



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Physical Therapy Section  
November 7, 2013  
10:00 a.m.*

**Members Present**

Raymond Bilecky, Acting Secretary (arrived from  
Enforcement Review at 10:20 am)  
Lynn Busdeker  
Thomas Caldwell  
Matthew Creed  
Karen Holtgreffe, Acting Chair  
Ronald Kleinman  
James Lee  
Chad Miller

**Legal Counsel**

Yvonne Tertel, Assistant Attorney General  
Lyndsay Nash, Assistant Attorney General

**Call to Order**

The meeting was called to order by Karen Holtgreffe, Acting Chair at 10:04 a.m.

**Approval of Minutes**

**Action:** Thomas Caldwell moved that the minutes from the September 12, 2013, meeting be approved as amended James Lee seconded the motion. Raymond Bilecky was absent for the vote. The motion carried.

**Special Orders**

*Election of Officers*

**Action:** Lynn Busdeker nominated Ronald Kleinman to be Section Chairperson for the period beginning November 7, 2013 and ending immediately following the September 2014 Section meeting. The nominations were closed. All members present voted to elect Ronald Kleinman Section Chairperson.

*Enforcement Division Liaison vacancy*

The Section discussed a replacement for the enforcement division liaison appointment to fill Mary Kay Eastman's position on the enforcement review panel. Karen Holtgreffe was appointed as the new Enforcement Division Liaison.

**Executive Director's Report**

- The Executive Director informed that Section that Mary Kay Eastman was not reappointed. The position remains vacant.
- The Executive Director informed the Section that the Board's expenditures are higher due to an increase in the mileage reimbursement rates and administrative hearing costs. The Board may have one more hearing this fiscal year.
- The Executive Director informed the Section that HB 98, pertaining to occupational licensing for military service and veterans, passed the Senate. HB 98 will require the Section to adopt new administrative rules.

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

**Administrative Reports**

**Licensure Applications**

**Action:** Chad Miller 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 12, 2013 through November 7,

2013, taking into account those individuals subject to discipline, surrender, or non-renewal. Mr. Miller further moved that the following persons be licensed as physical therapists/physical therapist assistants pending passage of the National Physical Therapy Examination and Ohio Jurisprudence Examination. James Lee seconded the motion. The motion carried.

Physical Therapist – Examination

Brown, Jacob	Brown, Jacqueline	Busemeyer, Thomas
Celarek, Abaigael	Chabot, Brian	Ciacciarelli, Eve
Cline, Whitney	Coonce, Todd	Ely, Matthew
Exposito, Jason	Frelek, Malgorzata	Gindoff, Jennifer
Hickerson, Emily	Hoppe, Michelle	Kallen, Emily
Kelley, Kevin	Kennedy, Katrina	King, Rebecca
Konrad, Kara	Machowiak, Stephanie	Majewski, Melanie
Mandia, Juanito	Martien, David	Maynard, Amanda
Meyer, Alison	Monroe, Mary	Palani, Thendral
Paras, Leslie	Pearson, Samuel	Ritzler, Samantha
Scheidt, Kyle	Schiefer, Jennifer	Schnipke, Kirt
Sivalingam, Neola	Smith, Constance	Steinmetz, Tiffany
Veatch, Katie	Vogagis, Nicholas	Weiss, Heather
West, Drew	Wickens, Audrey	Zagaynova, Tatiana

Physical Therapist Assistant – Examination

Alford, Sarah	Barker, Jason	Bartson, Amber
Colbert, Naomi	Cook, Steven	Creque, Catherine
Diekman, Jenna	DiMasso, Amber	Dunlap, Ashley
Elam, Shaun	Ellis, Andrea	Emmons, Christine
Farrell, Andrea	Feltz, Kendra	Fenwick, Nathan
Flores, John	Gill, Nicholas	Gourley, Rachel
Hahn, Danielle	Harman, Kelly	Hoeflinger, Kyla
Hook, Tiffany	Hubbell, Meghan	Janosik, Alex
Jones, Leslee	Joughin, Tessa	Kastl, Joycelyn
Knapik, Haley	Kooser, Donald	Marcotte, Trenten
Mathison, Shelby	McCloskey, Sherri	McFarland, Jeremy
Miller, Moss	Moore, Cassie	Nino, Alyssa
Orzan, Elena	Peterson, Robert	Petty, Liza
Ratcliff, Shawn	Reed, Christopher	Ricker, Julie
Sampsel, Thomas	Stilwell, Joshua	Talbot, Jessica
Thepsourinthone, Tico	Thompson, Ashley	Tolbert, Kayla
Turner, Kevin	Wagner, Stephen	Weaver, Brad
Westhoven, Jacob	White, Adam	Whitford, Daniel
Wine, Amanda	Woodgerd, Carri	

**Action:** Chad Miller 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 12, 2013 through November 7, 2013, taking into account those licenses subject to discipline, surrender, or non-renewal. Ronald Kleinman seconded the motion. The motion carried.

Physical Therapist – Endorsement

Cromwell, Erica	Faw, Timothy	Ghosh, Ananya
Griffith, Sarah	Holland, Ana	Ireland, Kathryn
Jones, Nicholas	Kaufman, Kristopher	MacNeill, Tracey
Ohliger, Joshua	O'Kane, Jessica	Phiel, Jacqueline
Ruoff, Jaime	Shah, Mira	Shay, Caitlin
Swebilius, Therese	Tan, Salvador	Tarsi, Eric
Wershing, Benjamin		

Physical Therapist Assistant – Endorsement

Bland, Cody	Hartman, Kari	Hutchins, Catherine
Kangas, Tracy	Kelly, Rachel	Rigsby, Amber

Physical Therapist Reinstatement

Black, Shawn	Ertel, Shawna	Nelson, Anne
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Physical Therapist Assistant Reinstatement

Ciavarella, Kristina	Dunbar, David	Hill Teresa
Krolak, Robert	Thomas, Amy	

Request for Waiver of Licensure Requirements

Chad Miller recommended that the Section deny the request to waive the NPTE retake requirement outlined in rule 4755-23-04 (C) of the Ohio Administrative Code for endorsement file #20131018 based on the documentation provided. **Action:** James Lee moved that the Section deny the request to waive the NPTE retake requirement outlined in rule 4755-23-04 (C) of the Ohio Administrative Code for endorsement file #20131018 based on the documentation provided. Lynn Busdeker seconded the motion. Chad Miller and Raymond Bilecky abstained from voting. The motion carried. The Section denied the waiver of the NPTE retake requirement for Nancy Malay.

