

Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board
Joint Board Meeting
May 18, 2023
10:00 AM Roll Call
77 South High Street, 19th Floor Room 1948, Columbus, OH 43215

Ohio OTPTAT Board Mission Statement:

The mission of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board is to actively promote and protect the health of Ohioans through effective regulation of the professions of occupational therapy, physical therapy, athletic training, orthotics, prosthetics, and pedorthics. Goals to achieve this mission include:

- Ensuring that individuals practicing occupational therapy, physical therapy, athletic training, orthotics, prosthetics, and pedorthics 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, OPP practice, and ensure that the laws and rules governing the practice accurately reflect current standards.
- Provide information about the licensees of the OTPTAT Board, the Board's functions and operations, and the laws governing the practice of OT, PT, AT, LO, LP, LPED, and LPO.
- Achieve and maintain the highest possible levels of organizational efficiency.

1. Administrative Matters

1.1 Introductions and Agenda Review *Sczpanski*

1.2 Approval of Minutes *Sczpanski*

Action Required

1.3 Executive Director Report *Anthony*

1.4 Executive Session:

1.4.1 To discuss pending and imminent court action (*ORC 121.22 (G)(3)*)

1.4.2 To discuss personnel matters related to:

- Appointment; Employment; Dismissal; Discipline; Promotion; Demotion; Compensation (*ORC 121.22 (G)(1)*)
- Investigation of charges/complaints against a public employee, licensee, or regulated individual in lieu of a public hearing (*ORC 121.22 (G)(1)*)

1.4.3 To discuss matters required to be kept confidential by federal law, federal rules, or state statutes (*ORC 121.22 (G)(5)*)

1.5 Discussion of Law and Rule Changes *Anthony*

1.5.1 Five-year review - OPP

1.5.2 House Bill 509 rule changes OPP

1.5.3 Senate Bill 131 changes OPP

- 1.6 Policy updates - timekeeping *Anthony*
- 2. Licensure Applications** *Dearth*
 - 2.1 Orthotics/Prosthetics/Prosthetics-Orthotics/Pedorthics Examination Applications
Action Required
 - 2.2 Orthotics/Prosthetics/Prosthetics-Orthotics/Pedorthics Reciprocity Applications
Action Required
 - 2.3 Orthotics/Prosthetics/Prosthetics-Orthotics/Pedorthics Temporary Applications
Action Required
 - 2.4 3-D Printing of Open Source Prosthetic Kits Applications
 - 2.5 CE Requests for Approval
 - 2.6 Licensure Renewal Report
 - 2.7 Application Withdrawals *Dearth*
Action Required
 - 2.8 Licensure by Unique Circumstances *Dearth*
Action Required
- 3. Enforcement Division**
 - 3.1 Assistant Attorney General Report *Miller/Kennedy*
 - 3.2 Case Review Liaison Report *Dearth*
 - 3.3 Releases from Consent Agreement(s)
 - 3.4 Notice(s) of Opportunity for Hearing
 - 3.5 Consent Agreement(s)
 - 3.6 Affidavit Consideration(s)
 - 3.7 Hearing Officer Report(s)
 - 3.8 Summary Suspension(s)
 - 3.9 To discuss proposed disciplinary action against a licensee pursuant to ORC 121.22 (G)(1) and pursuant to 121.22 (G)(5) that involve matters required to be kept confidential under ORC sections 149.43 (A)(2) and 4755.02 (E)(1)
 - 3.10 Hearing
- 4. Joint Board Correspondence**
- 5. Open Forum**
- 6. Old Business**
 - 6.1 Minimum Data Set *Hofmeyer*
 - 6.2 Safe Haven program
 - 6.2.1 MOU approval *Anthony*
 - 6.2.2 Upcoming presentations – how to talk to other states about what they can do?

