

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



## Fiscal Year 2007 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  
*Ted Strickland*  
Executive Director  
*Jeffrey M. Rosa*

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

Dear Governor Strickland and Members of the 127<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 2007 in accordance with section 4755.02 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 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 2007, the Board employed eight full-time employees and one position was vacant for a significant portion of the fiscal year. This vacant position should be filled in FY 2008. 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 (vacant)
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 2007	Total Active Licensees as of 6/30/07
Occupational Therapist	186	3,990*
Occupational Therapy Assistants	181	2,444^
Physical Therapist	308	6,692
Physical Therapist Assistants	325	4,709
Athletic Trainers	161	1,671
<b>TOTAL</b>	<b>1,161</b>	<b>19,506</b>

\*Does not include 273 occupational therapists whose license is in escrow.

^Does not include 165 occupational therapy assistants whose license is in escrow.

## Fiscal Report

In fiscal year 2007, Board revenues, the majority from licensure fees, totaled \$882,715.95. Total spending in the fiscal year, not including encumbered moneys disbursed after June 30, 2007 was just over \$587,300. All told, in FY 2007, Board revenues exceeded expenditures by almost \$300,000. The largest component of Board spending is for staff payroll. Over 83 percent of FY 2007 spending occurred in SAC 6091 (Staff Payroll Account). The following table illustrates the Board's revenues and expenditures for FY 2007.

<i>Expenditures</i>	
SAC 6091 (Staff Payroll Account)	\$491,078.15
SAC 6092 (Maintenance Account)	\$59,492.78
SAC 6093 (Equipment Account)	\$349.00
SAC 6001 (Board Member Payroll)	\$25,959.44
SAC 6232 (Member Travel & Maintenance)	\$10,432.27
<b>TOTAL EXPENDITURES</b>	<b>\$587,311.64</b>
<i>Revenues</i>	
Income from OT Section	\$278,030.00
Income from PT Section	\$527,170.00
Income from AT Section	\$77,415.00
Income from Other Sources (e.g.: mail labels)	\$100.95
<b>TOTAL REVENUE</b>	<b>\$882,715.95</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 24 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 fiscal year 2007. The table reflects final resolution for cases opened during FY 2007. The Board

also took final disciplinary action on 2006 cases during FY 2007. Those actions are not reflected on the table below. 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 Initiated of Potential Violations of the Practice Act	31	59	12	102
<i>Consent Agreements</i>				
Suspensions	1	2	2	5
Reprimands	4	9	0	13
On-going Monitoring	5	11	4	20
Probation	0	0	2	2
Disciplinary License Surrender	0	0	2	2
<i>R.C. 119. Hearings</i>				
Revocation	0	0	0	0
Suspension	0	0	0	0
<i>Evidentiary Reviews in Lieu of R.C. 119. Hearing</i>				
Revocation	0	1	1	2
Suspension	0	0	0	0
<i>Cease and Desist Orders</i>	1	5	0	6
<i>Non-Disciplinary Resolutions</i>	21	24	3	48
<i>Cases Not Yet Resolved</i>	4	18	2	24

## Operational Efficiencies

In FY 2007, 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 2007, the Physical Therapy Section implemented online renewals and both the Athletic Trainers Section and the Occupational Therapy Section completed their second online renewal. As a result of this change, the costs incurred to print the renewal application significantly decreased since the three 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.

In FY 2006, the Board also established the listservs for each Section. To date, approximately 75-80% 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.

## **Enactment of Am. Sub. H.B. 403**

On April 6, 2007, the provisions contained in Am. Sub. H.B. 403 of the 126<sup>th</sup> General Assembly went into effect. This bill contained various changes to Chapter 4755 of the Revised Code, which contains the practice acts for the three professions. The Board had unsuccessfully tried to pass this legislation during the past few years. Some of the changes included in the new law include:

1. Authorizes the Board to levy fines as a form of disciplinary action;
2. Allows the Board to summarily suspend a licensee for violations that pose an immediate and clear danger to the public;
3. Updates the educational standards required for licensure as a physical therapist to match the current national standards;
4. Allows 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. Fixes an historic drafting error in the Athletic Training Practice Act, which prevented the Athletic Trainers Section to completely regulate the profession. Under the previous law, it was only illegal for an individual to call himself or herself an athletic trainer. As long as that person does not hold themselves out as an athletic trainer, there was nothing to prevent an unlicensed person from performing athletic training. The law clarifies that only a licensed athletic trainer may perform athletic training;
6. Contains language allowing the Board to set the license renewal schedule in rules to provide more flexibility.