Chad Miller recommended that the Section allow the endorsement applicant file #20131018 be eligible for licensure provided that the applicant complete the practice review tool (PRT), the PRT results demonstrate that the applicant is sufficient in all areas on the PRT, and that the applicant forward PRT results to the Section along with an action plan based on the results of the PRT. **Action:** Karen Holtgreffe moved that the Section allow the endorsement applicant file #20131018 be eligible for licensure provided that the applicant complete the practice review tool (PRT) and the PRT report results demonstrate that the applicant is sufficient in all areas on the PRT, forward PRT results to the Section along with an action plan based on the results of the PRT. Lynn Busdeker seconded the motion. The motion carried. (Nancy Malay, Endorsement Applicant)

James Lee recommended that the Section deny the request to waive the NPTE retake requirement outlined in rule 4755-23-10 (E) of the Ohio Administrative Code for reinstatement file #5322417 based on the documentation provided. **Action:** Ronald Kleinman moved that the Section deny the request to waive the NPTE retake requirement outlined in rule 4755-23-10 (E) of the Ohio Administrative Code for reinstatement file #5322417 based on the documentation provided. Thomas Caldwell seconded the motion. James Lee abstained from voting. The motion carried. The Section denied the waiver of the NPTE retake requirement for Kelly Brzozowski.

Testing Accommodations Requests

Chad Miller recommended that the Section ratify the testing accommodation of additional time: double time and a separate testing room that was granted to physical therapist examination file #5312285 (October 2013 Exam) based on the documentation provided. **Action:** Karen Holtgreffe moved that the Section ratify the testing accommodation of additional time: double time and a separate testing room that was granted to physical therapist examination file #5312285 (October 2013 Exam) based on the documentation provided. Lynn Busdeker seconded the motion. Chad Miller and James Lee abstained from voting. The motion carried. The Section ratified the testing accommodation request for Abaigael Celarek.

Chad Miller recommended that the Section approve the testing accommodation of additional time: double time and a separate testing room for physical therapist examination file #5312285 (January 2014 exam) based on the documentation provided. **Action:** Karen Holtgreffe moved that the Section approved the testing accommodation of additional time: double time and a separate testing room for physical therapist examination file #5312285 (January 2014 exam) based on the documentation provided. Lynn Busdeker seconded the motion. Chad Miller abstained from voting. The motion carried. The Section ratified the testing accommodation request for Abaigael Celarek.

Chad Miller recommended that the Section approve the testing accommodation of additional time: time and a half and a separate testing room for physical therapist assistant examination file #5322742 based on the documentation provided. **Action:** Lynn Busdeker moved that the Section approved the testing accommodation of additional time: time and a half and a separate testing room for physical therapist assistant examination file #5322742 based on the

documentation provided. Karen Holtgreffe seconded the motion. Chad Miller abstained from voting. The motion carried. The Section ratified the testing accommodation request for Melanie Marinelli.

#### Continuing Education Liaison Report

Ronald Kleinman recommended that the Section deny the continuing education waiver request and deny the request for a blanket continuing education waiver for future reporting periods for physical therapist file #4199743 **Action:** Thomas Caldwell moved that the Section deny the continuing education waiver request, including the blanket continuing education waiver, for physical therapist file #4199743 based on the documentation provided. Lynn Busdeker seconded the motion. Ronald Kleinman abstained from voting. The motion carried. The Section denied the CE waiver request for Kari Jo Weidner, PT.

Ronald Kleinman recommended that the Section grant a six month extension to complete 24 hours of continuing education for physical therapist file #4199743 based on the documentation provided. **Action:** Thomas Caldwell moved that the Section grant a six month extension to complete 24 hours of continuing education for physical therapist file #4199743 based on the documentation provided. Lynn Busdeker seconded the motion. Ronald Kleinman abstained from voting. The motion carried. The Section granted a six month extension for Kari Jo Weidner, PT to complete the required continuing education requirements for the 1/31/2014 licensure renewal. The deadline to submit the proof of completion of continuing education requirements is July 1, 2014. In addition, the continuing education activities used for your 1/31/2014 Ohio physical therapist licensure renewal may not be used towards any future renewal periods.

#### Assistant Attorney General's Report

Yvonne Tertel, AAG, had no formal report.

#### Case Review Liaison Report

Raymond Bilecky reported that the Enforcement Division closed five and opened eight new cases since the September 12, 2013 meeting. There are twenty-four cases currently open. There are six disciplinary consent agreements and two adjudication orders being monitored.

#### Enforcement Actions

Raymond Bilecky recommended that a notice of opportunity for a hearing be issued for case PT-FY14-014 for substance abuse and for theft of narcotics from a physical therapy patient. **Action:** James Lee moved that a notice of opportunity for a hearing be issued for case PT-FY14-014 for substance abuse and for theft of narcotics from a physical therapy patient. Karen Holtgreffe seconded the motion. Raymond Bilecky abstained from voting. The motion carried.

Raymond Bilecky recommended that a notice of opportunity for a hearing be issued for case PT-FY14-023 for conviction of a felony, violation of a current consent agreement order with the Board, and substance abuse. **Action:** James Lee moved that a notice of opportunity for a hearing be issued for case PT-FY14-023 for conviction of a felony, violation of a current consent agreement order with the Board, and substance abuse. Chad Miller seconded the motion. Raymond Bilecky abstained from voting. The motion carried.

Raymond Bilecky recommended that the Section accept the consent agreement for case PT-FY14-004 in lieu of going to a hearing. **Action:** Thomas Caldwell moved that the consent agreement for case PT-FY14-004 be accepted in lieu of going to a hearing. Lynn Busdeker seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section accepted the consent agreement for Craig W. DeAnthony, PTA.

Raymond Bilecky recommended that the Section accept the consent agreement for case PT-FY14-007 in lieu of going to a hearing. **Action:** Karen Holtgreffe moved that the consent agreement for case PT-FY14-007 be accepted in lieu of going to a hearing. Lynn Busdeker seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section accepted the consent agreement for Amanda M. Lang, PTA.

Raymond Bilecky recommended that the Section accept the consent agreement for case PT-FY14-005 in lieu of going to a hearing. **Action:** Karen Holtgreffe moved that the consent agreement for case PT-FY14-005 be accepted in lieu of going to a hearing. Lynn Busdeker seconded the motion. Raymond Bilecky abstained from voting. The motion carried. The Section accepted the consent agreement for Teresa A. Gustafson, PTA.

**Affidavit Consideration**

Good afternoon. My name is Karen Holtgreffe, Acting Chair of the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. Let the record show that these proceedings were called to order at 10:57am on November 7, 2013, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. Members of the Board present for the proceedings are:

The Executive Director called roll:

Raymond Bilecky	Present
Lynn Busdeker	Present
Thomas Caldwell	Present
Matthew Creed	Present
Karen Holtgreffe	Present
Ronald Kleinman	Present
James Lee	Present
Chad Miller	Present

It will be noted for the record that a majority of the members of the Board are present. There will be one adjudication proceeding today. The proceeding is in the matter of case number PT-FY14-003, Karen P. Wampler, PTA.

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

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

You have already received sworn affidavit from the Board's Enforcement Investigator Assistant, and accompanying exhibits for the Goldman Proceeding are in your board packet. The affidavit contains the evidence and testimony upon which you will deliberate. Please take a few moments to review the evidence and testimony.

