

# Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board



## Fiscal Year 2006 Annual Report



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**Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board**  
77 South High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215-6108

Governor  
*Bob Taft*  
Executive Director  
*Jeffrey M. Rosa*

## **Letter to the Governor and General Assembly**

Dear Governor Taft and Members of the 126<sup>th</sup> General Assembly:

On behalf of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board), we are pleased to submit this annual report for Fiscal Year 2006 in accordance with section 4755.04 of the Revised Code. This report highlights the work of the three sections of the 20-member Board, supported by a staff of 9 employees.

This report reflects the efforts made by the three sections of the Board to ensure that all persons licensed by the Board are properly qualified to provide the appropriate care to the citizens of Ohio. In addition to providing information on the financial picture of the Board, this report summarizes licensure activities and enforcement activities undertaken during the previous year.

In the past year, the Board continued to meet all obligations imposed by Chapter 4755. of the Revised Code. Licenses were issued to qualified individuals and renewed according to the Board's schedule and disciplinary action was taken with licensees violated the law regulating the practice of physical therapy, occupational therapy, or athletic training, as appropriate. All activities were geared towards fulfillment of the Board's mission and are described more fully in the body of the report.

The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board is committed to continue providing quality service to its licensees and to all citizens of Ohio. We thank you for your on-going support of the Board's efforts to enforce Chapter 4755. of the Ohio Revised Code.

Respectfully submitted,

Rebecca LeBron, OTR/L  
Joint Board President

Jeffrey M. Rosa  
Executive Director

## **Mission of the Board**

The mission of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board is to actively promote and protect the health of the citizens of Ohio through effective regulation of the professions of occupational therapy, physical therapy, and athletic training.

Goals to achieve this mission include:

- Ensuring that individuals practicing occupational therapy, physical therapy, and athletic training meet sufficient standards of education, training, competence, and ethics, as defined in the laws and rules governing the profession.
- Investigate and discipline licensees whose practice falls below the minimal standards of care.
- Define and advocate for standards of safe OT, PT, AT practice, and ensure that the laws and rules governing the practice accurately reflect current standards.
- Provide information about the licensees of the OT PT AT Board, the Board's functions and operations, and the laws governing the practice of OT, PT, and AT.
- Achieve and maintain the highest possible levels of organizational efficiency.

## **History of the Board**

In 1976, the 111<sup>th</sup> General Assembly established the Ohio Occupational Therapy Board for the purpose of licensing and regulating occupational therapists and occupational therapy assistants within Ohio. Chapter 4755. of the Ohio Revised Code was amended in 1977 creating the Ohio Occupational Therapy and Physical Therapy Board. Prior to 1977, the Medical Board regulated physical therapists. Physical therapist assistants were also included in the 1977 legislation, which established the Physical Therapy Section.

With the enactment of Senate Bill 80 in 1990, Chapter 4755. of the Ohio Revised Code was again amended to include the Athletic Trainers Section, thus creating the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

## **Duties of the Board**

The Ohio Revised Code authorizes the Board to license practitioners of physical therapy, occupational therapy, and athletic training, either through examination or reciprocity. The licensure process involves evaluating the applicant's credentials and formal education, implementing testing procedures, and conducting hearings, if needed. The Board is also empowered to investigate complaints and concerns relative to alleged violations of Chapter 4755. of the Ohio Revised Code, which can result in the suspension or revocation of a license, or the refusal to issue or renew a license. In addition, the Board is permitted to subpoena witnesses in connection with investigations, make applications to courts when appropriate, and issue injunctions, restraining orders, or other actions, as may be appropriate and granted by a court.

## Board Members and Staff

The Board is comprised of three sections that enforce the practice act of their respective profession. The Occupational Therapy Section consists of four occupational therapists and one occupational therapy assistant. The addition of the occupational therapy assistant occurred pursuant to a change contained in Am. Sub. H.B. 66 of the 126<sup>th</sup> G.A. The Physical Therapy Section consists of nine physical therapists, while the Athletic Trainers Section has four athletic trainers and one physician. The three sections combine for the joint board to discuss budgetary and administrative matters of the state agency. At the joint board, all Athletic Trainer and Occupational Therapy Section members serve, as well as five Physical Therapy Section members and one public member. Appendix A lists the members of the Board. Members are paid an hourly rate for each hour employed in the discharge of official duties. In addition, all members are reimbursed according to state travel rules for travel expenses.