6.2.3 Quarterly report

6.3 DeWine EEO Anti-Discrimination and Anti-Harassment Policy Reporting Procedures – acknowledgement and mandatory training

7. New Business

7.1 Occupational Therapy Section Report *Siefert*

7.2 Physical Therapy Section Report *McIntyre*

7.3 Athletic Trainers Section Report *Bates*

7.4 Orthotics, Prosthetics, and Pedorthics Advisory Council Report *Dearth*

8. Next Meeting Preparation – JB Sept. 21 *Sczpanski*

8.1 Agenda Items

8.2 Executive Director Assignments

9. Adjournment



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Joint Board Meeting

January 26, 2023
10:30 AM

77 South High Street, 19th Floor Room 1948, Columbus, OH 43215

Members

Mario Baker, PT
Benjamin Burkam, MD
Michele Courtney, PT
Betsy Donahoe-Fillmore, PT
Nichole Dearth, OT
Anthony Ganim, PT
Timothy Keck, public member
Gary Lake, AT
Marnie Renda, OT
Jeffrey Sczpanski, AT
Anissa Siefert, OT
Melissa VanAllen, OT
Cheryl VanHoose, PT

Members Absent

Trevor Bates, AT
Erin Hofmeyer, PT
Hollie Kozak, AT

Legal Counsel

Lindsay Miller, AAG

Staff

Melissa Anthony, Executive Director
David Day, Paralegal
Jeffery Duvall, Enforcement Division Supervisor
Aariann Felix, Executive Assistant
Debbie Fulk, Licensure
Jaklyn Shucofsky, Investigator

Guests

Sarah Heldmann, COTA-Teams

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Call to Order

The meeting was called to order by Joint Board President Jeff Sczpanski at 10:32 AM.

The Joint Board quickly made introductions to the new board members that were present.

Approval of Minute

Melissa Van Allen made a motion that the minutes from the September 15, 2022 meeting be approved as amended. Second by Mario Baker. Motion passed.

Executive Director Report

The Executive director reported on licensure statistics, and current eLicense updates and pending tickets. She also updated on the new website, and the budget.

Joint Board Meeting

January 26, 2023

Page 1 of 3

Discussion of Law and Rule Changes

Ben Burkam moved that the following rules up for five year rule review be released for early stakeholder review. Gary Lake seconded. All in favor. Motion carried.

4755	0	61	1
4755	0	61	2
4755	0	61	3
4755	0	61	4
4755	0	61	5
4755	0	61	6
4755	0	61	7
4755	0	64	1
4755	0	64	1
4755	0	64	2
4755	0	64	3
4755	0	64	4
4755	0	64	5

Cheryl VanHoose moved that rules related to licensure by endorsement and removing the supervisory requirements as impacted by House Bill 509 be filed for early stakeholder review. Nichole Dearth seconded. All in favor. Motion carried.

Executive Session

Ben Burkam moved that the Board go into executive session to discuss personnel matters related to compensation. Gary Lake seconded. All in favor. Motion carried. Roll call:

- Mario Baker-Yes
- Benjamin Burkam- yes
- Michele Courtney- yes
- Nichole Dearth-yes
- Anthony Ganim yes
- Timothy Keck- yes
- Gary Lake-yes
- Marnie Renda- yes
- Jeffrey Sczpanski-yes
- Anissa Siefert-yes
- Melissa VanAllen-yes
- Cheryl VanHoose-yes

The Joint Board went into executive session at 11:10 AM and came back at 11:22 AM.

Ben Burkam moved to grant Executive Director Missy Anthony a 3% performance-based raise retroactive to January 1, 2023. Mario Baker seconded. All in favor. Motion carried.

Joint Board President, Jeff Sczpanski also wanted to thank the OTPTAT Board staff for their hard work and recognized their dedication.

Licensure Applications

Nichole Dearth moved move that the OTPTAT Board ratify, as submitted, the orthotics, prosthetics, and pedorthics full and temporary licenses issued by examination, reciprocity, and reinstatement from September 15, 2022, through January 26, 2023 taking into account those licenses subject to discipline, surrender, or non-renewal. Mario Baker seconded. All in favor. Motion passed.

*Orthotist license by Endorsement-1
LO.00391 Nitin Bhanti*

*Prosthetist license by Examination-1
LP.00385 Christian Alan Arnold*

Nichole Dearth recommended that the Board grant the application withdrawal requests for OPP examination/endorsement/reinstatement applications on file with the Board on January 26, 2023, based on the documentation provided. Mario Baker seconded. All in favor. Motion carried.