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

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

Ms. Tertel presented the case for the Board.

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

**Action:** Thomas Caldwell moved to accept the facts and exhibits outlined in the affidavit for case number PT-FY14-003, Karen P. Wampler, PTA. Lynn Busdeker seconded the motion. Raymond Bilecky abstained from voting. The motion carried.

There being no further evidence to come before the Board, this proceeding is now closed at 11:02 am.

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

At this time, is there a motion to recess this meeting in order to go into private session for the purpose of quasi-judicial deliberation on the matters that are required to be kept confidential under division (E)(1) of section 4755.02

of the Revised Code: case number PT-FY14-003, Karen P. Wampler, and reconvene the meeting after deliberations are complete.

**Action:** Thomas Caldwell moved to recess the meeting to go into private session for the purpose of quasi-judicial deliberation on the matter. Lynn Busdeker seconded the motion.

The Executive Director called roll:

Raymond Bilecky	Yes
Lynn Busdeker	Yes
Thomas Caldwell	Yes
Matthew Creed	Yes
Karen Holtgreffe	Yes
Ronald Kleinman	Yes
James Lee	Yes
Chad Miller	Yes

The Section went into private session at 11:03 am and reconvened the meeting at 11:22 am. Raymond Bilecky left the room during private session. The Section asked the Executive Director to stay in the room.

**In the matter of case number PT-FY14-003, Karen P. Wampler, PTA,** after review of the evidence, the Board makes the following findings of fact:

1. The Board has proper jurisdiction over this matter.
2. The Board sent the Notice of Opportunity for Hearing on August 9, 2013, via certified mail, pursuant to Revised Code section 119.07. This Notice was signed for on August 10, 2013 by Wampler.
3. Wampler did not request a hearing on the aforementioned charge.
4. During Evidentiary review on November 7, 2013, the Section received Wampler's continuing education material. The material provided proof that Wampler was in compliance with her 2013 continuing education requirements.

In the matter of case number **PT-FY14-003, Karen P. Wampler, PTA,** after review of the evidence, the Board makes the following conclusions of law:

1. Wampler was properly served with the notice of opportunity for hearing pursuant to Revised Code section 119.07.
2. Based upon the facts submitted on November 7, 2013, the Section has determined that Karen Wampler has met the requirements for continuing education for the 2013 licensure renewal period.

**Action:** Thomas Caldwell moved that based on the facts submitted on November 7, 2013, the Section determined that Karen P. Wampler met the requirements for continuing education for the 2013 licensure renewal period and no further action is needed. Karen Holtgreffe seconded the motion.

The Executive Director called roll:

Raymond Bilecky	Abstained
Lynn Busdeker	Yes
Thomas Caldwell	Yes
Matthew Creed	Yes
Karen Holtgreffe	Yes
Ronald Kleinman	Yes
James Lee	Yes
Chad Miller	Yes

The motion carried.

The Executive Director is hereby instructed to prepare adjudication order to carry out the mandate of this Board and serve the order on case number PT-FY14-003, Karen P. Wampler, PTA, in the manner prescribed by law.

This concludes the matter of PT-FY14-003, Karen P. Wampler, PTA

**Hearing Officer Report and Recommendations for Case Number PT FY12-034**

The Section reviewed the hearing officer's report and recommendation from Paul Stehura, Hearing Officer in the matter of Leslie Powellcraft Pal, Case Number PT FY-12-034. The hearing was held before Hearing Officer Paul Stehura on July 9, 2013.

In accordance with Board procedures, the member(s) who were involved in the investigation and made recommendations to the Board regarding this case shall not participate in further adjudication of the case and must abstain from further participation in the adjudication of these matters. Raymond Bilecky and Thomas Caldwell recommended this disciplinary action and identified themselves.

Hearing Officer Paul Stehura served the Report and Recommendation to the Board office on August 27, 2013. Leslie Powellcraft Pal received a copy of the Hearing Officer's Report and Recommendation via certified mail on September 3, 2013. Leslie Powellcraft Pal did not file objections to the Report and Recommendations.

A request to address the Board was timely filed on behalf of Leslie Powellcraft Pal. Ms. Powellcraft Pal was given ten minutes to address the Board.

**Action:** Lynn Busdeker moved to recess the meeting to go into private session for the purpose of quasi-judicial deliberation on the matters. Matthew Creed seconded the motion.

Jeffrey Rosa called roll:

Raymond Bilecky	Yes
Lynn Busdeker	Yes
Thomas Caldwell	Yes
Matthew Creed	Yes
Karen Holtgreffe	Yes
Ronald Kleinman	Yes
James Lee	Yes
Chad Miller	Yes

The Section went into private session at 11:42 am and reconvened the meeting at 11:54 am. Raymond Bilecky and Thomas Caldwell left the room during private session. The Section asked Lyndsey Nash, AAG, to stay in the room.

Karen Holtgreffe asked each of the Board members if they received, read, and considered the entire record in this matter, including the transcript of proceedings, exhibits, oral testimony, the Hearing Officer's Report, and Hearing Officer's Recommendation, and testimony given today in the Matter of Leslie Powellcraft Pal, Case Number PT-FY-12-034, and asked each member if they were prepared to adjudicate in this matter.

Jeffrey Rosa called roll:

Raymond Bilecky	Abstained
Lynn Busdeker	Yes
Thomas Caldwell	Absent for the vote
Matthew Creed	Yes
Karen Holtgreffe	Yes
Ronald Kleinman	Yes
James Lee	Yes
Chad Miller	Yes

After review of the evidence and testimony, the Board makes the following findings of fact:

1. Respondent is a 46 year old female who was first issued an Ohio Physical Therapist (PT) license by the Board in 1997. (State's Exhib. 7). Her most recent Ohio PT license was issued effective February 1, 2012 and was set to expire on January 31, 2014. (Id.). Prior to May 24, 2012, there is no evidence in the record that Respondent's Ohio PT license was disciplined. Prior to her Ohio license suspension on May 24, 2012, Respondent was providing PT services in a chiropractor's office located in Zanesville, Ohio. (Tr. 145).
2. Prior to March 2010, Respondent also held a license to practice PT in the state of Kentucky, and was employed at St. Elizabeth Healthcare in Florence Kentucky before she was discharged from that position in January 2010. (State's Exhib. 3b).
3. In February 2013, Respondent changed her legal name through the Hamilton County (Ohio) Probate Court from Leslie A. Powell to Leslie Powellcraft Pal. (State's Exhib. 25). She stated that she had this name change as a result of previously having documents with all her personal information being stolen. (Tr. 29-31).
4. On May 24, 2012, the Board issued to Respondent a Notice of Summary Suspension and Notice of Opportunity for Hearing (State's Exhib. 6a)("Notice") which stated that the Physical Therapy Section of the Board summarily suspended Respondent's Ohio PT license, effective on that date, because it had evidence that Respondent had violated ORC § 4755.45(A)(5),(6),(9) and (18) and that her continued practice posed an immediate threat to the public pursuant to ORC § 4755.47(E). Further, the Notice stated that the Board intends to determine whether to suspend or revoke Respondent's Ohio PT license or to reprimand, fine, or place Respondent on probation due to: Count 1 - Respondent's Kentucky PT license being indefinitely suspended on November 18, 2010 due to impairment by reason of mental, physical, or other condition impeding her ability to practice; and Count 2 - Respondent being deemed mentally ill and detained by the Hamilton County (Ohio) Probate Court on April 18, 2012 and/or other public comments allegedly made by Respondent stating she was suicidal and committing other acts of self-harm. The Notice further advised Respondent of her right to request a hearing on the matter.
5. Via email received by the Board on May 29, 2012, Respondent timely requested a hearing in accordance with the Board's Notice. (State's Exhib. 8).
6. Via letter dated March 19, 2010, the Kentucky Board of Physical Therapy ("Kentucky Board") issued an Order and Notice of Immediate Temporary Suspension which immediately suspended Respondent's Kentucky PT license based on the Kentucky Board's reasonable cause to believe that Respondent was impaired by reason of mental, physical or other condition that impeded Respondent's ability to practice competently and as necessary to protect the health, safety and welfare of the citizens of Kentucky. (State's Exhib. 3b). The Kentucky Temporary Suspension Notice contained specific factual allegations supporting the Kentucky Board's position and advised Respondent of her right to appeal the suspension.
7. The Kentucky Board ultimately issued Respondent a notice and scheduled an administrative hearing to consider the allegations regarding Respondent's Kentucky PT licensure. (See State's Exhibs. 3c and 3e). The Kentucky notice advised Respondent that failure to participate at any stage of the administrative hearing was grounds for default against her. (State's Exhib. 3c).
8. Although submitting a hand-written statement in which she addressed some of the factual allegations of the Kentucky Board, Respondent wrote to the Board on September 3, 2010 that her focus at that time was to adopt a child, get a job and that she was seeking to cancel a pre-hearing conference and to "defer" any hearing of the Kentucky Board. (State's Exhib. 3d).
9. Via Recommended Order dated October 29, 2010, the Kentucky administrative hearing officer assigned to Respondent's case recommended issuance of a default order due to Respondent's failure to participate in the pre-hearing process and comply with pre-hearing orders, her repeated requests to continue the proceeding, and her failure to appear at a hearing in that matter. (State's Exhib. 3e). On November 18, 2010, the Kentucky Board issued a Final Order which, among other things, indefinitely suspended Respondent's Kentucky PT license; issued a fine against Respondent; and required that Respondent submit to examination(s) to determine Respondent's mental and physical status to practice PT. (State's Exhib. 3f).



10. On March 2, 2012, the Board received a complaint regarding Respondent which included an email distributed by Respondent to many individuals in which Respondent complained of such things as: unnamed people entering Respondent's home and changing her dead bolts; stating that her doors can only be locked from the outside; various items and clothing missing from her home; weird smells and lights, and that her walls were getting gouged. (State's Exhib. 1).
11. During the period March 21, 2011 to July 7, 2012, Respondent made the following posts on her public Facebook page, to wit:
- a. "Everytime I work at Oak Pavillion, I get drugged worse...really bad with anal puckering, and constipation, but I still need to have a bowl [sic] movement." (March 3, 2012 at 7:57 p.m.)
  - b. "Not to mention the crapping headaches, asshole Puckering, etc that keeps gong on day after day. Try being a physical therapis ton [sic] the job, unable to focus your eyes on what you are reading. I almost cannot allow myself to do inpt [sic], I feel too responsible. Someone said they get paid for drugging people in drug (pharmaceutical) studies using foreign satellites." (February 28 2012) at 2:33 p.m.
  - c. "If I do not get to have kids this lifetime, I might as well check out. So then all of you from highschool with gorgeous families, I am jealous! Really want kids, adn [sic] a family. If not, I guess its Au Revoire!" (February 27, 2012) at 5:36p.m.
  - d. "I have had such a hard time 'feeling' drugged since I moved back from Texas, sept. 2009. Really the pain and dizziness symptoms started April 2010 where I soemtimes [sic] out fo [sic] the blue felt semi-suicidal, not caring much, hair above lip growing, etc. Its really been ODD. It will be two years in two months, that I have really felt bothered and potentially with a decreased ability to do my job as a Physical therapist. Decreased memory as well." (February 21, 2012) at 9:10p.m.
  - e. "someone drugged me so badly last SAT at 11:15pm, I ended up hitting myself in the head repeatedly until I blackened my face and rt eye. I had no anger, or upset feelings."(February 14 2012) at 4:58p.m.
  - f. "I still love Dwayne Craft and cannot believe how the ATF in the FBI building does not respond to my complaint in writing for the drug residues that I find in my house smells musty, causes roaches (small amount) bugs under sink, burns fingers on marble table, woodwork, blinds, etc." (February 6 2012) at 6:26p.m.  
  
(State's Exhib. 2a).
  - g. "I do not think I will live too much longer after my 45<sup>th</sup> birthday coming in 3 weeks. I have been considering suicide lately, its too depressing living my life. I am missing Dwayne (I left him) but miss him too much. Mostly because someone has been drugging me on a regular basis like a pharmaceutical study for 12.5 yeras, [sic] since 1-1-2000. It has been unbearable for 2.5 years, especially the last 1.5 years. I repsoert [sic] to dept of justice, equal opportun, [sic] FBI every day for 2 years phone and in person complaints, civil liberties, police dept. It won't stop. Last 2 days feels like someone keeps tightneing [sic] my asshole so bad, causing constipation and severe anxiety. I take Zolofit, but this is something [sic] that changes with location (changing counties sometimes helps). I cannot take this bulleying any more. I am tired of feeling liek [sic] getting no where and putting up with this pain." (April 5, 2012) at 7:31p.m. (State's Exhib. 2b).
  - h. "I cannot believe someone is challenging my license in Ohio as a PT now. I have been unemployed for almost two years, and now I get my license suspended, I guess I can still make my house payments. HOPE SO! I am not mentally ill, and still love PT would never injure a patient! I take my job very seriously, do not use drugs and the like while practicing." (May 26, 2012) at 5:49 p.m. (State's Exhib. 2d).
  - i. "... Wish I had that life back it was so much better. Never had problems meeting people, and many other things. I pictured my life at 45 so much different. I was successful in

highschool, had some study issues initially [*sic*] in college but really pretty likable person. Now all of this, its amazing. Anyhow, because I had a psychiatric admit, of bipolar, which I may or may not agree with this.” (Friday, date not specified at 5:03p.m. (State’s Exhib. 2e).

