



Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

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Explanation of the Complaint and Investigation Process

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY PRIOR TO FILING YOUR COMPLAINT AND RETAIN THIS PAGE FOR FUTURE REFERENCE.

1. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board has the responsibility to enforce the laws and rules governing the practice of occupational therapy, physical therapy, and athletic training. The Board has the authority to deny an application and/or discipline an individual's license to practice occupational therapy, physical therapy, or athletic training, but does not have the authority to provide financial compensation to a complainant (the person or organization that files the complaint) or intervene in litigation in any court. The Board does not have legal jurisdiction over other health care professionals or facilities (i.e.: hospitals, nursing homes, schools, private practices, home health agencies), only the individuals it licenses.
2. A complaint form may be obtained under the "Enforcement" section of the Board's website (<http://otptat.ohio.gov>). After receipt of a signed/dated formal complaint, including a written narrative and a signed and dated release of information/medical documentation form, an acknowledgement letter will be mailed to the complainant.
3. The Board's enforcement staff will initially determine if the complaint falls within the jurisdiction of the Board's authority. The Board will notify a complainant if the matter does not fall within the jurisdiction of the Board. If the complaint is within the jurisdiction of the board, a member of the enforcement staff may ask for additional information, such as documentation, physical evidence, or clarification of the information already provided by the complainant. Interviews are conducted with the complainant when deemed necessary.
4. The Board routinely interviews the respondent (the licensee or applicant who is the subject of the complaint and any other witnesses that may have information regarding the complaint).
5. When a violation cannot be substantiated following an investigation, a case may be closed with no formal action. Cases closed without formal action do not become a public record; therefore, information gathered during the course of the investigation cannot be released.
6. When an investigation indicates that a violation appears to have occurred and formal action is required, the Board may seek to negotiate a Consent Agreement, which must be agreed upon by the respondent and the Board. A Consent Agreement usually contains the applicable regulatory language and any disciplinary action(s) agreed upon by both parties. Consent Agreements are public records and will be released to the public upon request.
7. When a violation is believed to have occurred but no Consent Agreement is offered or agreed upon by the respondent, the Board may file formal charges, which are presented in a document titled "Notice of Opportunity for Hearing." If the Board approves such charges, the respondent may request a public administrative hearing within thirty (30) days of the mailing of the notice.

8. If an administrative hearing is scheduled, the complainant is typically subpoenaed as a witness to provide testimony in the hearing. In such a case, the Assistant Attorney General assigned to the Board assists and guides the preparation of witness testimony and presentation of documentation. The respondent also has the right to call witnesses and present evidence and examine the complainant and/or any other witnesses testifying on behalf of the Board.

9. The Board may accept, reject, or modify the Hearing Officer's report and recommendation(s). The respondent is then notified of the Board's decision with regards to disciplinary action. The respondent has the right to appeal the Board's decision through the appropriate court of common pleas. Disciplinary actions resulting from administrative hearings are public record and will be released to the public upon request.

10. The complainant will be notified, in writing, about the general outcome of his/her complaint. Depending upon the complexity of the complaint, the investigative process may take a year or longer to complete, although this is not the case for all investigations. The complainant's patience is appreciated during this process.

11. To obtain disciplinary information regarding a licensee, an individual may mail, fax, or e-mail the Board with a public records request. In addition, many of the public records related to disciplinary action taken against a licensee are available from the "Licensure Verification" link on the Board's website.

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