



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

*Physical Therapy Section
November 4, 2010
9:30 a.m.*

Members Present

Raymond Bilecky
Thomas Caldwell
Sam Coppoletti, Secretary
Dale Deubler
Mary Kay Eastman
Karen Holtgreffe
James Lee
Marilyn Mount, Chair
Kimberly Payne

Staff Present

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

Guests

Shane Yates, OPTA
Carolyn Kuruc, JCARR

Legal Counsel

Yvonne Tertel, Assistant Attorney General

Call to Order

The meeting was called to order by the Section Chair, Marilyn Mount, at 10:02 a.m.

Approval of Minutes

Action: Raymond Bilecky moved that the September 9, 2010 meeting minutes be approved as submitted. Thomas Caldwell seconded the motion. The motion carried.

Executive Director's Report

- The Executive Director informed the Section that the election results will potentially impact the Board's budget for FYs 2012-2013.
- The Executive Director has been working collectively with a group of directors over the past year to discuss strategies and talking points to be proactive in addressing potential consolidation proposals for boards and commissions.
- The Executive Director submitted the agency budget request for FYs 2012-2013 to OBM on November 1, 2010.

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

Discussion of Law Changes

Action: Thomas Caldwell moved that the Section file proposed amendments for rules 4755-23-01, 4755-23-08, 4755-23-10, 4755-23-12, 4755-24-07, and 4755-28-01 and no change rules 4755-24-03, 4755-24-04, 4755-24-05, 4755-24-06, 4755-27-07, 4755-24-08, and 4755-24-09. Karen Holtgreffe seconded the motion. The motion carried.

The public rules hearing will be held on January 13, 2011.

Administrative Reports

Licensure Applications

Action: Dale Deubler 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 9, 2010 through November 4, 2010, taking into account those individuals subject to discipline, surrender, or non-renewal. Ms. Deubler 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

Allbritain, Alicia
Breedlove, Gerald
Cameron, Nicholas
Doneson, Bethany
Dunfee, Christa
Klocko, Andrea
Lupidi, Susan
McElfresh, Christine
Oliveira, Juliana
Salvatori, Paul
Schoonover, Keara
Stoffer, Jaime
Virtudazo, Emmy Lou
York, Jenna

Barnhart, Lindsey
Buland, Lauren
Cameron, Nicholas
Doneson, Bethany
Fleishaker, Erin
Kramer, Erin
Luu, Julie
Mitchell, Timothy
Qahwash, Ala
Scheidt, Kyle
Skaggs, Danielle
Studenski, Jacqueline
Vondenhuevel, Amy
Zadrozny, Patrick

Bauer, Rebecca
Cain, Sean
Dannhausen, Clinton
Drake, Amy
Haley, David
Little, Laura
Martin, Megan
Murphy, Jessica
Salvatori, Paul
Schilling, Stephanie
Stebbins, Laura
Tumas, Rolandas
Wesley, William

Physical Therapist Assistant – Examination

Arnold, Ashley
Bender, Anthony
Black, Elizabeth
Circella, Kristina
Conrad, Samantha
Cubellis, Stacie
Depoy, Trevor
Garrett, Shannon
Greenlese, Joy
Horne, Andrea
Jones, Travis
Kern, Catherine
Lemon, Jenna
Mathews, Jason
Meadows, Sarah
Merricle, Richard
Miller, Jill
Morey, Duane
Pernus, Amy
Pullin, Carolyn
Robertson, Kevin
Schlachter, Christopher
Smith, Amanda
Spradlin, Brooks
Streeter, Debra
Turkoly, Colby
Wonderly, Sonya
Zemzars, Dace

Arnold, Cayla
Benesh, Eric
Burnard, Heather
Cirino, Michael
Cooper, Anya
Davis, Susan
Fahey, Erin
Goleb, Elena
Harmon, Kelci
Hricik, Christopher
Jones, Wynter
Kerr, Summer
Lewis, Michelle
McCune Kimberly
Melchert, Chad
Messmer Zackary
Mills, Heather
Overly, Michelle
Perry, Amanda
Reed, Darrell
Sacksteder, Emily
Schooley, Mahlon
Smith, Mindy
Starr, Jenna
Suttler, Michele
Waddle, Stacy
Yobe, Debbie

Ayres, Hannah
Beutler, Jamie
Chamberlain, Katie
Conochan, Sandra
Cordy, Rachel
DeBruine, Kendra
Fields, Faryn
Gosser, William
Hartshorn, Trent
Jankowski, Kenneth
Karangwa, Clarisse
Landerman, Gregory
Mann, Letitia
McQuillin, Erin
Meritt, Lauren
Miller, Cara
Moreland, Katie
Peacock, Timothy
Pina, Anjelo
Reihing, Morgan
Sauer, Emily
Seger, Monica
Spooner, Michelle
Stefango, Jamie
Tavernier, Patricia
Wells, Cristina
Yost, Michelle

Action: Dale Deubler 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 9, 2010 through November 4, 2010, taking into account those licenses subject to discipline, surrender, or non-renewal. James Lee seconded the motion. The motion carried.