12. Following Respondent’s public posting of comments on *Facebook* (see Finding of Fact No. 11), in which Respondent wrote on more than one occasion that she was suicidal, Respondent’s family applied to the Hamilton County Probate Court and obtained an emergency admission to a Cincinnati psychiatric facility. (Tr. 38-39). Further, the probate court record indicates that, after one or more hearings were held, Respondent was determined by the court to be mentally ill and detained in-house at a psychiatric facility. (State’s Exhib. 5).
13. On April 10, 2012, Respondent was admitted to the psychiatric unit of a Cincinnati hospital for symptoms related to bipolar mania (i.e. paranoid delusions, rambling, and disorganized speech and behavior. (State’s Exhib. 13b). She was diagnosed at that time to suffer from bipolar disorder (manic/severe), specified with psychotic behaviors and unspecified personality disorder. (Id.). Her behavior was considerably influenced by delusions. (Id.; Tr. 84). Her records indicate that Respondent has suffered from psychiatric episodes and “a complete breakdown” 15 years prior and her family reports that she “has been downhill ever since.” (Id.). 14. Respondent’s limited specific psychiatric records to which the Board has access track her 15 year struggle with mental issues, her expressed comments about suicide around her 45<sup>th</sup> birthday, statements that the military or someone else is putting poisonous substances in her apartment and causing her to have pain in her anal and sphincter areas. (Tr. 14b). Additionally, the psychological records categorize Respondent’s psychiatric conditions as severe. (Id.). During that period (April 2012), it was recommended that Respondent continue taking prescribed psychotropic medication and participate in cognitive behavioral therapy in order to acquire the skills needed to find appropriate ways of regulating her emotions.
15. Respondent’s *Facebook* posts after July 7, 2012 did not contain threats of suicide but continued to be rambling, disjointed and off-topic even after she was discharged from the psychiatric care and evaluation. (Tr. 91-94; State’s Exhib. 16).
16. In January 2013, the Board attempted to obtain all of Respondent’s medical and psychological records from the Hamilton County Probate Court in order to be able to assess Respondent’s ability to practice PT. (State’s Exhib. 17). Respondent opposed the Board, and the Court ruled not to release these records to the Board. (Id.; Tr. 97-98).
17. Respondent testified that she currently sees her psychiatrist (Sharon Stanford, M.D.) every two (2) months. (Tr. 32-33). She stated that she previously visited a social worker approximately 15 sessions during an unspecified period of time for counseling. (Id.) During the initial pendency of the Hamilton County probate matter (which began in April 2012)(State’s Exhib. 25), she met with a caseworker at Talbert House about once a week but currently she visits the caseworker “every couple of weeks.” (Tr. 33-34). She also stated that she has continually refused to permit the Board to review her medical records with the Hamilton County Probate Court because she believes it is not necessary because she states that she has been released to return to her PT practice. (Tr. 35-37).
18. As recent as May 13, 2013, Respondent reports being in “so much pain all day and all evening. . .” Specifically, she refers to: her “nares . . . opening wide like a horse;” pain in her chest, left side and back; “severe pain in (her) neck both sides,” pain that she cannot tolerate and which is “unbearable” which has continued at least six (6) weeks or more; “genital numbness,” “clitoral stimulation,” and “rectal stimulation.” (Attachment 1 to State’s Exhib. 23b). In her hearing testimony, Respondent also reiterated that she believes that: she does not suffer from mental illness because she views herself as a functional person in society (Tr. 168); that she continues to believe she is being drugged by satellites in space (Tr. 169); someone has changed the locks on her home, enters it and deposits “weird residues,” “sticky charcoal,” “goopy stuff on the stuff,” and that her house smells like urine. (Tr. 171). She also stated that she loves being a PT and loves helping people. (Tr. 179).
19. Despite Respondent’s possible release from the Hamilton County Probate Court assessment of her mental health and stability on or about July 3, 2013, the Board has not received detailed sufficient medical and psychological records and opinions from qualified professionals regarding Respondent’s current physical

and mental health, her ability to competently practice as a physical therapist in the state of Ohio, and whether she presents any potential for harm to the citizens of this state. (See discussion at Tr. 148-150).

20. In addition to the previous finding, despite brief, unauthenticated, conclusory (non-expert) statements submitted by Respondent (Respondent's Exhibs. A and C), there has been no reliable, credible evidence introduced into the record which either rebuts the diagnoses contained in Finding of Facts Nos. 13 and 14 or indicates that Respondent no longer suffers from those conditions.

**Action:** Lynn Busdeker moved to accept the Hearing Officer's findings of fact in the matter of Leslie Powellcraft Pal, Case Number PT-FY-12-034. Matthew Creed seconded the motion. Raymond Bilecky and Thomas Caldwell abstained from voting. The motion carried.

After review of the evidence and testimony, the Board makes the following conclusion of law:

- A. Section 4755.47 of the Ohio Revised Code (ORC), in pertinent part, states:  
**§ 4755.47. Disciplinary actions.**

(A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, on any of the following grounds:

\*\*\*\*

(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section;

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

\*\*\*\*

(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

\*\*\*\*

(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

\*\*\*\*

(E) On receipt of a complaint that a person licensed by the physical therapy section has committed any of the actions listed in division (A) of this section, the physical therapy section may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section shall notify the person of the suspension in accordance with section 119.07 of the Revised Code. If the person fails to make a timely request

for an adjudication under Chapter 119. of the Revised Code, the physical therapy section shall enter a final order permanently revoking the person's license.

####. (emphasis added).

B. Ohio Administrative Code (OAC) § 4755-27-05, in pertinent part states:

**§ 4755-27-05. Code of ethical conduct for physical therapists and physical therapist assistants.**

\*\*\*\*

(B) Ethical conduct.

Ethical conduct includes conforming to the minimal standards of acceptable and prevailing physical therapy practice. Conduct may be considered unethical regardless of whether or not actual injury to a patient occurred. Failure to comply with paragraphs (B)(1) to (B)(15) of this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

\*\*\*\*

(10) A licensee shall not practice physical therapy while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If a licensee's or applicant's ability to practice is in question, the licensee shall submit to a physical or mental examination or drug/alcohol screens as requested by the physical therapy section to determine the applicant's or licensee's qualifications to practice physical therapy.

####. (emphasis added).

C. ORC § 4755.47 regulates the Board's authority in issuing, disciplining, and renewing an individual's physical therapy license in Ohio when such individual's actions or omissions warrant discipline or when the physical and/or mental condition of such individual renders him/her unable to practice physical therapy in accordance with the prevailing standards of care or poses an immediate threat to the public. Further, ORC § 4755.47(E) permits the Board after receipt of a complaint to immediately suspend an individual's PT license if it determines that the person poses an immediate threat to the public.

