

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board



Fiscal Year 2008 Annual Report



Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th 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 127th 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 2008 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 8 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,

Vincent O'Brien, AT, ATC
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 111th 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 2008, 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 2009. The Executive Director oversees day-to-day operations. The table of organization includes:

Position	# of Full-Time Equivalents
Executive Director	1
Executive Assistant	1
Office Assistant/Receptionist	1
Licensing Coordinator	3 (1 vacant)
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 2008	Total Active Licensees as of 6/30/08
Occupational Therapist	216	4,000*
Occupational Therapy Assistants	196	2,521^
Physical Therapist	334	6,867
Physical Therapist Assistants	355	4,984
Athletic Trainers	70	1,698
TOTAL	1,171	20,070

*Does not include 234 occupational therapists whose license is in escrow.

^Does not include 135 occupational therapy assistants whose license is in escrow.

Fiscal Report

In fiscal year 2008, Board revenues, the majority from licensure fees, totaled \$894,561.81. Total spending in the fiscal year, not including encumbered moneys disbursed after June 30, 2008 was just over \$623,500. All told, in FY 2008, Board revenues exceeded expenditures by about \$270,000. The largest component of Board spending is for staff payroll, which totaled about 81 percent of total FY 2008 spending. The following table illustrates the Board's revenues and expenditures for FY 2008. This information is based on expenditures incurred with only FY 2008 appropriation authority. It does not include spending that occurred in FY 2008 using encumbered funds from FY 2007.

<i>Expenditures</i>	
Category 500 (Staff Payroll)	\$503,977.48
Category 500 (Board Member Payroll)	\$29,995.97
Category 510 (Personal Services)	\$11,661.44
Category 520 (non-Member Travel Maintenance)	\$70,443.59
Category 520 (Board Member Travel & Maint.)	\$7,362.49
Category 530 (Equipment)	\$0.00
Category 595 (Refunds)	\$90.00
TOTAL EXPENDITURES	\$623,530.97
<i>Revenues</i>	
Income from OT Section	\$277,890.00
Income from PT Section	\$514,450.00
Income from AT Section	\$94,630.00
Income from Disciplinary Fines	\$7,500.00
Income from Other Sources (e.g.: mail labels)	\$91.81
TOTAL REVENUE	\$894,561.81

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 4K90), 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. As of June 30, 2008, the Board's balance in Fund 4K90 was \$1,916,493.65.

Historically, revenues deposited by the OTPTAT Board into Fund 4K90 have grown at a steady pace. All licenses issued by the Board are valid for a two-year period. Prior to a rule change in September 2007, individuals whose last names begin with the letter A-L renewed in odd-numbered years and individuals whose last names begin with the letter M-Z renewed in even-numbered years. Over the past few biennia, revenue collected by the Board has been slightly higher in even fiscal years.

In September 2007, all three Sections of the Board adopted rules that changed the renewal schedules. To implement the new renewal cycles, under which all members of a given license type will renew at the same time, regardless of last name, between 2008 and 2010, many licensees will only renew for one year and pay ½ the renewal fee to put them into the correct cycle. In 2008, all physical therapist assistants who renewed only paid \$40. This also applied to occupational therapists. As a result, the revenues collected in FY 2008, although higher than FY 2007, were about \$100,000 below the amounts received in the previous few even fiscal years.

Once all licensees are in their new renewal cycles, total revenue collected over the biennium will follow the same rate of growth seen in the past decade. Based on the new cycles, however, the amount of revenue collected in odd fiscal years should be greater than the amount collected in even fiscal years. Based on the new renewal cycles and the number of licensees in the five license types, about 13,700 licensees will renew in FY 2009, about 9,000 licensees will renew in FY 2010, and about 11,000 licensees will renew in FY 2011.