Licensed Prosthetist APP-000678079 Karen Roth

AAG Report

None

Open Forum

None

Old Business

None

New Business

Occupational Therapy Section Report-Report given.

Physical Therapy Section Report-Report given.

Athletic Trainers Section Report-Report given.

Orthotics, Prosthetics and Pedorthics Advisory Council Report-Report given.

Joint Correspondence

None

Next Meeting Preparation

Adjournment


There being no further business and there is no objection, the meeting was adjourned at 11:59 AM.

Respectfully submitted,

Aariann Felix



Jeff Sczpanski AT, President
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board



Nichole Dearth, OT, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board



Missy Anthony, MPA, Executive Director
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

EXECUTIVE DIRECTOR REPORT - MAY 2023

LICENSURE STATISTICS

License Type	%	Number of Active licenses as of 3/2/2023	change since last Board mtg	Number of Active licenses as of 5/5/2023	change since last Board mtg
Athletic Trainer	8.45%	2,980	0%	3,001	1%
Occupational Therapist	21.22%	7,484	1%	7,533	1%
Occupational Therapy Assistant	13.47%	4,757	0%	4,784	1%
Physical Therapist	32.08%	11,341	1%	11,390	0%
Physical Therapist Assistant	23.17%	8,206	-10%	8,226	0%
PT Compact privilege	0.59%	172	11%	211	23%
PTA Compact privilege	0.08%	27	8%	27	0%
Orthotist	0.21%	75	-14%	75	0%
Pedorthist	0.17%	59	-20%	59	0%
Prosthetist	0.16%	58	-17%	58	0%
Prosthetist-Orthotist	0.39%	139	-12%	140	1%
3-D printing	0.00%	1	0%	1	0%
Total	100.00%	35,299	-2%	35,505	1%

ELICENSE

- Pending tickets:
 - May 2023 - Upgrade of eLicense system to Salesforce "Lightning"
 - March and June 2023 - OPP application changes based on HB 509
 - September 2023 - Switch out human trafficking video - pending board input
 - TBD -automation of PT Compact privilege entry into eLicense (will be a grant request from FSBPT)
 - TBD - automation of sending of license verification requests
 - TBD - license picker assistance - checklist (endorsement vs. exam)

- TBD - autogeneration of wall certs on name change
- TBD - add service request for "additional documentation"
- TBD - Adding a Minimum Data Set to be collected on renewal
- TBD - adding a licensure checklist for OPP and making minor adjustments to licensure logic

PERSONNEL, BUDGET, AND OFFICE REPORT

- Website project - Progress continues
- Customer service survey - staff kudos
 - eLicense upgrade
 - switch to Kronos for payroll
 - OhioBuys, new email list serve...lots of change
- Revenue:
 - March 2022 - \$14,328.80 (no renewals)
 - April 2022 - \$45,977.80 (OTA renewals)
 - May 2022 - \$97,673.00 (OTA renewals)
 - June 2022 - \$177,245.01 (OTA renewals)
 - July 2022 - \$126,750 (AT renewals)
 - August 2022 - \$75,546.30 (AT renewals)
 - September 2022 - \$122,425 (AT renewals)
 - October 2022 - \$30,617 (no renewals)
 - November 2022 - \$80,398.76 (PTA and OPP renewals)
 - December 2022 - \$116,540.00 (PTA and OPP renewals)
 - January 2023 - \$378,780 (PTA and OPP renewals)
 - February 2023 - \$98,136.91 (no renewals except the tail end of PTA plus FSBPT grant receipt (\$22,000))
 - March 2023 - \$12,804.01 (no renewals)
 - April 2023 - \$92,543.28 (OT renewal starts)
- Total revenue FY 2023 revenue (through April 30) - \$1,185,471.26
- Total appropriation for FY 2023 - \$1,218,762.60. The Board has collected 97% of the revenue needed to cover the appropriation.
- Expenses (Budget overview - FIN):