D. At the outset, I find that the Board possessed sufficient evidence and authority under ORC § 4755.47(E) to summarily suspend Respondent's Ohio PT license on May 24, 2012 because Respondent posed an immediate threat to the public. (State's Exhib. 6a). The Board initially received a complaint regarding an unusual email distributed by Respondent (Finding of Fact No. 10) which legitimately brought her mental health into question. After investigation, the Board ultimately discovered that Respondent's Kentucky PT license had been suspended in 2010 due to findings that her mental and physical condition impeded her ability to competently practice and to protect the health, safety and welfare of the citizens of Kentucky. (ORC § 4755.47(A)(9)). Further Board investigation led to findings that Respondent had on various occasions threatened suicide and other acts of self harm and on April 18, 2012 had been deemed mentally ill and detained in a psychiatric facility through proceedings brought by her family in the Hamilton County Probate Court. As OAC § 4755-27-05(B)(10) mandates that licensees not practice PT in Ohio while their ability to practice is impaired by, among other things, "physical disability, mental disability, or emotional disability," the Board's summary suspension of Respondent's Ohio PT license was also appropriate pursuant to ORC § 4755.47(A)(5),(6) and (18).

E. The Board's Notice also proposed to determine whether Respondent's PT license should be disciplined due to the same reasons after Respondent was given an opportunity to present her evidence at an administrative hearing. After several lengthy delays either requested by Respondent or resulting from her actions (or inaction), an administrative hearing was held on July 9, 2013 pursuant to provisions of ORC Chapter 119.

F. Based on the evidence presented at the hearing, the Board has proven by at least a preponderance of the evidence that Respondent's Kentucky PT license was indefinitely suspended on November 18, 2010 due to her impairment by reason of mental, physical or other condition that impedes her ability to practice competently. Pursuant to ORC § 4755.47(A)(9), such may serve as a basis to discipline Respondent's Ohio PT license.

G. Further, the Board also has proven by at least a preponderance of the evidence that Respondent currently continues to suffer from mental and physical conditions that render her unable to practice physical therapy according to acceptable and prevailing standards of care. Pursuant to ORC § 4755.47(A)(18), such also may serve as a basis to discipline Respondent's Ohio PT license. Additionally, since mental and physical competence to practice is required by the code of ethics adopted by the Board, which code is incorporated into OAC § 4755-27-05(B)(10), Respondent's mental and physical impairments also serve as bases for discipline pursuant to ORC § 4755.47(A)(5) and (6).

H. It bears repeating that, despite the admission of Respondent's Exhibits A and C at the hearing, Respondent did not present competent, reliable evidence to rebut the clear evidence in the record that she suffers from mental and physical conditions which render her unable to practice according to acceptable and prevailing standards of care. Unless and until reliable, expert evidence is presented to the Board to either refute the evidence of State's Exhibits 13 and 14 or to show that Respondent's condition has improved to a point that she can now practice according to acceptable and prevailing standards of care<sup>1</sup>, the Board, utilizing its authority under ORC § 4755.47 and its duty to protect the citizens of Ohio, is within its authority to appropriately discipline Respondent's Ohio PT license.

I. This Hearing Examiner's recommendation in this matter does not constitute a final order of the Board. Only the Board has authority to issue a final order in this administrative action. Pursuant to ORC Chapters 4755 and 119, the Board shall review the instant Report and Recommendation of the Hearing Examiner along with any objections timely filed by the parties and determine whether to approve, modify or disapprove this Report and Recommendation or specific findings or conclusions herein, or the Board may remand to the Hearing Examiner for further findings before issuing its final order.

**Action:** Ronald Kleinman moved to accept the Hearing Officer's conclusions of law in the matter of Leslie Powellcraft Pal, Case Number PT-FY-12-034. Lynn Busdeker seconded the motion. Raymond Bilecky and Thomas Caldwell abstained from voting. The motion carried.

**Action:** Lynn Busdeker moved to accept the Hearing Officer's recommendations as written. Ronald Kleinman seconded the motion.

Jeffrey Rosa called roll:

Raymond Bilecky	Abstained
Lynn Busdeker	Yes
Thomas Caldwell	Abstained
Matthew Creed	Yes
Karen Holtgreffe	Yes
Ronald Kleinman	Yes
James Lee	Yes

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<sup>1</sup> It is noted that Respondent has had over one year to produce such evidence.

Chad Miller

Yes

The motion carried. The physical therapy license of Leslie Powellcraft Pal is hereby revoked.

**Action:** Karen Holtgreffe moved that, pursuant to section 4755.031 of the Ohio Revised Code, fees be assessed against Ms. Leslie Powellcraft Pal. Lynn Busdeker seconded the motion. Raymond Bilecky and Thomas Caldwell abstained from voting. The motion carried.

Jeffrey Rosa reported that the costs required under section 4755.031 of the Ohio Revised Code covered a total of five invoices: (1) hearing officer, and (2) court reporter, which included one transcript. The total cost for the three vendors is \$6,572.60.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandate of this Section of the Board and serve the order to Ms. Leslie Powellcraft Pal in the manner prescribed by law. This concludes the matter of Leslie Powellcraft Pal, Case Number PT-FY-12-034.

### **Correspondence**

1. **Kelly Cook:** Ms. Cook asked the Section questions regarding whether physical therapist assistants can perform screens for physical therapy services in long term care facilities for Medicare. **Reply:** Yes. According to rule 4755-27-03 (E)(5) of the Ohio Administrative Code, *when practicing within the scope of physical therapy*, a physical therapist assistant may gather data about a patient to perform a screening that is non-evaluative in nature. Screens include a review of the patient's medical information and/or verbal contact with other health care practitioners, family, or the patient to review the patient's medical history and past functional ability but do not include physical contact with the patient. Interpretation of this information, including the need for a physical therapy evaluation, is the responsibility of the physical therapist. Under the Ohio Physical Therapy Practice Act, physical therapists and/or physical therapist assistants may perform screens without a physician's referral and without notification of a health care professional under direct access rules. Any screen conducted by a physical therapist assistant must be cosigned by the physical therapist.
2. **Todd Lewarchick, PT, DPT:** Dr. Lewarchick asked the Section for clarification regarding telehealth regulations, documentation, and billing in physical therapy practice. **Reply:** *In response to your questions concerning telehealth*, it is the position of the Physical Therapy Section that the physical therapist or physical therapist assistant must be licensed in the state in which the patient resides. In addition, as with all practice settings, a physical therapy evaluation and the establishment of a physical therapy plan of care is a requirement, including when the physical therapy is provided via telehealth. Your second question relates to clarification/interpretation of 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.
3. **Tina Sunderhaus, PT:** Ms. Sunderhaus asked the Section whether it is appropriate for a physical therapist to make recommendations on home modifications for equipment if the therapist has not formal training in building/construction. **Reply:** In response to your question, yes, you can make home modification recommendations. The home assessment is the sole responsibility of the physical therapist. Assessing the need of the patient for DME or home modifications is within the scope of the physical therapist practice. In performing a home assessment for modifications to the home or DME, it is appropriate to have statements of fact on what the home currently is structured for and what would be necessary for the particular DME required for the patient. You may also wish to access the ADA's website at <http://www.ada.gov> for information on what is required for home modifications.
4. **Ceda Distel:** Ms. Distel asked the Section for clarification on the frequency of cosigning physical therapist assistant notes in electronic documentation. **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. The physical therapist's co-signature should be entered into an electronic medical record prior to the time established by the facility to close the record to further entries.