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 2008. The table reflects final resolution for cases opened during FY 2008. The Board also took final disciplinary action on 2007 cases during FY 2008. 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	63	40	134
<i>Consent Agreements</i>				
Suspensions	0	1	0	1
Reprimands	11	9	1	21
Fines	7	9	12	28
On-going Monitoring	12	10	12	34
Probation	0	0	12	12
Disciplinary License Surrender/Revocation	1	0	6	7
<i>R.C. 119. Hearings</i>				
Revocation	0	0	0	0

	Occupational Therapy	Physical Therapy	Athletic Trainers	Total
Suspension	0	0	0	0
No Disciplinary Action Taken	0	1	0	1
<i>Evidentiary Reviews in Lieu of R.C. 119. Hearing</i>				
Revocation	0	3	3	6
Suspension	0	0	0	0
<i>Cease and Desist Orders</i>	0	4	0	4
<i>Non-Disciplinary Resolutions</i>	7	12	11	30
<i>No Violations Found</i>	5	17	4	26
<i>Cases Not Yet Resolved</i>	2	20	5	27

Operational Efficiencies

In FY 2008, 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 2008, all three Sections had online renewal rates of up to 95%. As a result of the move to online renewals, 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. The amount of staff time required to process an online renewal is also less than the time needed to process the traditional paper renewal from lockbox. However, the tradeoff was an increase in credit card processing fees.

Enactment of H.B. 104

On March 24, 2008, H.B. 104 went into effect. Under this law, the Board must receive the results of a criminal records check from both the Ohio Bureau of Criminal Investigation and Identification (BCI) and the Federal Bureau of Investigation (FBI) prior to issuance an initial license. This law has led to a delay in the ability to process applications since many out of state applicants are waiting up to 90-120 days for the FBI to process their fingerprints.

Occupational Therapy Section

The Occupational Therapy Section completed many accomplishments in FY 2008. 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.

As a result of this work, the Section developed and posted to the Board's website a document that explains occupational therapy for consumers. This document will serve as a template for similar consumer education documents for the physical therapy and athletic trainers sections.

To obtain background information to help support any potential changes on the rules governing unlicensed occupational therapy practice, the Section utilized SurveyMonkey to survey licensees and interested parties on the current and potential role of unlicensed aides. The Section received approximately 1,000 survey responses that will assist the Section in determining what, if any, activities can be safely performed by unlicensed personnel. At the end of FY 2008, the Section is still studying the issue.

The Section, along with the Ohio Occupational Therapy Association, has met with representatives from the Ohio Department of Education (ODE) to discuss issues related to school-based occupational therapy practice. At the 2007 OT/PT School Based Institute, the Section circulated a survey of school-based practitioners to determine any potential problems that exist between the Sections' laws and rules and the Department of Education's operating standards. Based on this dialogue with ODE, the Section was asked to serve on the ODE Caseload Ratio Steering Committee. In addition, the dialogue between the Board and ODE led to a change to the Department's operating standards to include the addition of occupational therapy assistants.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of occupational therapy. In FY 2008, the Section amended or enacted 17 rules. An additional 8 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 held its first ever educational forum in Columbus in April 2008. This session, which covered topics ranging from licensure and administrative issues to enforcement issues, was conducted by the Executive Director and the Board's enforcement staff. In FY 2009, the Section plans to hold similar sessions quarterly in the different regions of the state.

On August 27, 2007, the terms of Lois Borin and Hector Merced expired. Ms. Borin and Mr. Merced were replaced by Rebecca Finni of Amelia and Kimberly Lawler of Frazeyburg.

Physical Therapy Section

The Physical Therapy Section completed many accomplishments in FY 2008. 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 2008, the Section amended or enacted 19 rules.

During FY 2008, the Section served as a pilot state for the Federation of State Boards of Physical Therapy's Practice Review Tool. This newly developed continuing competence tool was piloted in FY 2008 and will go live in FY 2009. For licensees participating in the pilot, the Section granted 24 contact hours of continuing education. The Section also worked with the Federation staff on the development of a validated jurisprudence examination developed and administered by the Federation. The exam will be developed and implemented during FY 2009.

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 held its first ever educational forum in Columbus in April 2008. This session, which covered topics ranging from licensure and administrative issues to enforcement issues, was conducted by the Executive Director and the Board's enforcement staff. In FY 2009, the Section plans to hold similar sessions quarterly in the different regions of the state.

On August 27, 2007, the terms of Beth Gustafson, Mike Herbert, Janet Howells, and Barbara Kraynik expired. Mr. Herbert, Ms. Howells, and Ms. Kraynik were replaced by Mary Kay Eastman of Athens, Marilyn Mount of Cleveland Heights, and Kimberly Payne of Columbus. As of the end of FY 2008, there was no appointment to replace Ms. Gustafson.