Physical Therapist – Endorsement

Anand, Honey
Castle, Lucinda
Dent, Kelsey

Ankola, Smita
Cook, Amy
Graham, Kara

Bolger, Daniel
DeKalb, Kelly
Hargus, Simon

Herzog, Barbara
Kramer, Amber
Marquez, May Rose
Robinson, Andrea
Sistoso, Christian Alfred
Stover, Lisa
Zlupko, Erica

Karunamurthy, Premanand
Leavitt, Cyril
Matics, Sarah
Sandusky, Kia
Sitar, Bethany
Thottichira, Abraham

Kessler, Michael
Maczek, Elizabeth
McPherson, Amanda
Schwartz, Victoria
Southall, Adam
Wieth, Joshua

Physical Therapist Assistant – Endorsement

Chapman, Summer
Hunter, Kristin
Spencer, Ashley

Click, Patrick
Kavanagh, Judith

Fisher, Whitney
Ruffing, Casee

Physical Therapist Reinstatement

Burgoon, Colleen

Hackett, Joan

Physical Therapist Assistant – Reinstatement

Lizer, Angela

Moore, Julie

Noon, Kimberly

Action: Dale Deubler moved that the Section approve the physical therapist assistant application file #4843290 to sit for the National Physical Therapy Examination under the current rules. Ms. Deubler further moved that the applicant be licensed as a physical therapist assistant pending passage of the National Physical Therapy Examination and Ohio laws and rules examination. Raymond Bilecky seconded the motion. The motion carried. The Section approved Amy Shenkle's application to sit for the NPTE for physical therapist assistant.

Testing Accommodations Requests

Dale Deubler recommended that the Section deny the testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist assistant examination file #5011230, as the documentation submitted states that the disability does not impair any major life activity. **Action:** Kimberly Payne moved that the Section deny the testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist assistant examination file #5011230 based on the documentation provided. Karen Holtgreffe seconded the motion. Dale Deubler abstained from voting. The motion carried.

Dale Deubler recommended that the Section request additional documentation to determine if that applicant's disability impairs one of the applicants' major life activities while taking the prescribed medication for physical therapist assistant application file #5007843. **Action:** Karen Holtgreffe moved that the Section grant Dale Deubler the authority to approve the testing accommodation if the findings state that the medication does not remediate the impairment on a major life activity for physical therapist assistant application file #5007843. Mary Kay Eastman seconded the motion. Dale Deubler abstained from voting. The motion carried.

Dale Deubler recommended that the Section grant a testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist examination file #4985589. **Action:** Kimberly Payne moved that the Section grant a testing accommodation for the National Physical Therapy Examination and Ohio Jurisprudence Examination for physical therapist examination file #4985589. James Lee seconded the motion. Dale Deubler and Karen Holtgreffe abstained from voting. The motion carried. The Section granted a testing accommodation of extended time for time and one half for Katie Young.

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 seven and opened six new cases since the September 9, 2010 meeting. There are fourteen cases currently open. There are fourteen disciplinary consent agreements, one adjudication order, and two non-disciplinary agreements being monitored.

Thomas Caldwell informed the Section that Simone Baughman and Adrick Ceasar complied with all terms and conditions and were released from their disciplinary consent agreements.

Enforcement Actions

Thomas Caldwell recommended that a notice of opportunity for a hearing be issued for case PT-FY10-047 for failure to provide adequate supervision of other licensed personnel. **Action:** Dale Deubler moved that a notice of opportunity for a hearing be issued for case PT-FY10-047 for failure to provide adequate supervision of other licensed personnel. Mary Kay Eastman seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

Thomas Caldwell recommended that the Section rescind the notice of opportunity for hearing for case PT-FY11-003, as the licensee demonstrated evidence of completion of the required number of continuing education hours for the 2010 licensure renewal. **Action:** Dale Deubler moved to rescind the notice of opportunity for hearing for case PT-FY10-003. Mary Kay Eastman seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

Thomas Caldwell recommended that the Section rescind the notice of opportunity for hearing for case PT-FY11-004, as the licensee demonstrated evidence of completion of the required number of continuing education hours for the 2010 licensure renewal. **Action:** Dale Deubler moved to rescind the notice of opportunity for hearing for case PT-FY10-004. Mary Kay Eastman seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

Affidavit Hearing

Good afternoon. My name is Marilyn Mount, 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 1:17 pm on November 4, 2010, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. Members of the Board present for the proceedings are:

Jeffrey Rosa called roll:

Raymond Bilecky	Present
Thomas Caldwell	Present
Sam Coppoletti	Present
Dale Deubler	Present
Mary Kay Eastman	Present
Karen Holtgreffe	Present
Marilyn Mount	Present
James Lee	Present
Kimberly Payne	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 Milan Pokorny, case number PT-FY10-051

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 this 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 Investigator and accompanying exhibits for the Goldman Proceedings in your board packet. The affidavit contains the evidence and testimony upon which you will deliberate. I trust that each of you has had the opportunity to review the affidavit and accompanying exhibits. If not, you may review them now.

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 a brief synopsis of the case.

Ms. Tertel reviewed 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: Dale Deubler moved to accept the facts and exhibits outlined in the affidavit for Milan Pokorny, case number PT-FY10-051. Mary Kay Eastman seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

There being no further evidence to come before the board, these proceedings are now closed at 1:23 pm.

The procedural and jurisdictional matters having being satisfied, we will now continue with the proceeding by deliberation on the sworn affidavit and exhibits. A written copy of the board's decision will be mailed to the respondent.

At this time, is there a motion to go into private session for the purpose of quasi-judicial deliberation on this matter?