Account	Account Description	Budget Period	Budget	Expense	Encumbrance	Available Budget*	Percent Available
500	Personal Services	2023Q1	188,777.22	188,777.22	0	0	0
500	Personal Services	2023Q2	237,858.81	237,858.81	0	0	0
500	Personal Services	2023Q3	201,887.40	201,887.40	0	0	0
500	Personal Services	2023Q4	230,796.00	100,474.47	0	130,321.53	56.47
510	Purchased Personal Services	2023	20,000.00	13,341.20	3,745.00	2,913.80	14.57
520	Supplies and Maintenance	2023	339,443.17	269,318.14	1,206.60	68,918.43	20.3
	Total		1,218,762.60	1,011,657.24	4,951.60	202,153.76	91.34

MISCELLANEOUS

- Currently auditing the PTA 2021, OT 2021, PT 2022 renewal (with the JAM), OTA 2022, and AT 2022. Next will be PT and OPP 2023.
- National level committee work:
 - BOCAT Regulatory Affairs Advisory Panel - Chair
 - FSBPT Educator Licensure Task Force (complete)
 - FSBPT membership task force and CBA chair
 - PT Compact Fiscal Committee
 - PT Compact Education task force
 - OT Compact Executive Committee, Education Committee, Finance Committee

LEGISLATIVE

- House Bill 33 - FY 24-25 budget - pending in House Finance Committee

RULES

Rule package	#	Status
OT Applications for Initial Licensure and OT CE Safe Haven	3	Filed with JCARR
AT CE and licensure requirements for Safe Haven, reinstatement CE requirement change	3	Received early stakeholder feedback
OPP HB 509 changes	6	Filed with Common Sense Initiative
Rule Restructuring	Many	ESR - will file with CSI after Board review
SB 131	4	Will send ESR after Board review

BOARD MEMBER REMINDERS

- Training:
 - Ethics by 12/31/2023
 - (<https://www.ethics.ohio.gov/education/elearning/ecourses.html>)
 - If we need you to conduct other training, we are in touch
 - Contact Missy or Aariann if you are unsure what you have completed

OUTREACH

- Safe Haven implementation - Monthly emails about free CE and social media, plus newsletter
- OT Ethics presentation - available online
- April 10 - Cleveland State PT class (Missy/McIntyre)
- April 14 - OPTA conference (Board booth)
- May 5-6 - OATA conference (AT Section presentation)
- May 9 - Owens Community College OTA (Heldmann)
- June 9 - Mercy Health athletic trainers (Sczpanski)

- July 10 - Mount St. Joseph PT class
- July 12 - Cincinnati State OTA classes
- July 22-23 - FSBPT LIF (Missy/Campbell)
- August 7-8 - School Based Summit (Missy/VanHoose/Dearth)
- August 9 - FSBPT webinar on military spouse licensure
- October 18-22 - FSBPT annual conference and PT Compact meeting (Missy/Campbell/VanHoose) - will include a Safe Haven/impaired practitioner session
- October 20-21 - OOTA conference (OT Section/Safe Haven preconference)

4755-61-01

Notice of meetings.

- (A) The ~~orthotics, prosthetics, and pedorthics advisory council and joint occupational therapy, physical therapy, and athletic trainers~~ board and orthotics, prosthetics, and pedorthics advisory council ~~must~~will comply with the public meeting requirements outlined in section 121.22 of the Revised Code.
- (B) Any person ~~may~~can obtain the time, place, and purpose of all meetings by:
- (1) Visiting the board's website ~~at~~ http://otptat.ohio.gov;
 - (2) E-mailing the board ~~at~~ board@otptat.ohio.gov;
 - (3) Writing the board at its business address: "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, 77 South High Street, Sixteenth floor, Columbus, Ohio 43215-6108";
 - (4) Calling the board ~~at~~ 614-466-3774 during normal business hours; or
 - (5) Appearing in person at the board office during normal business hours.
- (C) Any person ~~may~~can obtain advance notice of all meetings at which any specific type of public business is to be discussed by identifying the type of public business for which the person desires to be notified and by contacting the Ohio occupational therapy, physical therapy, and athletic trainers board as indicated in section (B) of this rule. The board will ~~mail or email~~e-mail to such person a notice of the time and place of the meeting, and the type of business to be discussed, at least four calendar days before the meeting is scheduled unless the meeting is an emergency meeting.
- (D) The board will maintain a list of representatives of the news media who requested notice of special or emergency meetings. The board ~~must mail or email to such representatives~~will e-mail notice ~~to this list at least four days before special meetings or must telephone or email notice~~ at least twenty-four hours before special meetings. In the event of an emergency meeting, the representatives of the news media who requested notification ~~must~~will be notified immediately of the time, place, and purpose of the meeting. News media who requested meeting notification must supply the board with the name, mailing address, ~~email~~e-mail address, and telephone number of the representative to be contacted.

