Therapy Practice Act. The Physical Therapy Section suggests that you contact the Ohio Department of Education for responses to your questions. You may wish to contact: Cathy Csanyi the OT/PT Specialty Consultant at the Ohio Department of Education, to request the Department's position on whether or not you should be required to make up the IEP time from August and September. Ms. Csanyi can be reached at (419) 747-2806 or via email at cathy.csanyi@ode.state.oh.us. Mark Smith, director of the Medicaid for Schools Program at the Ohio Department of Education, to determine if you may bill for time that exceeds the IEP minutes in a given month. On another topic, the Physical Therapy Section is working to educate physical therapists and physical therapist assistants in the correct credentials to use in professional signatures. Since PT or PTA is the regulatory designation allowing practice, rule 4755-27-07 of the Administrative Code requires that only those letters should immediately follow the person's name. Academic degrees may then follow the regulatory credential. For example, a nametag or signature might read Pat Doe, PT, MS, OCS.
7. **Shellie Foley:** Ms. Foley asked the Section question regarding school-based physical therapy caseloads. **Reply:** The Ohio Physical Therapy Practice Act does not regulate caseload levels or set a numerical limit to the size of the caseload. However, the Section requires the physical therapist to ensure appropriate patient management based on the unique needs of the clients/students, taking into account the complexity of the patient population. The ultimate responsibility for care of the patient lies with the supervising physical therapist regardless of whether the therapist or physical therapist assistants provide follow-up treatment. In any given period of time, a physical therapist must not provide or supervise care for a higher number of patients than that for which skilled care by licensed practitioners can be delivered. Rule 3301-51-09 (I)(3)(e) of the Ohio Department of Education's Operating Standards states that a physical therapist shall provide services to no more than 50 school-age students or 40 preschool students. The Ohio Department of Education interprets caseload as the number of students to whom the therapist provides direct service. However, the Physical Therapy Section defines a therapist's caseload to include all served by a physical therapist assistant supervised by the physical therapist in addition to the clients/students to whom the therapist provides direct service. Attached you will find the Occupational and Physical Therapy Sections' position paper on caseloads in school-based practice for occupational and physical therapists.

8. **Nicole Haun:** Ms. Haun asked the Section if a chiropractor can implement the physical therapy plan of care and how to bill for the services. **Reply:** Section 4755.50 of the Ohio Revised Code states that nothing in this chapter shall be construed to prevent or restrict the practice of any person who is a licensed health care professional in this state while practicing within the scope of the person's license and according to the standards and ethics of the person's profession. Therefore, a chiropractor licensed in the state of Ohio may provide physical therapy services under his license but is prohibited from representing himself/herself as a physical therapist. However, if the services are being provided under a physical therapy plan of care, the chiropractor would be providing services under the "other licensed personnel" provision of the Physical Therapy Practice Act. Rule 4755-27-01 (C) of the Ohio Administrative Code defines "other licensed personnel" as "any person holding an Ohio license to practice as a health care practitioner in a profession other than physical therapy . . . who is working under the direct supervision of a physical therapist or physical therapist assistant, as delegated by the physical therapist, and is performing tasks and duties related to the delivery of physical therapy." When acting under the direction of a physical therapist, licensed chiropractors are considered other licensed personnel. In accordance with rule 4755-27-04 of the Administrative Code, the supervising physical therapist or physical therapist assistant is accountable and responsible at all times for the direction of the actions of the persons supervised, including other licensed personnel. Only a physical therapist can determine that a patient may be delegated to other licensed personnel. A physical therapist assistant can provide direct supervision of other licensed personnel even if the physical therapist is not on-site but is available by telecommunication at all times and able to respond appropriately to the needs of the patient. However, only a physical therapist can determine that a patient may be delegated to other licensed personnel. Other licensed personnel cannot be assigned their own physical therapy caseload without the supervising physical therapist or physical therapist assistant having direct contact with each patient during each visit. It is the responsibility of the physical therapist to determine and document the extent of contact necessary to assure safe patient care. Pursuant to rule 4755-27-03 (F) of the Ohio Administrative Code, "Delegation of tasks related to the operation and delivery of physical therapy to other licensed personnel must be done in accordance with the scope of practice of the other licensed personnel's professional license, education and training, the level of competence as determined by the supervising physical therapist, and in consideration of the patient's overall needs and medical status." The patient contact by the delegating physical therapist may be to provide portions of treatment or to assess the patient's progress within the existing plan of care. When needed, only the physical therapist may make adjustments to the plan of care. Please refer to Medicare rules or other payer policies about reimbursement for treatment by other licensed personnel since some insurers do not cover services other than those provided by a physical therapist or physical therapist assistant. You may also get information from the Reimbursement Department or Ohio chapter of the APTA.
9. **Melinda Brower:** Ms. Brower asked the Section if it is acceptable for a physical therapy practitioner to sign documentation using their nickname. **Reply:** While laws and rules do not specify what constitutes a signature for documentation, it is the position of the Physical Therapy Section that therapy notes and other documentation are legal documents and the signature needs to be able to be tracked to a specific individual and identifiable as the licensee as designated in the licensing database. The Physical Therapy Section also recommends that you determine if there are any facility or payer policies that relate to what constitutes a valid signature.
10. **Donald Williamson:** Mr. Williamson asked the Section questions regarding whether a date is required on a referral script. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that requires a date on a referral for physical therapy services. However, it is the position of the Physical Therapy Section that, following the patient evaluation, the plan of care sent to the referring health care professional for their review and signature should indicate the date of the evaluation and of the signatures of the therapist and health care professional. If the patient brings in a referral that does not have a current date or there is a significant time lapse between the date the referral was written and the date the patient brings it in, it is the therapist's decision to accept the referral or request a current referral from the physician. If you have a case you are dealing with under direct access, you are not required to practice pursuant to a referral. The Section also recommends that you consult payer policies to determine if they require that the referral be dated.
11. **Karla Rose:** Ms. Rose asked the Section whether physical therapy assistants can assist aides in laying residents down and complete transfers for non-physical therapy clients. **Reply:** While there are times as a team member you may choose to assist another team member (aide or nurse) with a difficult transfer, what