Action: Mary Kay Eastman moved to go into private session for the purpose of quasi-judicial deliberation on this matter. Kimberly Payne seconded the motion.

Jeffrey Rosa called roll:

Raymond Bilecky	Yes
Thomas Caldwell	Yes
Sam Coppoletti	Yes
Dale Deubler	Yes
Mary Kay Eastman	Yes
Karen Holtgreffe	Yes
James Lee	Yes
Marilyn Mount	Yes
Kimberly Payne	Yes

The Section went into private session at 1:24 pm and came out at 1:33 pm. Tom Caldwell, James Lee and the Enforcement staff left the room during private session.

Action: Kimberly Payne moved to revoke the license of Milan Pokorny based on the affidavit and information before the Section. The revocation will take effect 30 days after the mailing of the adjudication order. Dale Deubler seconded the motion. Thomas Caldwell and James Lee abstained from voting. The motion carried.

Correspondence

- Michelle Murray:** Ms. Murray asked the Section questions regarding continuous passive motion (CPM) application and documentation. **Reply:** In the scenario you described, if the order from the physician is explicitly for physical therapy to apply the CPM, then the physical therapist can apply the CPM following, at a minimum, a review of the medical record and an evaluation of the patient. Following the application, the therapist should then document the results in the medical record. The physical therapist assistant, in this case, could not apply the CPM until the therapist completes the evaluation. If the physician order does not specify that physical therapy apply the CPM, then a physical therapist or other personnel in the facility may apply it as determined by said facility, but it must not be represented as physical therapy.

2. **Mark Cristell:** Mr. Cristell asked the Section questions regarding HFAP Standard 26.01.09, which requires a physical therapist to have a physician signed plan of care prior to initiating treatment. **Reply:** Your questions relate to accreditation requirements and potential payer policies and not to the Ohio Physical Therapy Practice Act. While the Ohio Physical Therapy Practice Act does allow physical therapists to treat without referral, some insurers, such as Medicare, have more stringent requirements and do require a referral for reimbursement. 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. However, in this situation, the Physical Therapy Section agrees with you that this policy imposes an undue delay between evaluation and treatment of a patient and may be in violation of best practice and hamper patient recovery. The Code of Ethical Conduct for physical therapists, established in rule 4755-27-05(B) of the Ohio Administrative Code, states in part that ethical conduct includes conforming to the minimal standards of acceptable and prevailing physical therapy practice. It goes on to state that a licensee shall adhere to the minimal standards of acceptable prevailing practice. It is the position of the Physical Therapy Section that a substantial delay between evaluation and treatment does not meet the minimal standard of acceptable practice. Rule 4755-26-05(A) of Ohio Administrative Code also states that a licensee shall exercise sound judgment and act in a trustworthy manner in all aspects of physical therapy practice. Regardless of practice setting, the physical therapist shall maintain the ability to make independent judgments. A licensee shall strive to effect changes that benefit the patient.
3. **Edward Wasner:** Mr. Wasner asked the Section whether physical therapists can perform screenings for benign paroxysmal positional vertigo (BPPV) and perform correctional repositioning treatments. **Reply:** It is the position of the Physical Therapy Section, that screening and treatment for benign paroxysmal positional vertigo (BPPV) is consistent with the knowledge and skills of licensed physical therapists and is within the scope of practice of physical therapy. As with any specialized procedure, the physical therapist must have training and demonstrate competency in the procedure.
4. **Joy Sims:** Ms. Sims asked the Section questions regarding whether a physician can have unlicensed personnel perform ultrasound and electrical stimulation and then bill it as physical therapy. **Reply:** According to section 4755.50 of the Ohio Revised Code, services rendered by a person acting under the supervision of a licensed health care professional, such as a physician, shall not be designated physical therapy. However, the Ohio Physical Therapy Practice Act does not prevent a physician from personally performing treatment that is designated as physical therapy. If your questions are about a physician supervising unlicensed personnel in the use of modalities not designated as physical therapy, you should contact the State Medical Board of Ohio about their laws and rules governing unlicensed personnel.
5. **Shannon Landin:** Ms. Landin asked the Section for clarification of physical therapist assistant's role in school-based re-evaluations and screenings and whether physical therapist/physical therapist assistants can work after graduation but prior to passing state boards. **Reply:** The Ohio Physical Therapy Practice Act does not vary with practice setting. Rule 4755-27-02(B) of the Ohio Administrative Code states that a physical therapist assistant is not qualified to conduct initial patient evaluations. It is the position of the Physical Therapy Section that the physical therapist assistant may gather data as requested by the supervising physical therapist. This may include classroom observations and administration of standardized assessments that the physical therapist may use as part of the student/patient evaluation or re-evaluation. However, only the physical therapist may interpret the information and complete the evaluation. Rules 4755-27-02(C) and 4744-27-03(E)(5) both refer to gathering information for a screening to determine if a physical therapy evaluation might be needed. It is in this instance when record reviews and interviews may be used to gather information but there is to be no physical contact with the student/patient. In response to your second question, under the Ohio Physical Therapy Practice Act, individuals must pass the NPTE and obtain an Ohio license prior to practicing physical therapy. Until the individual obtains the license, they are considered "unlicensed personnel" as that term is defined in rule 4755-27-01 (C)(4) of the Administrative Code and must comply with the rules that related to unlicensed personnel in the physical therapy setting. Since Ohio does not have temporary licensure, these individuals may not work as a physical therapist or physical therapist assistant until the license is issued.