4755-61-02

Method of public notice in adopting, amending, or rescinding rules.

- (A) The Ohio occupational therapy, physical therapy, and athletic trainers board ("board") ~~must~~will comply with the provisions of section 119.03 of the Revised Code for the purposes of adoption, amendment, or rescission of rules. Compliance ~~must include~~ includes giving proper and reasonable public notice of rule changes.
- (B) The ~~Ohio occupational therapy, physical therapy, and athletic trainers~~ board ~~must~~ will comply with the provisions of section 106.03 of the Revised Code when reviewing existing rules.
- (C) The board will complete the common sense initiative process for proposed rules and rule changes as required by section 107.53 of the Revised Code and any rules promulgated by that office prior to filing board rules with the legislative service commission.
- ~~(C)~~(D) Pursuant to section 119.0311 of the Revised Code, the ~~Ohio occupational therapy, physical therapy, and athletic trainers~~ board ~~must~~ will publish a guide to public participation in rule-making.
- ~~(D)~~(E) Any person may receive notice of a proposed rule, amendment, or rescission by visiting the board website or by contacting the board to receive notice via e-mail.

4755-61-03

Definitions governing access to confidential personal information.

No changes - will be renumbered

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

- (A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.
- (B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the agency rule addressing requirements in section 1347.15 of the Revised Code.
- (C) "Agency" means the Ohio occupational therapy, physical therapy, and athletic trainers board.
- (D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
- (E) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with division (B)(3) of section 1347.15 of the Revised Code that references the federal or state statutes or administrative rules that make personal information maintained by the agency confidential.
- (F) "Employee of the state agency" means each employee of a state agency regardless of whether he/she holds an elected or appointed office or position within the state agency. "Employee of the state agency" is limited to personnel employed by or appointed to the Ohio occupational therapy, physical therapy, and athletic trainers board.
- (G) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
- (H) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.
- (I) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

- (J) "Person" means a natural person.
- (K) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.
- (L) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.
- (M) "Research" means a methodical investigation into a subject.
- (N) "Routine" means commonplace, regular, habitual, or ordinary.
- (O) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating the employees and maintained by the agency for internal administrative and human resource purposes.
- (P) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.
- (Q) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modification that entail a limited addition of functionality due to changes in business or legal requirements.

4755-61-04

Procedures for accessing confidential personal information.

No changes - will be renumbered

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board must do the following:

(A) Criteria for accessing confidential personal information.

Personal information systems of the agency are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the agency to fulfill his/her job duties. The determination of access to confidential personal information must be agency policy developed pursuant to these rules prior to providing an employee with access to confidential personal information within a personal information system. The agency must establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information must be removed.

(B) Individual's request for a list of confidential personal information.

Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the agency, the agency must do all of the following:

- (1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;
- (2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and
- (3) If all information relates to an investigation about that individual, inform the individual that the agency has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

- (1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the agency must notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the agency must

delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the agency may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

- (2) "Investigation" as used in this rule means a review of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the agency determines that notification would not delay or impede an investigation, the agency must disclose the access to confidential personal information made for an invalid reason to the person.
- (3) Notification provided by the board must inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.
- (4) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact.

The executive director must designate an employee of the agency to serve as the data privacy point of contact. The data privacy point of contact must work with the chief privacy officer within the office of information technology to assist the agency with both the implementation of privacy protections for the confidential personal information that the agency maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment.

The agency director must designate an employee of the agency to serve as the data privacy point of contact who must timely complete the privacy impact assessment form developed by the office of information technology.

4755-61-05

Valid reasons for accessing confidential personal information.