you describe is not a physical therapy task and may not be represented as physical therapy. In the example you provided, you are being asked to provide care to patients who do not have a completed physical therapy evaluation and plan of care. A physical therapist assistant, according to section 4755.40 (C) of the Ohio Revised Code, may only work under the direction of a physical therapist. Physical therapist assistants may not initiate treatment without a completed physical therapist evaluation and plan of care. In accordance with rule 4755-27-02 (A) of the Ohio Administrative Code, the physical therapist assistant is a skilled, technical person who assists in physical therapy treatment as assigned by the physical therapist. These duties are carried out under the supervision, as defined in division (D) of section 4755.40 of the Revised Code and rule 4755-27-04 of the Administrative Code, of the physical therapist to whom the assistant is responsible.

12. **Kyle Danemayer:** Mr. Danemayer asked the Section questions regarding billing for manual therapy/dry needling. **Reply:** Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section recommends that you contact the appropriate insurance company or the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association. You should also be aware that the code of ethical conduct for physical therapy practitioners, as established in rule 4755-27-05 (A)(3) of the Ohio Administrative Code, states that a licensee shall only seek compensation that is reasonable for the physical therapy services delivered. A licensee shall never place the licensee's own financial interests above the welfare of the licensee's patients.
13. **Robert Swinehart:** Mr. Swinehart asked the Section whether physician assistants can order therapy and certify a plan of care. **Reply:** It is the Physical Therapy Section's position that physician assistants may refer patients to physical therapy provided that a physician has given them the authority to do so. However, physician assistants may not independently refer to physical therapy. Should a physician extend his/her authority to the physician assistant to refer for physical therapy, then, in fact, the physician assistant has become a conduit or facilitator of the physician's actual order. Please note that the referral is initiated by the physician who is utilizing the physician assistant to extend that information to the physical therapist. The physical therapist may request verification that the physician has granted his/her authority to the physician assistant on a global basis and is not required to do that for each specific patient. If you have any questions about the extension of authority by the physician, you should contact that physician. You may want to contact the State Medical Board of Ohio regarding specific definitions that pertain to physician assistants. If a patient is seen for physical therapy without such physician authorization, the rules for practice without referral under Section 4755.481 of the Ohio Revised Code must be followed.