5. **Heather Jennings, PT, DPT:** Dr. Jennings asked the Section whether physical therapy for anterior cruciate ligament prevention reimbursable and whether physical therapist can order imaging (x-ray, MRI). **Reply:** Your first question relates to clarification/interpretation of 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. In response to your second question, under the Ohio Physical Therapy Practice Act, the scope of practice for a physical therapist does not include the ability to order imaging. The Board cannot comment on what is contained in the physical therapy scope of practice acts in other states. Information regarding licensing issues for all state physical therapy boards is available in the Licensure Reference Guide available from the Federation of State Boards of Physical Therapy. This information is located on the Free Resources section of <http://www.fsbpt.org>. You may also wish to contact the Ohio Physical Therapy Association at [www.ohiopt.org](http://www.ohiopt.org) for any legislative issues related to ordering imaging.
6. **Gary Johnson, PT:** Mr. Johnson asked the Section questions regarding direct access documentation in physical therapy practice. **Reply:** Yes, you can continue to treat the patient since you met the physician notification requirements outlined in section 4755.481 of the Revised Code.
7. **Brittany Jones, PT:** Ms. Jones asked the Section questions regarding billable services for a Medicare client in a skilled nursing facility. **Reply:** Your questions relate to clarification/interpretation of 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.
8. **Amy Mullens, PT:** Ms. Mullens asked the Section questions regarding the final visit to discharge a homecare client. **Reply:** Rule 4755-27-03 (B)(5) of the Ohio Administrative Code states that physical therapist assistants are not qualified to perform the discharge evaluation and complete the final discharge summary. Discharge planning and the completion of the discharge evaluation are the responsibility of the supervising physical therapist and may be performed and documented by the physical therapist in a reasonable timeframe prior to discharge. The physical therapist assistant may provide care per that discharge assessment and plan and may document objective information about that care, but the physical therapist must then complete the final discharge summary.
9. **Kristin Kurty, PTA:** Ms. Kurty asked the Section whether physical therapists assistants can perform dry needling in Ohio. **Reply:** It is the position of the Ohio Physical Therapy Section that physical therapists assistants cannot legally perform intramuscular manual therapy (dry needling) under the Ohio Physical Therapy Practice Act since it requires activities that are evaluative in nature and outside the scope of practice of the physical therapist assistant.
10. **Jill Gulliams, PTA:** Ms. Gulliams asked the Section questions regarding physical therapists assistant documentation in a home health setting. **Reply:** The physical therapist assistant may assess responses to treatments rendered and make statements about progress toward goals as outlined in the plan of care and document this in the assessment portion of the daily or progress note in the medical record. In the situation you describe, the physical therapist assistant would be making an assessment of the patient, which is not within the scope of practice of the physical therapist assistant. All information completed by the physical therapist assistant must be co-signed by the physical therapist. The physical therapist assistant cannot establish goals or perform physical therapy assessments. Goal modifications may be performed only by a physical therapist and the documentation must clearly reflect the physical therapist's revision(s).
11. **Regina Babinec, PT:** Ms. Babinec asked the Section for clarification on the use of physical therapy credentials when working in a non-physical therapy role. **Reply:** Yes, you may use your PT credential designation. There is nothing in the Ohio Physical Therapy Practice Act that prohibits a physical therapist or physical therapist assistant from giving health and wellness lectures, demonstrations, or general information on the benefits of different types of exercise provided the practitioner is knowledgeable in the content. Health screenings at public health fairs may also be performed. However, under current Ohio law, a physical therapy practitioner providing fitness or wellness services to individual clients or groups must follow regulations for physical therapy practice if the services are represented as physical therapy, if the

provider is identified as a physical therapist or physical therapist assistant, or if he/she signs “PT” or “PTA” after his/her name. If any of these conditions exists, the physical therapist must perform a screening evaluation prior to providing services, must maintain documentation of care provided, If physical therapist assistants, other licensed personnel, or students are involved in providing fitness or wellness services as physical therapy, rules in the Ohio Administrative Code for delegation and supervision apply. If fitness or wellness programs or group exercises are not represented as physical therapy, they do not fall under the jurisdiction of the Physical Therapy Practice Act.

12. **Mari Otterstetter, PT:** Ms. Otterstetter asked the Section questions regarding co-signing PRN therapy notes. **Reply:** Yes, you may co-sign the physical therapist assistant notes. 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. However, pursuant to section 4755.47 (A)(5) of the Revised Code, all licensed physical therapists must follow the code of ethical conduct for physical therapists and physical therapist assistants established in rule 4755-27-05 of the Ohio Administrative Code. Paragraph (B)(5)(h) of this rule cites “Abandoning the patient by inappropriately terminating the patient practitioner relationship by the licensee” as a “failure to adhere to the minimal standards of acceptable prevailing practice.” It is the position of the Physical Therapy Section that if for any reason, the evaluating physical therapist will no longer be available to provide and supervise the physical therapy services, the evaluating physical therapist must transfer the patient to another physical therapist. This includes situations where a physical therapist’s sole responsibility is to evaluate a patient either due to temporary coverage or as terms of their employment. The evaluating physical therapist in this instance must complete and document the transfer of their responsibilities to another physical therapist to provide and supervise the physical therapy services for the patient. Termination of care does not include a physical therapist taking regularly scheduled days off or job sharing. Each physical therapy practice should determine a system that will allow for this transfer of care in situations where a physical therapist is terminating the patient/therapist relationship. That transfer of care must be documented in the patient’s medical record by identifying the new physical therapist by name or transferring to the physical therapist supervisor for reassignment. The physical therapist that has accepted the transfer of care is then responsible to supervise all aspects of the physical therapy program that are delegated to physical therapy personnel, including co-signing physical therapist assistant documentation. If the patient is not transferred to another physical therapist, the evaluating physical therapist is responsible for the overall care of the patient including the supervision of any physical therapy personnel providing services to that patient. If a team of physical therapists has a system that allows for transfer of care to assure that patients are scheduled appropriately and that a physical therapist is always assigned to supervise each patient’s care whenever the patient is seen, the PRN physical therapist is not required to make an extra visit to document the transfer. However, in a situation where the PRN therapist is not confident that another physical therapist on the team is assuming responsibility for each patient’s care, the PRN therapist should arrange with the employer for the opportunity to arrange and document the transfer of care.
13. **Julie Timberlake, PT:** Ms. Timberlake asked the Section questions regarding whether it is appropriate for physical therapists to treat low vision clients if the therapists have no experience in working with low vision clients. **Reply:** As with any specialized procedure, the physical therapist must have training and demonstrate competency in the modality. It is the position of the Physical Therapy Section that a physical therapist may perform all services that are within the scope of practice of physical therapy. However, it is the individual physical therapist’s responsibility to produce evidence of appropriate training and demonstrate knowledge and competency in the delivery of any procedure, treatment, or service. A physical therapist assistant or other licensed personnel must also produce evidence of appropriate training and demonstrate knowledge and competency in any procedure, treatment, or service that the supervising physical therapist delegates to that individual. The supervising physical therapist must be able to demonstrate competency in any procedure or service that has been delegated. That is, the supervising physical therapist may not delegate treatments, procedures, or services to a physical therapist assistant or other licensed personnel if the supervising physical therapist cannot demonstrate knowledge and competency in the procedure, even if the physical therapist assistant or other licensed personnel can



demonstrate knowledge and competency in the procedure. 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.