6. **Jeffrey Angeline:** Ms. Angeline asked the Section if it is acceptable to make donations to community organizations based on patient visits. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act or code of ethics that limits your ability to donate a portion of your profits to your church or other organizations; however, explicitly marketing to the members of your parish community and local schools your intention to donate a portion of each visit does violate section 4755-27-05(A)(4) of the Code of Ethical Conduct for physical therapists and physical therapist assistants. This section states that a licensee shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the source of the compensation. By offering to donate funds to your parish or to a local school based on patient visits, it is the opinion of the Physical Therapy Section that this would be offering funds in return for patronage of your facility.
7. **Angela Durchholz:** Ms. Durchholz asked the Section whether unlicensed personnel can apply modalities. **Reply:** The FAQ that you site is current and correct. Rule 4755-27-01 of the Administrative Code defines unlicensed personnel as any person who is on the job trained and supports the delivery of physical therapy services. Rule 4755-27-03 of the Administrative Code describes the routine duties that assist in the delivery of physical therapy care and operations that may be assigned to unlicensed personnel. The rule on delegation to unlicensed personnel is intended to limit the involvement of unlicensed personnel in direct patient care to assisting the physical therapist or physical therapist assistant as “a second pair of hands on the same patient.” While physical therapists may not delegate physical therapy interventions to unlicensed personnel, the Physical Therapy Section recognizes that there may be a role for such personnel in working with patients/clients. For example, a physical therapist or physical therapist assistant may provide administrative oversight of an unlicensed aide who is providing restorative or maintenance care in a nursing home after the termination of a physical therapy plan of care. Third party payer policies and/or federal regulations may be more or less restrictive than the Ohio Physical Therapy Practice Act. In any situation, licensees should follow the more restrictive policies. The Physical Therapy Section recognizes that the appropriate role of unlicensed personnel may be difficult to determine in various situations. The Section encourages you to contact us if you have further specific questions about the role of unlicensed personnel.
8. **Elizabeth Pence:** Ms. Pence asked the Section whether physical therapist assistants can perform a Berg Balance test weekly after a physical therapist performs the initial test. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that prohibits a physical therapist assistant from completing a weekly Berg Balance test. The physical therapist assistant cannot, however, interpret the results, as this is the sole responsibility of the physical therapist. A physical therapist assistant must produce evidence of appropriate training and demonstrate knowledge and competency in any procedure, treatment, or service that the supervising physical therapist delegates to the physical therapist assistant. The supervising therapist must also be able to demonstrate competency in any procedure or service that is delegated to the physical therapist assistant.
9. **Sara Wagner:** Ms. Wagner asked the Section whether the plan of care can be changed by a physical therapist who did not evaluate the patient. **Reply:** It is the position of the Physical Therapy Section that unless there has been a transfer of care from the evaluating therapist to the therapist providing care, the requested changes in the physical therapy plan of care should be approved by the evaluating physical therapist unless there are departmental policies that identify assignment of responsibilities on a given day that the treating therapist may change the plan of care if needed. You have the responsibility of providing appropriate care for that day and then documenting the change in patient status and plan of care. The ultimate responsibility for the care of the patient/client remains with the evaluating therapist until a transfer of care has been completed. You may wish to develop a departmental policy on how the treating therapist is to provide the appropriate treatment and document any change in patient status requiring a change in the plan of care. In a clinic where a team of physical therapists provides services on a rotating basis it is recommended that a system should be in place that ensures necessary transfers of care take place with the assurance that patients are scheduled appropriately and that a physical therapist is always assigned to supervise each patient’s care whenever the patient is seen.
10. **Jason Davie:** Mr. Davie asked the Section questions regarding transferring the plan of care from one facility to another and whether a physical therapist assistant can be supervised by a physical therapist not affiliated with the evaluating physical therapist. **Reply:** 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. Rule 4755-27-05 (B)(5)(h) 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. Since the above situation did not occur at your present facility, it is the recommendation of the Physical Therapy Section that you reassess each patient and determine if the goals and plan of care are appropriate. It is recommended that you include in your documentation the reason for the reassessment as well as your acceptance of each of these patients as the evaluating/supervising physical therapist. It is also the position of the Physical Therapy Section that you are not responsible for any discharge summaries that were not completed for patients discharged prior to assuming your present responsibilities. Regarding your second question, it is the position of the Physical Therapy Section that nothing in the Ohio Physical Therapy Practice Act prohibits the supervising physical therapist who has no affiliation with the evaluating therapist from supervising a physical therapist assistant when treating the patient who has been assigned to the therapist’s case load. In the instance when the supervising therapist is employed by a different agency than the physical therapist assistant, there is nothing in the Ohio Practice Act that prevents this arrangement. The Section suggests that the two agencies may want to have a written agreement that specifies how the differing agency policies and procedures are to be followed. Regardless of employers, the supervising physical therapist must have the authority to direct and correct patient care services provided by a physical therapist assistant. The physical therapist has the ultimate responsibility for the patient care and must assure that the care is provided in accordance with rules 4755-27-01 to 4755-27-05 of the Ohio Administrative Code, that treatments are rendered according to safe and ethical standards, and are of a type and quality to be effectual to the client’s needs.