OT/PT Joint Correspondence

- JB1.** **Greg Treece:** Mr. Treece asked for the questions regarding whether any healthcare practitioner or staff can write and sign a medical necessity letter. **Reply:** There is nothing the Occupational Therapy Practice act that prohibits occupational therapists or occupational therapy assistants from writing letters of medical necessity. It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development, as indicated in rule 4755-7-03 of the Ohio Administrative Code. The collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the patient documentation. However, the Section recommends that you review your facility's policies and procedures, to see if this is an acceptable practice. In addition, payers may have requirements that are more restrictive than the Ohio Occupational Therapy Practice Act. Your questions relate to payer policies and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section recommends that you contact the appropriate insurance company or the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association.
- JB2.** **Jacque Brown:** Ms. Brown asked the Section questions regarding whether occupational and physical therapy practitioners can sign documentation with/without the therapist license number and requested clarification on supervision requirements for athletic trainers working in an outpatient clinic. **Reply:** It is the position of the Ohio Occupational Therapy Section that licensure designation be documented at a minimum by the appropriate regulatory credential. The therapist's signature sequence should be the therapist's name, followed by the regulatory professional credential that allows the therapist to practice occupational therapy. For example: Jane Doe, OT/L. The Ohio Occupational Therapy Practice Act is silent

on the education credential and the order in which it is placed. In addition, there is nothing in the Occupational Therapy Practice Act that requires a licensee to include the licensee's license number as part of the signature. The Section noticed in your correspondence you signed your name MOTR/L. The appropriate way to cite your credentials is OTR/L, MOT. There is nothing in the Physical Therapy Practice Act that requires a licensee to include the licensee's license number as part of the signature. The Physical Therapy Section recommends that you consult with your facility and third party payers to determine if they require this. Regarding your second question, Rule 4755-27-01 (C) of the Ohio Administrative Code defines "other licensed personnel" as "any person holding an Ohio license to practice as a health care practitioner in a profession other than physical therapy . . . who is working under the direct supervision of a physical therapist or physical therapist assistant, as delegated by the physical therapist, and is performing tasks and duties related to the delivery of physical therapy." When acting under the direction of a physical therapist, licensed athletic trainers are considered other licensed personnel. In accordance with rule 4755-27-04 of the Administrative Code, the supervising physical therapist or physical therapist assistant is accountable and responsible at all times for the direction of the actions of the persons supervised, including other licensed personnel. A physical therapist assistant can provide direct supervision of other licensed personnel even if the physical therapist is not on-site but is available by telecommunication at all times and able to respond appropriately to the needs of the patient. However, only a physical therapist can determine that a patient may be delegated to other licensed personnel. Other licensed personnel cannot be assigned their own physical therapy caseload without the supervising physical therapist or physical therapist assistant having direct contact with each patient during each visit. It is the responsibility of the physical therapist to determine and document the extent of contact necessary to assure safe patient care. Pursuant to rule 4755-27-03 (F) of the Ohio Administrative Code, "Delegation of tasks related to the operation and delivery of physical therapy to other licensed personnel must be done in accordance with the scope of practice of the other licensed personnel's professional license, education and training, the level of competence as determined by the supervising physical therapist, and in consideration of the patient's overall needs and medical status." The patient contact by the delegating physical therapist or supervising physical therapist assistant may be to provide portions of treatment or to assess the patient's progress within the existing plan of care. When needed, only the physical therapist may make adjustments to the plan of care. In accordance with rule 4755-27-03 (D) of the Ohio Administrative Code, a physical therapist may choose to refer a patient to another discipline, including physicians, for services. This referral shall be documented by the physical therapist in the medical record to clearly demonstrate a referral for that service. Such referral will not be a delegation of tasks or duties of physical therapy. In response to your question regarding supervision of athletic trainers in a clinical setting, according to the Athletic Trainers Section, under section 4755.60 (A) of the Revised Code and rule 4755-42-02 of the Administrative Code, athletic trainers must practice upon the referral of an individual licensed in Ohio to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, chiropractic, dentistry, or physical therapy. Athletic trainers may not accept direct referrals from physician assistants or practitioners of the limited branches of medicine. A referral relationship between a team physician and an athletic trainer should be one consisting of a protocol of care communicated between a team physician and the athletic trainer. This agreement should include procedures for prevention, recognition, assessment, management and treatment of athletic injuries. Clinic-based athletic trainers may provide athletic training services upon physician referral for athletic training evaluation and treatment. The prescription by the referring medical practitioner must state the referral is for athletic training. Under an athletic training referral, the athletic trainer functions independently and is responsible for documentation. Pursuant to rule 4755-46-01 of the Administrative Code, unlicensed individuals functioning under the supervision of a licensed athletic trainer may perform designated routine tasks related to the operation of athletic training provided that the supervising athletic trainer is on-site to supervise the delegated tasks. If the patient receives a prescription for physical therapy and during care the physical therapist determines he/she may benefit from athletic training services, i.e. a patient's condition is an athletic injury, then the physical therapist may refer that particular patient to an athletic trainer. This transfer of care from a physical therapist must be documented in the patient's medical record. In addition, the athletic trainer must now obtain physician approval and prescription for an athletic training evaluation and treatment as described above. If this procedure is followed, the athletic trainer must perform an injury assessment and determine the athletic training plan of care. The patient is no longer under the care of the physical therapist. The physical therapist may also refer the patient to the care of the athletic trainer but have the patient still remain under the care of the physical therapist. In this non-transfer scenario, a physician prescription for athletic training is not required.