In FY 2006, the Board employed nine full-time employees. The Executive Director oversees day-to-day operations. The table of organization includes:

Position	# of Full-Time Equivalents
Executive Director	1
Executive Secretary	1
Administrative Assistant	1
Certification Licensing Examiner	3
Enforcement Division Supervisor	1
Investigator	2

## Licensure Activities

The licensure responsibilities of the three sections of the Board ensure that only individuals who meet certain standards of education, training, and competency are licensed in Ohio.

Type of License	# of New Licenses Issued in FY 2006	Total Active Licensees as of 6/30/06
Occupational Therapist	196	3,782*
Occupational Therapy Assistants	165	2,235^
Physical Therapist	314	6,477
Physical Therapist Assistants	286	4,457
Athletic Trainers	161	1,640
<b>TOTAL</b>	<b>1,122</b>	<b>18,591</b>

\*Does not include 266 occupational therapists whose license is in escrow.

^Does not include 171 occupational therapy assistants whose license is in escrow.

## Fiscal Report

In fiscal year 2006, Board revenues, the majority from licensure fees, totaled \$997,664.38. Total spending in the fiscal year, not including encumbered moneys disbursed after June 30, 2006 was just over \$630,000. All told, in FY 2006, Board revenues exceeded expenditures by almost \$370,000. The largest component of Board spending is for staff payroll. Over 82 percent of FY 2006 spending occurred in SAC 6091 (Staff Payroll Account). The following table illustrates the Board's revenues and expenditures for FY 2006.

<i>Expenditures</i>	
SAC 6091 (Staff Payroll Account)	\$519,609.91
SAC 6092 (Maintenance Account)	\$78,592.12
SAC 6093 (Equipment Account)	\$0
SAC 6099 (Refund Account)	\$300
SAC 6001 (Board Member Payroll)	\$21,816.01
SAC 6232 (Member Travel & Maintenance)	\$10,080.56
<b>TOTAL EXPENDITURES</b>	<b>\$630,398.60</b>
<i>Revenues</i>	
Income from OT Section	\$327,953.00
Income from PT Section	\$580,475.00
Income from AT Section	\$89,120.00
Income from Other Sources (e.g.: mail labels)	\$116.38
<b>TOTAL REVENUE</b>	<b>\$997,664.38</b>

The Board is self-sustained through fees generated from applications for initial licensure, renewal fees, and other miscellaneous sources. Fees are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K9), a joint fund in which the fees from 22 other licensing boards are deposited. Each agency in the fund is required to generate revenue sufficient to meet its operating expenses. Although Board revenues exceeded expenditures, the Board may only spend up to the amount appropriated by the legislature, unless the Controlling Board approves an increase in appropriation authority.

## Investigations and Enforcement

To ensure compliance with Chapter 4755. of the Revised Code, the Board employs three investigators to investigate complaints and conduct investigations. All complaints made to the Board must be in writing. When the Board receives a complaint, a case number is assigned and an investigator will determine whether the facts in the case support the alleged violation.

The investigator provides all information and a recommendation to the investigative committee of the appropriate section upon completion of the investigation. The investigative committee then reviews the complaints to determine if any disciplinary action is needed.

The following table outlines the investigation and enforcement actions taken by the Board during calendar year 2005. Since not all investigations result in disciplinary action, the number of investigations undertaken in CY 2005 exceeds the number of disciplinary actions taken by the Board. In addition, in certain cases where the licensee entered into a consent agreement with the Board, the disciplinary action may be listed in more than one category in the table below (e.g.: suspension *and* on-going monitoring).

	Occupational Therapy	Physical Therapy	Athletic Trainers	Total
Investigations	13	33	24	70
Inspections	20	26	10	56
<i>Consent Agreements</i>				
Suspensions	2	6	2	10
Reprimands	4	0	1	5
On-going Monitoring	7	8	28	43
Probation	0	1	16	17
Disciplinary Surrender	0	0	2	2
<i>R.C. 119. Hearings</i>				
Revocation	0	0	2	2
Suspension	0	0	0	0
<i>Cease and Desist Orders</i>				
	1	0	1	2

## Operational Efficiencies

In FY 2006, the Board continued to make significant steps to contain program costs to meet the mission of the agency. Increasing usage of electronic documents has continued to lead to a decrease in printing and mailing costs. During FY 2006, both the Athletic Trainers Section and the Occupational Therapy Section implemented online renewals. As a result of this change, the costs incurred to print the renewal application significantly decreased since these two Sections mailed a one-page letter on 20 pound paper instead of the more expensive cardstock. In addition, those renewing online were able to pay with a credit card. This led the Board to eliminate expenses associated with the lockbox. However, the tradeoff was an increase in credit card processing fees. Over time, the Board believes that any increases in credit card processing fees will be completely or significantly offset by the reduction in lockbox expenditures.