No changes - will be renumbered

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the agency may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the agency to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) License application or renewal or eligibility for examination processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);

- (14) Complying with an executive order or policy;
 - (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
 - (16) Complying with a collective bargaining agreement provision.
- (B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the Ohio occupational therapy, physical therapy, and athletic trainers board, authorized employees and board members would also have valid reasons for accessing CPI in these following circumstances:
- (1) Authorized employees and board members may review CPI of individuals who are subject to investigation for alleged violations of Chapter 4755. or 4779. of the Revised Code or Chapters 4755-1 to 4755-66 of the Administrative Code that may result in licensure discipline or application denial. Authorized employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by employees and members of the board in disciplinary matters that become the subject of administrative hearings or board action, including reporting disciplinary actions as required by state and federal law.
 - (2) Employees assigned to the continuing education audit may review CPI of license holders who are being audited for the purpose of carrying out that program.
 - (3) Authorized employees and board members may review CPI of persons who hold, are applying for, or are renewing a license issued by the board for purposes of verifying licensure, processing licensure and renewal applications, determining eligibility for licensure, performing financial transactions and reporting related to application processing, or any other activities undertaken for the purpose of carrying out that program.
 - (4) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the board for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the board's daily activities.

4755-61-06

Confidentiality statutes.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by the board in accordance with section 1347.15 of the Revised Code:

- (A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.
- (B) Records of reporting required pursuant to 42 U.S.C. section 1320a-7e(b), 5 U.S.C. section 552a, and 45 C.F.R. part 61 for compliance with the U.S. department of health and human services' healthcare integrity and protection data bank (HIPDB).
- (C) "Bureau of criminal identification and investigation" criminal records check results: section 4776.04 of the Revised Code.
- (D) Records required or allowed to be kept confidential pursuant to section 149.43 of the Revised Code.
- (E) Information and records received or generated by the board pursuant to an investigation: division (E) of section 4755.02 [and division \(B\) of section 4779.33](#) of the Revised Code.
- (F) Medical records submitted with requests for testing accommodations and/or continuing education waiver requests: 5 C.F.R. 164 (2014).
- (G) College and university transcripts: 20 U.S.C. 1232 g(2013).

4755-61-07

Restricting and logging access to confidential personal information in computerized personal information systems.

No changes - will be renumbered

For personal information systems that are computer systems and contain confidential personal information, the board must do the following:

- (A) Access restrictions. Access to confidential personal information that is kept electronically must require a password or other authentication measure.
- (B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board must include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board must make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system must include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (D) Logging requirements regarding confidential personal information in existing computer systems.
 - (1) The board must require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.
 - (2) Access to confidential information is not required to be entered into the log under the following circumstances:
 - (a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
 - (b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
 - (c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group

of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. The board must issue a policy that specifies the following:

(1) Who must maintain the log;

(2) What information must be captured in the log;

(3) How the log is to be stores; and

(4) How long information kept in the log is to be retained.

Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

4755-64-01

Ethical and professional conduct.

A license holder ~~must~~ shall provide professional services with objectivity and with respect for the unique needs and values of the health care recipient, as follows:

- (A) A license holder ~~must~~ shall not discriminate on the basis of factors that are irrelevant to the provision of professional services including, but not limited to, race, creed, sex, national origin, age, or medical condition.
- (B) Prior to a license holder entering into a contractual relationship with a health care recipient, the license holder ~~must~~ shall provide sufficient information to enable the health care recipient to make an informed decision to enter into a contractual relationship. Sufficient information ~~must include~~ includes any fees and arrangements for payment which might affect the decision.
- (C) A license holder ~~must~~ shall not mislead the public and/or colleagues about services and ~~must~~ shall not advertise in a misleading manner.
- (D) A license holder ~~must~~ shall not engage in any activities that seek to meet his or her personal needs at the expense or detriment of the health care recipient.
- (E) A license holder ~~must~~ shall not receive or give a commission, rebate, or any other form of direct or indirect remuneration or benefit for the referral of patients/clients for professional services.
- (F) A license holder ~~must~~ shall disclose to health care recipients any financial interest in commercial orthotics, prosthetics, or pedorthics device which the license holder promotes for the purpose of direct or indirect personal gain or profit.
- (G) A license holder ~~must~~ shall not accept gratuities for any reason including, but not limited to, preferential consideration of the health care recipient.
- (H) A license holder ~~must~~ shall report to the board any unprofessional, incompetent, unethical, or illegal behavior of an orthotist, prosthetist, prosthetist-orthotist, or pedorthist of which the person has knowledge. An obligation to report is inherent in the professions. Where the alleged violation involves impairment issues and no other provisions of Chapters 4755. or 4779. of the Revised Code or other provisions or rules adopted under them, the license holder may make a referral to the safe haven program in lieu of making report to the board.
- (I) A license holder ~~must~~ shall practice orthotics, prosthetics, or pedorthics in accordance with prevailing professional standards or guidelines and ~~must~~ shall not endeavor to extend his/her practice beyond his/her competence and the authority vested in him/her under division (B) of section 4779.02 of the Revised Code.