However, please refer to facility and/or third-party payer policies as their policies may be more restrictive than the Occupational Therapy, Physical Therapy and Athletic Trainers Practice Acts. Regarding your final question about physical therapists accepting referrals from physician assistants, it is the Physical Therapy Section's position that physician assistants may refer patients to physical therapy provided that a physician has given them the authority to do so. However, physician assistants may not independently refer to physical therapy. Should a physician extend his/her authority to the physician assistant to refer for physical therapy, then, in fact, the physician assistant has become a conduit or facilitator of the physician's actual order. Please note that the referral is initiated by the physician who is utilizing the physician assistant to extend that information to the physical therapist. The physical therapist may request verification that the physician has granted his/her authority to the physician assistant on a global basis and is not required to do that for each specific patient. If you have any questions about the extension of authority by the physician, you should contact that physician. You may want to contact the State Medical Board of Ohio regarding specific definitions that pertain to physician assistants. If a patient is seen for physical therapy without such physician authorization, the rules for practice without referral under section 4755.481 of the Ohio Revised Code must be followed.

JB3. Lindsey Brown, OTD, OTR/L: Dr. Brown asked the Sections questions regarding signature requirements for a change in frequency of treatment and if occupational therapy assistants and physical therapist assistants can write a physician order without the co-signature of the occupational therapist or physical therapist. **Reply:** It is the position of the Occupational Therapy Section that the initial plan, long-term goals, and initial short-term goals must be written by the occupational therapist. The occupational therapist may collaborate with the occupational therapy assistant in the development of these items. Once the initial plan of care and goals are established, the occupational therapy assistant may update short-term goals in collaboration with the occupational therapist. Please review rule 4755-7-03 (B) of the Administrative Code for additional information on the roles and responsibilities of the occupational therapist and occupational therapy assistant. It is the position of the Occupational Therapy Section that individuals other than an occupational therapist are not prohibited from receiving verbal or telephone orders, but those orders, prescriptions, or referrals must be followed up in writing with the referring practitioners' signature for inclusion in the patient's official record. The occupational therapist is ultimately responsible for receiving and accepting the directive or order. 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. It is the position of the Section that for any hand written documentation, the supervising occupational therapist must co-sign each entry into the patient/client medical record with their name, credential, and date. 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 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. It is the position of the Occupational Therapy Section that for any documentation, the supervising occupational therapist must co-sign each entry into the patient/client medical record with their name, credential, and date. The therapist assuming the plan of care cannot retroactively co-sign documentation prior to assuming the plan of care. 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. If the patient is not transferred to another occupational therapist, the evaluating occupational therapist is responsible for the overall care of the patient, including the supervision of any occupational therapy personnel providing services to that patient. The Section noticed in your correspondence you signed your name OTD, OTR/L. The appropriate way to cite your credentials is OTR/L, OTD. A physical therapist assistant, according to section 4755.40 (C) of the Ohio Revised Code, may only work under the direction of a physical therapist. Physical therapist assistants may not initiate treatment without a completed physical therapist evaluation and plan of care that delegates all or a portion of the physical therapy services to the physical therapist assistant. In accordance with rule 4755-27-02 (A) of the Ohio Administrative Code, the physical therapist assistant is a skilled, technical person who assists in physical therapy treatment as assigned by the physical therapist. These duties are carried out under the supervision, as defined in division (D) of section 4755.40 of the Revised Code and rule 4755-27-04 of the Administrative Code, of the physical therapist to whom the assistant is responsible. In accordance with rule

4755-27-02 (B) of the Ohio Administrative Code, physical therapist assistants are not qualified to: (1) interpret physician referrals, (2) conduct initial patient evaluations, (3) write initial or ongoing patient treatment plans, (4) conduct re-evaluations of the patient or adjust patient treatment plans or (5) perform the discharge evaluation and complete the final discharge summary. Therefore in response to your specific questions, the physical therapist assistance cannot write a physician order and cannot change the frequency of the treatment. It is the responsibility of the physical therapist to write the order or make changes to the plan of care. However, the Section recommends that you communicate with the facility and payer to determine if they have requirements that are more restrictive than the Ohio Occupational and Physical Therapy Practice Acts.