In FY 2006, the Board also established the listservs for each Section. To date, approximately 40-50% of all licensees are subscribed to the appropriate listserv. Utilization of this electronic notification system will allow licensees to be notified when important documents, like the annual report or rules changes, are posted to the website.

## Occupational Therapy Section

The Occupational Therapy Section completed many accomplishments in FY 2006. Some of these activities included increasing communications with the licensees and consumers through increased use of the listserv and the Board's website. The Section also worked on updating its

standard responses to frequently asked questions and reviewed the effectiveness of the Board's investigative process. Individuals whose licenses expired on June 30, 2006 had the opportunity to renew their license online and pay with a credit card. For many years, licensees have asked when they would have this option. For the occupational therapy renewal, of those renewing, about 88% chose to renew online.

To educate the public and licensees and the role of the Board and the occupational therapy practice act, the Board director and various Section members conducted presentations to graduating students, to licensees at major employers, and at various meetings of the professional association.

The Section also worked on further defining appropriate practice areas for occupational therapy practitioners. For example, the Section drafted a written position statement on dysphagia and the role of the occupational therapy provider. In addition to the dysphagia statement, the Section began a dialogue with the Ohio Department of Education and the Ohio Department of Mental Health on issues related to the practice of occupational therapy.

As part of the biennial budget bill (H.B. 66), the occupational therapy practice act was amended to replace an existing occupational therapist member of the Board with an occupational therapy assistant. The occupational therapy assistant Board member will be appointed in fiscal year 2007. In addition, one current Board member was reappointed for a term expiring on August 27, 2008.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of occupational therapy. In FY 2006, the Section amended 3 rules and adopted one new rule. An additional one rule was reviewed as part of the five-year review process, after which the Section determined that no changes were necessary.

As part of its goals for FY 2007, the Section plans to investigate the use of aides as service extenders. At its presentation to licensees at the professional association's annual meeting, the Section plans to solicit input on proposed changes related to this issue. The Section also plans to continue to improve the dialogue between the Section and other state agencies and the occupational therapy community.

The Section also plans to continue its educational efforts by speaking to students, licensees, and the public at events sponsored by the state association, educational institutions, and/or large facilities. In addition, the Section plans to refocus the activities of the enforcement division away from random inspections of facilities. Instead, the Section plans to offer 3-4 hour educational forums at which continuing education credit would be awarded. These sessions would be held regionally and cover topics ranging from licensure issues, administrative issues, and enforcement issues.

## **Physical Therapy Section**

In FY 2006, the Section held a strategic planning retreat to discuss various topics of importance to the regulation of physical therapy in Ohio. Topics discussed included issues related to fraud

and abuse, insurance billing (including Medicare and Medicaid), foreign educated applicants, and potential changes to Section policies and procedures.

One outcome of the retreat was a streamlining of the activities of its Education Oversight liaisons, the body that meets with applicants who either failed the National Physical Therapy Examination (NPTE) at least three times or those who have been out of active practice for more than three years. As a result of the changes made by the Section, the responsibilities of the staff will increase for initial triaging of cases prior to the application being sent to a Section member serving as an Education Oversight liaison. In addition, the process was changed to require all applicants on a sixth or greater attempt at the NPTE to enter into a conditional license agreement with the Section. As part of this agreement, the applicant is approved to sit for the examination and is required to complete 250-500 hours of supervised clinical practice upon receiving the license to practice. In addition, re-entry applicants out of practice for over ten years will be required to retake and pass the NPTE.

In addition, the Section improved its procedures for reviewing the licensure applications for foreign trained physical therapists. As a result of the changes made, the Section is using more discretion when reviewing the applications of individuals with foreign physical therapy education that is not substantially equivalent to the requirements contained in the Ohio Physical Therapy Practice Act.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of physical therapy. In FY 2006, the Section amended 8 rules, adopted two new rules, and rescinded one rule. An additional 3 rules were reviewed as part of the five-year review process, after which the Section determined that no changes were necessary.