11. **Shelly Abelin:** Ms. Abelin asked the Section if physical therapy practitioners can perform sharp wound debridement. **Reply:** Regarding whether sharp debridement can be done in the home, this is both a company policy and insurance issue that may require specific description of the procedure beyond what is specified in the Ohio Physical Therapy Practice Act.
12. **Elizabeth Trame:** Ms. Trame asked the Section if physical therapists can accept a referral from a physician assistant and direct access. **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. 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. Also be aware that pursuant to division (G) of section 4755.48 of the Revised Code, physical therapists may provide services to a patient upon a referral from a person who is licensed or registered in this state or any other state to practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery, or to practice nursing as a certified registered nurse anesthetist, a clinical nurse specialist, a certified nurse-midwife, or a certified nurse practitioner within the scope of such practices, and whose license is in good standing. Your question about a Medicare certification signed by a nurse practitioner or physician assistant relates 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.
13. **Denise Price:** Ms. Price asked the Section questions regarding clarification of the comparison of responsibilities of physical therapy practitioners in school-based practice document and physical

therapy assistant documenting in “P” portion of a SOAP note. **Reply:** The Comparison of Responsibilities of Physical Therapy Practitioners in School-Based Practice document is a review of the roles and responsibilities of physical therapists and physical therapist assistants in the school setting. This document clarifies the application of the Physical Therapy Practice Act in the school-based setting. It was originally written to assist school administrators in understanding the scope of physical therapists’ responsibilities, including the fact that the physical therapist is responsible for ALL students receiving physical therapy services, including those students receiving direct services from the physical therapist assistants whom the physical therapist supervises. Rule 4755-27-03 (E)(6) of the Ohio Administrative Code states that all documentation by the physical therapist assistant must be co-signed by the supervising physical therapist. This rule is the basis for the requirement that the supervising physical therapist review and sign the periodic progress notes. In response to your question about a physical therapist assistant documenting in the “P” section of a SOAP note, it is the position of the Physical Therapy Section that a PTA may document in all areas of the SOAP note. In the “P” section the assistant would document how they plan to proceed within the plan of care that was established by the supervising therapist. For example, they would document that treatment will continue without change, update treatment within the plan of care or that they will request the physical therapist to assess the patient for a possible update in the plan of care. However, only the supervising physical therapist may determine if plan of care goals have been met and the plan of care needs to be updated or determine the patient’s readiness for discharge.

14. **Elena Dinardo:** Ms. Dinardo asked the Section if physical therapists can initiate services under evaluation by a different provider due to insurance paying for one evaluation per year. **Reply:** The Code of Ethical Conduct established in rule 4755-27-05 of the Ohio Administrative Code states that a licensee shall exercise sound judgment and act in a trustworthy manner in all aspects of physical therapy practice. Regardless of practice setting, the physical therapist shall maintain the ability to make independent judgments. It goes on to state that ethical conduct also includes conforming to the minimal standards of acceptable and prevailing physical therapy practice. It is the opinion of the Physical Therapy Section that this includes evaluating a patient prior to initiation of treatment. Since you are not the evaluating therapist, it could, therefore, be a violation of the Code of Ethical Conduct to initiate treatment without evaluating the patient and writing a plan of care. It is the recommendation of the Physical Therapy Section that you reassess the patient and develop goals and a plan of care based on your evaluation. In addition, you should include in your documentation the reason for the reassessment as well as your acceptance of the patient as the evaluating/supervising physical therapist. The Board does not take a stance on specific billing issues; however, it is the position of the Physical Therapy Section that any service should be billed under the most descriptive intervention and diagnostic codes available.
15. **Wesleigh Cummings:** Mr. Cummings asked the Section if physical therapists can offer incentive program to encourage referrals of new patients from current patients. **Reply:** It is the opinion of the Physical Therapy Section that having an incentive program to encourage referrals of new patients from current patients does violate rule 4755-27-05(A)(4) of the Ohio Administrative Code. This portion of the Code of Ethical Conduct states that a licensee shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the source of the compensation.
16. **Tarmara Tucker:** Ms. Tuckers asked the Section if physical therapist assistants can perform Incentive and P-flex treatment during physical therapy treatment and if this qualifies as a billable physical therapy time for physical therapist assistants. **Reply:** The Ohio Physical Therapy Practice Act does not specifically refer to whether or not the respiratory rehabilitation procedures you mention are within the scope of practice of a physical therapist assistant. Rule 4755-27-02 (E) of the Administrative Code allows the physical therapist to delegate treatment procedures or services beyond the entry level scope of physical therapist assistant practice, provided that the physical therapist assistant has documented training and demonstrated competency in delivery of the procedure. The supervising physical therapist must also be able to demonstrate competency in any procedure or service that has been delegated to the physical therapist assistant. The supervising physical therapist may not delegate treatments, procedures, or services to a physical therapist assistant if the supervising physical therapist cannot

demonstrate knowledge and competency in the procedure, even if the physical therapist assistant can demonstrate knowledge and competency in the procedure. Your question about billing relates 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. As part of the Physical Therapy Section's ongoing efforts to promote best practice in the provision of physical therapy services, the Section suggests that you may wish to encourage the supervising therapist to consult the defensible documentation section of the American Physical Therapy Association's web site with respect to writing functional goals.