Old Business

Update on Dry Needling (Intramuscular Manual Therapy)

The Section discussed the dry needling course materials provided by Karen Holtgreffe. The Section will work on identifying some general guidelines for determining competence in dry needling. The Section will contact FSBPT to see if it has any reference materials to assist a board in determining how a physical therapist could demonstrate competencies in dry needling or see if they know any groups that are working on competencies for dry needling.

Update on Concussion Management

Thomas Caldwell will work on developing a group that would work on drafting general guidelines for demonstrating competence in concussion management.

Continuing Competence Taskforce Update

Raymond Bilecky, James Lee, and Kimberly Payne attended the Continuing Competence Taskforce at the Ohio Physical Therapy Association in October 2011. OPTA shared data on the number of continuing education requests from Ohio vendors versus national vendors. The Section will continue to work with OPTA on developing the review process for continuing competence activities. The Section informed OPTA that there will always be a need to have local approvers for continuing education and continuing competence activities. The next taskforce meeting will be held in January 2012.

Review Transfer of Care FAQ

The Section revised the FAQ regarding transfer of care to address changes in staffing. The Executive Director will post the revised FAQ on the Board website.

Marilyn Mount informed the Section that due to potential changes in Medicare Part A for skilled nursing, that physical therapist and occupational therapist may be able to count minutes at the same time. The Section will need to refer the practitioners to Medicare for additional clarification.

New Business

File 2012 Rules Changes

Action: Karen Holtgreffe moved that the Physical Therapy Section file rules 4755-21-02, 4755-21-03, and 4755-2308 as no change rules. Ms. Holtgreffe further moved that the Physical Therapy Section file the proposed changes to rules 4755-21-01, 4755-23-14, and 4755-27-06. Lynn Busdeker seconded the motion. The motion carried.

Ethics Training

Jeffrey Rosa, Executive Director facilitated an ethics presentation and discussion to the members of the Physical Therapy Section.

ODE OT/PT Consultant

Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office for Exceptional Children, met with the members of the Section.

Strategic Planning Retreat

The Section discussed the following potential retreat topics: the length of time a prescription is valid for; expungement of disciplinary actions; discussion on the impact of Accountable Care Organizations on physical

therapy practice (e.g.: plans of care); generic components in demonstrating competence for dry needling and concussion management.

CE Credit

The Section discussed whether rule 4755-23-08 (G)(1)-(4) should be amended to include how an individual should demonstrate completion of said activities. The rule will remain as written and the Executive Director will create an FAQ to clarify how a licensee can demonstrate completion of continuing education activities listed under paragraph (G) of this rule. The Section also clarified that an unofficial transcript is acceptable proof of completion for academic coursework.

Open Forum

Raymond Bilecky informed the Section that there was case where a physical therapist was excluded as a provider from an insurance panel due to disciplinary action taken against the practitioner's license.

Sam Coppoletti informed the Section that the Ohio Physical Therapist Assistant Education Consortium is mobilizing with a National Group to send out a letter of communication to APTA House of Delegates regarding RC3. The RC3 motion pertains to physical therapists abilities to utilize appropriate support personnel. Marilyn Mount reminded the Section that role of the Section is to inform practitioners that if APTA changes their position statements that is does not change the Ohio law.

Ohio Physical Therapy Association (OPTA) Report

Shane Yates informed the Section that:

- Adam Miller will be the new Communications and Member Services Coordinator for OPTA. He is replacing Katie Rogers.
- OPTA was awarded the Ohio Society of Association Executives Public Relations award for the Good Ohio Minute Project.
- The OPTA Annual Conference will take place on March 29-31, 2012 at the Doubletree in Worthington.
- Carolyn Towner gave a brief legislative report.

Federation of State Boards for Physical Therapy (FSBPT) Report

The 2011 FSBPT Annual Meeting and Delegate Assembly was held on September 22-24, 2011, in Charlotte, North Carolina. Jeffrey Rosa was re-elected to the Administrative Staff Director position and Thomas Caldwell was elected to the Nominating Committee.

Items for Next Meeting

- Public Rules Hearing
- Update on Dry Needling
- Update on Concussion Management
- Update on Continuing Competence Task Force

Next Meeting Date

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, January 19, 2012.

Adjournment

Mary Kay Eastman moved that the meeting be adjourned. Karen Holtgreffe seconded the motion. The motion carried. The meeting adjourned at 3:23 p.m.

Respectfully submitted,
Diane Moore

Thomas Caldwell, PT, Chair
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

Sam Coppoletti, PT, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

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

SC:jmr:dm