14. **Nicole Waite, PT:** Ms. Waite asked the Section if physical therapists can supervise home health aide services for physical therapy clients. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act prohibiting the physical therapist from accepting the administrative assignment of supervising a home health aide in provision of services external to physical therapy (i.e. ADLs –bathing/grooming, assisting the family in patient care). These services must not be represented as physical therapy. The physical therapist may not delegate components of physical therapy services to the aide but may have an aide assist the physical therapist or physical therapist assistant while the physical therapist or physical therapist assistant is concurrently providing services to the same patient. The Physical Therapy Section recommends that you consult agency and payer policies regarding supervision of home health aides. 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.
15. **Kristin Noll, PT:** Ms. Noll asked the Section for clarification on starting a physical therapy practice and liability concerns. **Reply:** The Ohio Revised Code empowers the Physical Therapy Section to regulate and license the profession of physical therapy. The Section is not statutorily authorized to provide specific legal advice and suggests that you consult your legal counsel. You may also contact the Private Practice Section of the American Physical Therapy Association at <http://www.ppsapta.org> for additional information.

#### OT/PT/AT Joint Correspondence

- JB1. Danielle Lawrence, PT:** Ms. Lawrence asked the Occupational and Physical Therapy Sections questions regarding whether each written note by an occupational therapy assistant/physical therapist assistant be co-signed by the supervising therapist. **Reply:** This letter is in response to your correspondence regarding whether each written note by an occupational therapy assistant/physical therapist assistant be co-signed by the supervising therapist. Your question addresses both occupational therapy and physical therapy practice. Please be aware that the regulation of these professions is undertaken by two separate entities. Yes, all information completed by the physical therapist assistant must be co-signed by the physical therapist. Rule 4755-7-04(H) of the Ohio Administrative Code states that “Any documentation written by an occupational therapy assistant, student occupational therapist, or student occupational therapy assistant for inclusion in the client's official record shall be co-signed by the supervising occupational therapist.”

#### Old Business

##### “Shared” Ohio Approval Number for Continuing Education

Ronald Kleinman distributed the notes from the OPTA CE Committee outlining its discussions regarding the sharing of Ohio Approval Numbers.

The Section tabled this item until 2014 Section Retreat.

#### New Business

##### Five Year Rule Review

The Executive Director reported that the Section received one comment on proposed rule 4755-27-01 The Board is still waiting on comments from the CSI office. The Board should have a response this week. The Section made no additional changes to the proposed rules.

**Action:** Karen Holtgreffe moved that the Physical Therapy Section file rules 4755-26-01, 4755-26-02, 4755-26-03, 4755-26-04, 4755-26-05, 4755-26-06, 4755-27-01, 4755-27-02, 4755-27-03, 4755-27-04, 4755-27-05, 4755-27-06, 4755-27-07, and 4755-28-01 as no change rules. Ms. Holtgreffe, further move that the Physical Therapy Section file

the proposed changes to rules 4755-23-12 and 4755-23-16. Thomas Caldwell seconded the motion. The motion carried.

#### Ethics Training

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

#### Discussion regarding Art Therapy

The Section is not supportive of the Board regulating art therapy. Art therapy is mental health profession and the current disciplines of the Board pertain to physical medicine.

#### Update on the Federal Trade Commission v. North Carolina State Board of Dental Examiners

The Executive Director informed the Board that there is not an update on this decision at this time. The Executive Director informed the Section that the Section would need to be mindful of making decisions based on public protection and not upon the best interest of the profession.

#### Display of Wall Certificate

The Section discussed whether the requirement that the wall certificate be displayed at the licensee's principal place of business should be maintained.

Due to the implementation of real-time, online license verifications, the wall certificate has become a ceremonial document. The Section questions whether there is a need to continue requiring licensees to display their wall certificate at the licensee's principal place of employment. The Section will consider removing the requirement that wall certificates must be displayed.

#### Discussion on the use of aPTitude for CE Audit

Licensees using the aPTitude program can enter their individual continuing education activities and upload copies of their certificates of completion at no cost. The aPTitude website allows the Board to review licensees' continuing education activities and proof of completion of CE activities. The Section directed the Executive Director to utilize aPTitude as an option for the CE audit in lieu of licensees faxing or emailing the certificates of completion directly to the Board office.

#### Honorary Recognitions for Retiring Licensees

The Section was asked to consider offering honorary recognitions for retiring licensees. The Section is in favor of offering an honorary recognition. The Section will develop standard parameters, such as length of service in practice, age, and no disciplinary actions. The Section will draft criteria for honorary recognitions and will post information on the Board website on how to request an honorary recognition from the Board. Initial discussions identified licensed in Ohio for at least 30 years with a license in good standing as the criteria for recognition.

#### **Open Forum**

The Section discussed the 2013 pass rates for the NPTE. The Section directed the Executive Director to research the overall pass rates for 2013 and see how they compare to the 2012 pass rates.

#### **Ohio Physical Therapy Association (OPTA) Report**

Victoria Gresh provided an update from OPTA.

#### **Federation of State Boards for Physical Therapy (FSBPT) Report**

##### CE Credit for FSBPT Activities

The Section received an email requesting the process for getting approval for a continuing education activity for participating in an FSBPT activity. The Section will review non-traditional continuing education activities on a case by case basis. Individuals seeking an approval are required to submit a formal written request to the Section summarizing the activity and how the information can be used in practice and submitting a copy of the FSBPT Certificate of completion.

#### **Items for 2014 Section Retreat**

- "Shared" Ohio Approval Number for Continuing Education

- Use of the “PT” credential when not “functioning” as a physical therapist/physical therapist assistant (e.g.: health/wellness)
- Guidelines on accepted CE approvals for various FSBPT activities.

**Items for Next Meeting**

- Rules Hearing

**Next Meeting Date**

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, January 9, 2014.

**Adjournment**

Lynn Busdeker moved that the meeting be adjourned. Ronald Kleinman seconded the motion. The motion carried. The meeting adjourned at 3:43 p.m.

Respectfully submitted,  
*Diane Moore*

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Karen Holtgreffe, PT, Acting Chair  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, PT Section

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Raymond Bilecky, PT, Acting Secretary  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, PT Section

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

**KH:jmr:dm**