17. **Colleen Whittington:** Ms. Whittington asked the Section if a licensed physical therapist assistant who holds a BA or BS degree can teach as the instructor of record in a physical therapy assistant theory or procedures course. **Reply:** It is the opinion of the Physical Therapy Section that a physical therapist assistant can be the faculty of record in a physical therapist assistant theory and procedures course. They must hold a current Ohio physical therapist assistant license or teach for no more than one year without obtaining an Ohio license if they hold an active physical therapist assistant license in another state, as outlined in section 4755.482 of the Revised Code. It should be noted the higher education institute for your program may have more specific criteria for the appropriate terminal degree required to teach in your program.
18. **Ted Web:** Mr. Web asked the Section if physical therapist assistants can write a discharge order or any other orders. **Reply:** The physical therapist assistant cannot write a discharge order. Rule 4755-27-03 (B)(5) of the Ohio Administrative Code states that physical therapist assistants are not qualified to write a discharge order or to perform the discharge evaluation and complete the final discharge summary. It is the position of the Physical Therapy Section that individuals other than physical therapists may receive verbal or telephone orders. All verbal or telephone orders, prescriptions, or referrals must be followed up in writing with the referring practitioner's signature for inclusion in the patient's official record. The ultimate responsibility for care of the patient including discharge summaries and recommendations lies with the evaluating physical therapist. Relying solely on information gathered by the physical therapist assistant during treatment does not constitute a reassessment, and may not fulfill the physical therapist's obligation to provide the appropriate standard of care. Likewise, the physical therapist assistant has a legal obligation, in the overall care of the patient, to make sure the review and assessment are performed by the physical therapist to meet the same standard of care.
19. **Karen Jenkins:** Ms. Jenkins asked the Section if the physical therapy plan of care can be different than the physician order. **Reply:** When working under a physician referral, the physical therapist does need to stay within the parameters of the referral. The Physical Therapy Section would expect the physical therapist to contact the physician regarding treatment procedures that the therapist considers inappropriate for that patient and to recommend alternative treatment. If the physician continues to insist on the disputed treatment, the therapist's only recourse may be to decline to treat the patient. The physician may refer to other care providers. Within a facility where the patient has no choice in selecting the physician or therapy team, the physical therapist may be able to present the dilemma to facility or medical administrators to explain the rationale for not providing the requested treatment. In no circumstance should a physical therapist include in a plan of care treatment that is not supported by the evidence or that is contraindicated for a particular patient.
20. **Deborah Marotta:** Ms. Marotta asked the Section how long a prescription for physical therapy is valid and billing questions. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that dictates the length of time that a referral is valid. If you have a case or patient where a referral is required, the Physical Therapy Section recommends that, at a minimum, referrals be renewed annually. The Section recognizes that third party payers may require physical therapists to following more specific requirements. If you have evaluated the patient and are sending the physician plans of care for review and signature, these can be considered a new referral each time the plan of care is signed. 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. There is nothing in the Ohio Physical Therapy Practice Act that requires a new referral following a lapse of time between visits due

to the patient's vacation. However, when the patient returns a re-evaluation may need to be performed to determine if the plan of care is still appropriate. Your question about serving a Medicare patient at a fee for service clinic relates to Medicare policies and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section recommends that you contact Medicare or the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association.

21. **Michelle Spooner:** Ms. Spooner asked the Section for information on how a physical therapist assistant can get certified in lymphedema. **Reply:** Your question about lymphedema certification relates to lymphedema certification and not to the Ohio Physical Therapy Practice Act. To obtain information on how a physical therapist assistant can become certified as a lymphedema therapist, please contact the Lymphology Association of North American at <http://www.clt-lana.org>.

OT/PT Joint Correspondence

JB1. Kevin Adams: Mr. Adams asked if assessing lung sounds is within the scope of occupational and physical therapy practice. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapist from assessing lung sounds provided that the occupational therapist has received training and demonstrated and documented competence in this activity. It is the position of the Physical Therapy Section that assessing lung sounds is consistent with the knowledge and skills of licensed physical therapists and is within the scope of the practice of physical therapy. As with any specialized procedure, the physical therapist must have training and demonstrate competency in the procedure. This training may be done by a professional skilled in this technique and who is able to assess competence following the instruction. Your final question relates to liability issues and not to the Ohio Occupational and Physical Therapy Practice Acts. The Sections recommend that you contact the appropriate liability insurance company or the legal sections of the American Occupational Therapy Association and the American Physical Therapy Association.

JB2. Sara Wagner: Ms. Wagner asked if occupational and physical therapists have to co-sign the assistant's daily notes or are initials adequate. **Reply:** A physical therapist may not co-sign for an occupational therapy assistant and an occupational therapist may not co-sign for a physical therapist assistant. The physical therapist and physical therapist assistant may only treat pursuant to the physical therapy evaluation and plan of care and the occupational therapist and occupational therapy assistant may only treat pursuant to the occupational therapy evaluation and plan of care. Occupational therapy and physical therapy practitioners may not treat pursuant to an evaluation and plan of care established by the other discipline. In accordance with rule 4755-7-01 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 Occupational Therapy 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. 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. Rule 4755-27-03(E)(6) of the Ohio Administrative Code states that "All [physical therapist assistant] documentation shall be co-signed by the supervising physical therapist." It is therefore the position of the Physical Therapy Section that a signature is required and initials are not sufficient.