As a result of the passage of this bill, each Section of the Board will be making significant rules changes during FY 2008.

## **Occupational Therapy Section**

The Occupational Therapy Section completed many accomplishments in FY 2007. 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.

In October 2006, the Section held a strategic planning retreat and identified and prioritized regulatory areas of focus. The four areas identified were the use of aides as service extenders; how to provide consumer education; licensee competencies; and school-based practice.

The Section prioritized the use of aides and consumer education as the two areas of focus to concentrate on during FYs 2007-2009. As a result, at each Section meeting, significant time on the agenda is spent working on these two issues. The members of the Section have researched the issues and conducted surveys of licensees to obtain feedback on these topics.

The Section, along with the Ohio Occupational Therapy Association, has met with representatives from the Ohio Department of Education to discuss issues related to school-based occupational therapy practice. Based on comments received from licensees, the Section has concerns that the Department of Education's operating standards for special education students potentially conflict with the Ohio Occupational Therapy Practice Act.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of occupational therapy. In FY 2007, the Section amended six rules, including changing the renewal cycle, and enacted two new rules. An additional 14 rules were reviewed as part of the five-year review process, after which the Section determined that no changes were necessary.

To educate the public and licensees about 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 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. The Section plans to hold its first forum during fiscal year 2008.

On August 27, 2006, the term of Martha Cameron expired. Ms. Cameron, who holds occupational therapist license number 1, was an original member of the Occupational Therapy Section and served for 30 years on the Board. At the end of her term, Ms. Cameron elected to step down from the Board. She was replaced by Mary Stover from Columbus. Ms. Stover is an occupational therapist in the Hilliard School District in suburban Columbus.

## **Physical Therapy Section**

The Physical Therapy Section completed many accomplishments in FY 2007. 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.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of physical therapy. In FY 2007, the Section amended ten rules, including updating the renewal cycle. An additional five rules were reviewed as part of the five-year review process, after which the Section determined that no changes were necessary.

During FY 2007, the Section's continuing competence committee continues its work on studying a potential move from the classic model of 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 met numerous times during FY 2007, studied potential changes that would move 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. Many of the ideas used as the basis for this committee's work came from continuing competence models currently being developed by the Federation of State Boards of Physical Therapy.

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 session would be held regionally and cover topics ranging from licensure issues, administrative issues, and enforcement issues. The Section plans to hold its first forum during fiscal year 2008.

### **Athletic Trainers Section**

During FY 2007, 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.

To improve the relationship with the professional association, the Section held a retreat in July 2006 at which the Section members and the leadership of the Ohio Athletic Trainers Association discussed various issues impacting the profession of athletic training and the Section's responsibility in regulating the profession.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of athletic training. In FY 2007, the Section amended five rules, including changing the renewal cycle. An additional ten rules were 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 2008, 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 2008, similar to the Section's presentation 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 session would be held regionally and cover topics ranging from licensure issues, administrative issues, and enforcement issues. The Section plans to hold its first forum during fiscal year 2008.

In FY 2007, Dr. Thomas Best was appointed as the physician member for the Section. Dr. Best replaced Dr. John Lombardo, who resigned his term in FY 2006. Dr. Best is a team physician at Ohio State University.

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

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

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

Thomas Best, MD  
Columbus, OH  
Appointed term expires August 27, 2007

Vince O'Brien, AT  
Columbus, OH  
Appointed term expires August 27, 2009

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

### *OCCUPATIONAL THERAPY SECTION MEMBERS*

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

Nanette Shoemaker, OTA  
OT Section Secretary  
Miamisburg, OH  
Appointed term expires August 27, 2009

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

Mary Stover, OT  
Columbus, OH  
Appointed term expires August 27, 2009

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

*Martha Cameron, OT*  
*Columbus, OH*  
*Appointed term expired August 27, 2006*

### *PUBLIC MEMBER*

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

## APPENDIX A

### *PHYSICAL THERAPY SECTION MEMBERS*

Donna F. Baker, PT  
PT Section Secretary  
Hamilton, OH  
Appointed term expires August 27, 2009

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

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

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

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

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

Robert Frampton, PT  
PT Section Chair  
Findlay, OH  
Appointed term expires August 27, 2009

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

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