In FY 2006, the terms of two longtime Board members, Sandi Pomeroy and Amy Heilmann-Rocco, ended. These members were replaced by Ray Bilecky and Tom Caldwell. Their terms expire on August 27, 2008.

Goals for FY 2007 include improvements to the Section's jurisprudence examination, which is required for all licensure applicants. The Section plans to implement an Internet-based jurisprudence examination. Switching to the computer based examination will free up time that Board staff currently uses to grade the paper and pencil examinations. The Board will also see savings since exams will no longer be sent via DHL to the educational programs in the state. Under the current system, program directors proctor the examination for graduating students and return the completed exams to the Board. In addition, the Physical Therapy Section will implement online renewals for licensees whose licenses expire on January 31, 2007. The renewal applications for these individuals will be mail in early October 2006. Assuming that the response rates are similar to the Athletic Trainers Section and the Occupational Therapy Section, about 85-95% of physical therapists renewing in FY 2007 should use the online renewal system.

During FY 2006, the Section established a committee to study a potential move from the classic continuing education towards the more comprehensive continuing competency. One of the key missions for regulatory boards is to determine if an applicant for licensure possesses the minimal competence to be a safe practitioner. Unfortunately, once licensed, there are not many reliable ways to ensure that the practitioners maintains competency. This committee, which will meet during FY 2007, will study potential changes that could be made to inch the Section towards

competency for all licensees. The committee consists of a few members of the Section, the Executive Director of the Board, and representatives from the state professional association.

The Section also plans to continue its educational efforts by speaking to students, licensees, and the public at events sponsored by the state association, educational institutions, and/or large facilities. In addition, the Section plans to refocus the activities of the enforcement division away from random inspections of facilities. Instead, the Section plans to offer 3-4 hour educational forums at which continuing education credit would be awarded. These sessions would be held regionally and cover topics ranging from licensure issues, administrative issues, and enforcement issues.

## **Athletic Trainers Section**

During FY 2006, the Athletic Trainers Section continued its enforcement of the athletic training practice act. The Section accomplished this by increasing their communication with licensees and members of the public through increased use of the Board's website and the listserv.

Individuals whose licenses expired on May 15, 2006 had the opportunity to renew their license online and pay with a credit card. For many years, licensees have asked when they would have this option. For the athletic training renewal, of those renewing, about 95% chose to renew online.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of athletic training. In FY 2006, the Section amended two rules. An additional one rule was reviewed as part of the five-year review process, after which the Section determined that no changes were necessary.

In FY 2005, the term of Board member Dr. Randell Wexler ended. Dr. John Lombardo, the medical director of Max Sports Center in Columbus, replaced him. Unfortunately, Dr. Lombardo resigned his appointment during FY 2006, citing a lack of time. A replacement physician member was not appointed during FY 2006. During FY 2006, two current Board members were reappointed for terms expiring on August 27, 2008.

As part of its goals for FY 2006, the Section plans to continue increasing its interaction with its licensees and the citizens of Ohio and educating the public on the requirement for licensure to practice as an athletic trainer in Ohio. The Section expects to work collaboratively with the Ohio Athletic Trainers Association on this educational exercise and plans to hold a presentation at the professional association's annual meeting during FY 2007.

The Section also plans to continue its educational efforts by speaking to students, licensees, and the public at events sponsored by the state association, educational institutions, and/or large facilities. In addition, the Section plans to refocus the activities of the enforcement division away from random inspections of facilities. Instead, the Section plans to offer 3-4 hour educational forums at which continuing education credit would be awarded. These sessions would be held regionally and cover topics ranging from licensure issues, administrative issues, and enforcement issues.

## **Suggested Changes to the Practice Acts and Other Issues of Impact**

The Board has attempted for the past few years to pass legislation cleaning up various provisions in our practice acts. So far, we have been unsuccessful in this endeavor. Some changes included in this proposed legislation include:

1. Giving the board the ability to levy fines;
2. Allowing the board to summarily suspend a licensee for violations that pose an immediate and clear danger to the public;
3. Updating the educational standards required for licensure as a physical therapist to match the current national standards;
4. Language allowing the board to share confidential investigative information with other law enforcement entities and regulatory agencies (e.g.: other licensing boards, Department of Job and Family Services);
5. Due to an historic drafting error in the Athletic Training Practice Act, the Athletic Trainers Section is unable to completely regulate the profession. Under the current law, it is only illegal for an individual to call themselves an athletic trainer. As long as you do not hold yourself out as an athletic trainer, there is nothing to prevent an unlicensed person from performing athletic training;
6. Language allowing the board to set the license renewal schedule in rules to provide more flexibility.