JB3. Jayne Sabo: Ms. Sabo asked if an occupational therapist can cover the pool/aquatic program in the absence of a physical therapist assistant. **Reply:** It is the position of the Occupational Therapy Section that if the aquatic services are pursuant to an occupational therapy plan of care and billed as occupational therapy then the services can only be carried out by an occupational therapist or occupational therapy assistant. If the aquatic service is not represented as occupational therapy or physical therapy and if the occupational or physical therapy practitioner happens to be qualified as an aquatic program instructor, then the Sections recommend that the practitioner ensures that appropriate medical screenings and disclosure are in place to ensure the safety of the participants.

Occupational therapy assistant may only treat pursuant to the occupational therapy evaluation and plan of care and physical therapist and physical therapist assistant may only treat pursuant to the physical therapy evaluation and plan of care. Occupational therapy and physical therapy practitioners may not treat pursuant to an evaluation and plan of care established by the other discipline. In accordance with section 4755.40(C) of the Ohio Revised Code, a physical therapist assistant may only be supervised by a physical therapist and may not be supervised by any other person, including those persons licensed to practice in any other profession. Therefore, it is the position of the Physical Therapy Section that patients referred as you described to the aquatic program by an occupational therapist must be referred to physical therapy and receive a physical therapy evaluation with a physical therapy plan of care developed that indicates aquatic therapy. The evaluating physical therapist may then delegate the aquatic therapy portion of the physical therapy plan of care to the physical therapist assistant. When the physical therapist assistant is absent, the evaluating physical therapist may delegate the aquatic therapy to another discipline as other licensed personnel. However, occupational therapy practitioners cannot function in this role. In accordance with section 4755-27-03(F) of the Ohio Administrative Code this must be done within 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 physical therapist shall demonstrate involvement, in accordance with paragraph (F) of rule 4755-27-04 of the Administrative Code, in each treatment session in which a component of care is delegated. Documentation by other licensed personnel is restricted to an accounting of the activities provided, which includes the patient's response to intervention. The remainder of the documentation is the responsibility of the supervising physical therapist. The Sections recommends that you check with the facility policies as they may be more restrictive than the Ohio Occupational Therapy and Physical Therapy Practice Acts.

JB4. Lucija Lekic: Ms. Lekic asked if whether an occupational therapy assistant with a degree in management can supervise occupational, physical, and speech therapists. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act prohibiting occupational therapists or occupational therapy assistants from administratively managing speech language pathologists, physical therapy or other medical personnel in the provision of services external to occupational therapy plan of care. In the situation you describe, the individual would be functioning as a manager with a degree or experience in management who also happens to be an occupational therapy assistant. There is nothing in the Ohio Physical Therapy Practice Acts that specifies what degree, level of education, or level of professional licensure is required for managing physical therapists. The manager would be providing overall coordination of departmental services and not providing supervision of the physical therapists and physical therapist assistants as defined in rule 4755-27-04 of the Ohio Administrative Code. Generally this is a human resource decision regarding the specific educational requirements for a given position. Speech therapy practice does not fall under the jurisdiction of the Ohio Occupational Therapy, Physical Therapy, and Athletic Training Board. You can contact the Ohio Board of Speech-Language Pathology and Audiology at board@slpaud.ohio.gov. The Sections recommend that you check with the facility or corporation policies as they may be more restrictive than the Ohio Occupational Therapy and Physical Therapy Practice Acts.

JB5. Tina Shelton: Ms. Shelton asked if an occupational therapy assistant can serve as a rehab manager over occupational therapy, physical therapy, and speech therapy. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act prohibiting occupational therapists or occupational therapy assistants from administratively managing speech language pathologists, physical therapists, or other medical personnel in the provisions of services external to occupational therapy plan of care. In the situation you describe the individual would be functioning as a manager with a degree or experience in management who also happens to be an occupational therapy assistant. Generally this is a human resource decision regarding the specific educational requirements for a given position. There is nothing in the Ohio Physical Therapy Practice Acts that specifies what degree, level of education, or level of professional licensure is required for managing physical therapists. The manager would be providing overall coordination of departmental services and not providing supervision of the physical therapists and physical therapist assistants as defined in rule

4755-27-04 of the Ohio Administrative Code. Speech therapy practice does not fall under the jurisdiction of the Ohio Occupational Therapy, Physical Therapy, and Athletic Training Board. You can contact the Ohio Board of Speech-Language Pathology and Audiology at board@slpaud.ohio.gov. The Sections recommend that you check with the facility or corporation policies as they may be more restrictive than the Ohio Occupational Therapy and Physical Therapy Practice Acts.