Athletic Trainers Section

During FY 2008, 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.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of athletic training. In FY 2008, the Section amended 15 rules.

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 held its first ever educational forum in Columbus in April 2008. This session, which covered topics ranging from licensure and administrative issues to enforcement issues, was conducted by the Executive Director and the Board's enforcement staff.

In FY 2009, the Section plans to hold similar sessions quarterly in the different regions of the state.

In FY 2008, the Section also sent letters to all public school districts in Ohio informing them of the changes to the Athletic Training Practice Act that went into effect in April 2007. The Section plans to send similar letters to all professional sports teams, colleges and universities, and regional sports authorities in Ohio in FY 2009.

In FY 2008, the Section also met with representatives from the Ohio Department of Education regarding the Section's concerns with the curriculum that is the basis of the training that coaches are required to complete as part of the pupil activity validation program. The Section plans to continue working with the Department on this issue in FY 2009.

On August 27, 2007, the terms of Thomas Best and Kurt McClurg expired. Dr. Best was replaced by Dr. Randall Wroble of Columbus and Mr. McClurg was replaced by Aaron Galpert of Wadsworth.

Joint Board

As part of the three Joint Board meetings that were held during Fiscal Year 2008, the full Board discussed issues dealing with the process to answer questions that are asked to more than one Section, the potential for development of an impaired practitioner program, the adoption of the Board's Policy and Procedure Manual, and the potential restructuring of the Joint Board, including the addition of a dedicated public member for each profession with full voting rights.

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

Occupational Therapy Section

<i>Board Member</i>	<i>City</i>	<i>Term Expires*</i>	<i>Term^</i>
Nanette Shoemaker, OTA, Chair	Miamisburg	2009	1st
Mary Stover, OT, Secretary	Columbus	2009	1st
Rebecca Finni, OT	Amelia	2010	1st
Rebecca LeBron, OT	Niles	2008	2nd
Kimberly Lawler, OT	Frazeysburg	2010	1st
<i>Lois Borin, OT</i>	<i>Powell</i>	<i>2007</i>	
<i>Hector Merced, OT</i>	<i>Cleveland</i>	<i>2007</i>	

Physical Therapy Section

<i>Board Member</i>	<i>City</i>	<i>Term Expires*</i>	<i>Term^</i>
Robert Frampton, PT, Chair	Findlay	2009	2nd
Averell Overby, PT, Secretary	Athens	2008	3rd
Donna Baker, PT	Hamilton	2009	5th
Raymond Bilecky, PT	Columbia Station	2008	1st
Thomas Caldwell, PT	Galena	2008	1st
Mary Kay Eastman, PT	Athens	2010	1st
Marilyn Mount, PT	Cleveland Heights	2010	1st
Kimberly Payne, PT	Columbus	2011	1st
<i>Vacant, PT</i>		<i>2009</i>	
<i>Beth Gustafson, PT</i>	<i>Urbana</i>	<i>2007</i>	
<i>Mike Herbert, PT</i>	<i>Tiffin</i>	<i>2007</i>	
<i>Janet Howells, PT</i>	<i>Gahanna</i>	<i>2007</i>	
<i>Barb Kraynik, PT</i>	<i>Canton</i>	<i>2007</i>	

Athletic Trainers Section

<i>Board Member</i>	<i>City</i>	<i>Term Expires*</i>	<i>Term^</i>
Vincent O'Brien, Chair	Columbus	2009	2nd
Jody Benda, Secretary	Ada	2008	4th
Aaron Galpert	Wadsworth	2010	1st
Paul Miller	Lewis Center	2008	4th
Randall Wroble, MD	Powell	2010	1st
<i>Thomas Best, MD</i>	<i>Columbus</i>	<i>2007</i>	
<i>Kurt McClurg, AT</i>	<i>Bowling Green</i>	<i>2007</i>	

Public Member

<i>Board Member</i>	<i>City</i>	<i>Term Expires*</i>	<i>Term^</i>
Gary Weiss	Brecksville	2008	1st

*All terms expire on August 27 of the designated year.

^Pursuant to ORC 4755.01, Board members shall not serve for more than three (3) consecutive terms.