There are a few ongoing issues that current, or potentially will, impact the Board.

1. After Hurricanes Katrina and Rita hit the gulf coast in 2005, many individuals licensed in those states sought licensure in Ohio. Since the Board recognized that these individuals lost almost everything, it attempted to assist these individuals with the licensure process. We were notified by our Assistant Attorney General that without an Executive Order issued by the Governor, the Board did not have the statutory authority to waive licensure fees. In addition, other activities to facilitate post-disaster licensure are not clearly contained in the Ohio Revised Code. It may make sense to consider enacting provisions to assist regulatory boards with future disaster situations (either from natural disasters or from terrorist activities).
2. Pursuant to Attorney General's Opinion 87-076, individuals licensed as chiropractors may advertise and bill for providing "physical therapy services." The Physical Therapy Section believes that only a licensed physical therapist or physical therapist assistant can use the term physical therapy. The Board believes that subsequent amendments to both the Physical Therapy Practice Act and the Chiropractic Practice Act warrant a reversal of Opinion 87-076.
3. The Occupational Therapy Section and the Athletic Trainers Section both have issues related to Ohio Department of Education (ODE) rules and policies conflicting with the respective practice acts. Although representatives from both sections have met with the Department of Education, there has been little positive movement shown by ODE to come to a mutually agreeable resolution to the issues.

## APPENDIX A

### *ATHLETIC TRAINERS SECTION MEMBERS*

Jody Benda, AT  
AT Section Secretary  
Ada, OH  
Appointed term expires August 27, 2008

Kurt McClurg, AT  
AT Section Chair  
Joint Board Secretary  
Bowling Green, OH  
Appointed term expires August 27, 2007

Paul Miller, AT  
Lewis Center, OH  
Appointed term expires August 27, 2008

Vince O'Brien, AT  
Columbus, OH  
Appointed term expires August 27, 2006

*John Lombardo, MD  
Columbus, OH  
Resigned appointment on May 2, 2006*

### *OCCUPATIONAL THERAPY SECTION MEMBERS*

Lois Borin, OT  
OT Section Secretary  
Powell, OH  
Appointed term expires August 27, 2007

Martha Cameron, OT  
OT Section Chair  
Columbus, OH  
Appointed term expires August 27, 2006

Rebecca LeBron, OT  
Joint Board President  
Niles, OH  
Appointed term expires August 27, 2008

Hector Merced, OT  
Cleveland, OH  
Appointed term expires August 27, 2007

Nanette Shoemaker, OTA  
Miamisburg, OH  
Appointed term expires August 27, 2006

*Paul Hoffer, OT  
Cincinnati, OH  
Resigned appointment on December 31,  
2005*

### *PUBLIC MEMBER*

Gary Weiss, Public Member  
Brecksville, OH  
Appointed term expires August 27, 2008

*Thomas G. Vignos, Public Member  
North Canton, OH  
Appointed term expired August 27, 2005*

## APPENDIX A

### *PHYSICAL THERAPY SECTION MEMBERS*

Donna F. Baker, PT  
PT Section Secretary  
Hamilton, OH  
Appointed term expires August 27, 2006

Raymond Bilecky, PT  
Columbia Station, OH  
Appointed term expires August 27, 2008

Thomas Caldwell, PT, AT  
Galena, OH  
Appointed term expires August 27, 2008

Robert Frampton, PT  
Findlay, OH  
Appointed term expires August 27, 2006

Michael P. Herbert, PT  
Tiffin, OH  
Appointed term expires August 27, 2007

Beth Gustafson, PT  
Urbana, OH  
Appointed term expires August 27, 2007

Janet Howells, PT  
Gahanna, OH  
Appointed term expires August 27, 2007

Barbara Kraynik, PT  
PT Section Chair  
Canton, OH  
Appointed term expires August 27, 2007

Averell R. Overby, PT  
Athens, OH  
Appointed term expires August 27, 2007

*Amy S. Heilmann-Rocco, PT*  
*Columbus, OH*  
*Appointed term expired August 27, 2005*

*Sandra Pomeroy, PT*  
*Franklin, OH*  
*Appointed term expired August 27, 2005*