- JB6. Cindy Hudson:** Ms. Hudson asked if occupational therapy assistants and physical therapist assistants can gather objective information about a patient's home for discharge planning. **Reply:** 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. It is the position of the Physical Therapy Section that physical therapist assistants may gather and summarize objective information; however, they may not interpret this data. While a home assessment is the sole responsibility of the physical therapist, the physical therapist assistant may go into the home, without patient involvement, to perform an environmental survey (architectural barriers, floor plan, etc.). It is the responsibility of the physical therapist to interpret and make recommendations for the purpose of discharge development. If there is collaboration between the physical therapist and the physical therapist assistant, the collaboration must be reflected in the patient documentation, but only the physical therapist may document the discharge evaluation and recommendations in the discharge summary. Even if the discharge evaluation and recommendations for follow-up care are included in the initial evaluation, a discharge summary must still be completed to document final discharge date and disposition. The discharge summary may refer to the last treatment note for patient status.
- JB7. Steven Johnson:** Mr. Johnson asked if there is a state listing of occupational and physical therapy abbreviations. **Reply:** The Occupational and Physical Therapy Sections do not maintain or approve a list of acceptable medical abbreviations. The Sections suggests that you work with the administration of your facility to select and adopt a list of medical abbreviations. You may also wish to check the web sites of the American Physical Therapy Association, the American Occupational Therapy Association and/or the Joint Commission for further information on the use of abbreviations.
- JB8. Melissa Loudon:** Ms. Loudon asked for clarification on the role of occupational and physical therapy practitioners in wound care. **Reply:** In accordance with section 4755.04(A) of the Ohio Revised Code and rule 4755-7-08 of the Ohio Administrative Code, it is the position of the Occupational Therapy Section that occupational therapy practitioners may perform wound care and select interventions including, but not limited to debridement, dressing treatments, and/or suture removal provided the occupational therapy practitioner demonstrates and documents the appropriate knowledge, skills and ability in the treatment(s) being performed and is practicing within the occupational therapy scope of practice. It is the position of the Physical Therapy Section that physical therapy includes wound and burn care with appropriate dressing and administration of topical drugs. Physical therapy also includes sharp wound debridement providing the physical therapist has been trained in the procedure. The physical therapist may delegate this component of care to a physical therapist assistant provided that both the physical therapist and the physical therapist assistant have demonstrated competency in these procedures.

Old Business

Newsletter Update

The Executive Director reported that the Newsletter is completed and will be posted on the Board website next week.

New Business

Public Rules Hearing

The Section held a public rule hearing from 11:19 am to 11:23 am for the following rules: 4755-26-02, 4755-26-03, 4755-26-04, 4755-26-05 and 4755-26-06.

Proposed Rules for Mentoring and Clinical Instructors

The Section reviewed the draft language for earning continuing education credit for mentoring a physical therapy practitioner. An individual must mentor a physical therapy practitioner at a minimum of eighty hours in the continuing education reporting period to obtain credit under this category. The Executive Direction will work with Thomas Caldwell and Marilyn Mount on the drafting the proposed language.

The Section will contact the OPTA continuing education committee to clarify the documentation required for out of state conferences.

Retreat Planning

The Section identified potential retreat topics to include:

- IEP is not the plan of care;
- ODE caseload language update;
- Joint board changes;
- Traveling physical therapists;
- Licensure in emergency situations;
- Continuing competence;
- Mandating an requirement for ethics in continuing education;
- ProBE-PT;
- Qualifications for management of sport concussions;
- Mark Lane's presentation at the FSBPT annual meeting regarding the ten potential trends arising as a result of increased demands for physical therapy services:
 - changing delivery of healthcare;
 - standards requiring accountability;
 - compliance;
 - scope of practice issues (pushback coming from physicians);
 - benefits of regulation and regulatory boards;
 - globalization of healthcare;
 - technology advances creating regulatory concerns (internet and telehealth);
 - changes in education;
 - cheating on NPTE; and
 - disciplinary issues.

The Executive Director will email potential retreat dates to the Section.

FAQ from OPTA Conference

Marilyn Mount drafted frequently asked questions from the OPTA Fall Conference. The most common question was can physical therapists promote themselves as physical therapists at a fair/booth. The answer to this FAQ will be posted on the Board website under the Physical Therapy Section FAQ at <http://otptat.ohio.gov>.

Ohio Physical Therapy Association (OPTA) Report

- Shane Yates reported that the next OPTA Annual Membership meeting will be held on April 9, 2011.
- OPTA awarded their first research grant to Weiqing Ge at Youngstown State University. Dr. Ge will conduct research on spinal manipulation.
- OPTA Public Relations Committee continues to run advertisements in *Ohio Magazine* to promote physical therapy. Mr. Yates reported that the new marketing advertisements increased the hits on the myOhioPT.com website from 10 to 700.
- OPTA requested permission to reprint information from the Section's Fall 2010 newsletter pertaining to physical therapy practitioners putting their license at risk. The Section granted OPTA permission to reprint the article.
- Mr. Yates further reported that for Fiscal Year 2010, OPTA reviewed 1322 individual applications and 237 sponsor applications for continuing education approval.

Federation of State Boards for Physical Therapy (FSBPT) Report

- Raymond Bilecky, Thomas Caldwell, and Kimberly Payne attended the FSBPT Annual Meeting and Delegate Assembly in Denver, Colorado on October 14-16, 2010. Board members can review the conference PowerPoint presentations at <http://www.fsbpt.org>.
- FSBPT is in the process of selecting continuing competence reviewers to review continuing education courses and continuing competence activities. Once FSBPT certification is available, jurisdictions will have the option of using the FSBPT certification process or continuing with their existing method of approving activities.
- The FSBPT *aPTitude* continuing education database will be free to licensees. Course and activity sponsors will be charged a fee to enter data into the aptitude system.
- Raymond Bilecky received an Outstanding Service Award for serving as chairman of the FSBPT Continuing Competence Committee.

Items for Next Meeting

- Public Rules Hearing
- Retreat Planning
- Executive Director's Evaluation
- Discuss Contents for CE Mentoring Form

Next Meeting Date

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, January 13, 2011.

Adjournment

Mary Kay Eastman moved that the meeting be adjourned. James Lee seconded the motion. The motion carried. The meeting adjourned at 3:12 p.m.

Respectfully submitted,
Diane Moore

Marilyn Mount, 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