- (J) A license holder ~~must~~ shall not carry out a prescribed service that he knows to be harmful to a patient.
- (K) A license holder ~~must~~ shall only access health care recipient information which is necessary and relevant to his/her function and authority as a orthotics, prosthetics, or pedorthics provider.
- (L) When responding to a consumer's, prescriber's or provider's request for orthotic, prosthetic, or pedorthic services, if it is evident from the initial evaluation and a review of patient history and/or chart information that another licensed orthotic, prosthetic, or pedorthic service provider is currently providing services based on the same or similar medical orders, the second provider has a professional duty of care to the consumer and the prescriber to contact the first provider and offer the opportunity to complete or clarify the appropriate provision of services.
- (M) Maintenance of consumer care information
- (1) A license holder ~~must~~ shall maintain consumer care documentation which includes, at minimum:
 - (a) Medical presentation/history data appropriate to the service provided;
 - (b) Evaluation and measurement data supporting device choice and recommendation;
 - (c) All dates of service with narrative progress notes describing presenting problem and service/procedure performed;
 - (d) Medical orders and therapist notes supporting services provided;
 - (e) Documentation required by third party payers including assignment of benefits, privacy notices, delivery receipts, financial arrangements, and records reflecting contacts for and provision of follow-up care;
 - (2) Consumer care data ~~must~~ shall be maintained with privacy and security safeguards appropriate to the data retained in file.
 - (3) The license holder responsible for provision of care should take steps to assure the consumer file data is maintained a minimum of five years from last date of service unless a longer period is required by federal or state law or

conditions imposed by any third-party payer.

- (N) A license holder, or an applicant for licensure, ~~must~~ shall provide a written response within a reasonable period of time not to exceed thirty days to any written inquiry regarding compliance with law or rule received from the board. A license holder or an applicant for licensure may not withhold or refuse to provide copies of any records requested by the board or its representative unless otherwise ordered by a court.
- (O) A license holder ~~must~~ shall self report to the board, within thirty days, any of the items outlined in paragraphs (O)(1) to (O)(7) of this rule. Failure to comply with paragraphs (O)(1) to (O)(7) of this rule may be grounds for disciplinary action pursuant to section 4779.28 of the Revised Code and in accordance with Chapter 119. of the Revised Code.
- (1) Impairment due to abuse of or dependency on alcohol, drugs, or other medical condition or illness that affects the applicant's or license holder's ability to practice with reasonable skill and safety. This reporting requirement shall not be applicable where the applicant or license holder is a participant in the board's safe haven program and complies with the same.
 - (2) Conviction of a felony.
 - (3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of orthotics, prosthetics, or pedorthics.
 - (4) The termination, revocation, or suspension of membership by a state or national orthotics, prosthetics, or pedorthics professional association.
 - (5) The termination, revocation, suspension, or sanctioning of a credential issued by a state or national orthotics, prosthetics, or pedorthics credentialing organization.
 - (6) A positive drug and/or alcohol screening.
 - (7) A finding of malpractice by a court of competent jurisdiction.
- (P) License holders ~~must~~ shall not document or bill for services not actually provided.
- (Q) License holders ~~must~~ shall not falsify, alter, or destroy patient records, medical

records, or billing records without authorization. The license holder ~~must~~ shall maintain accurate patient and billing records.

(R) A license holder ~~must~~ shall not abandon a patient by inappropriately terminating the practitioner-patient relationship.

(S) A license holder ~~must~~ shall not engage in any sexual relationship, contact, or conduct, including dating, with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a ~~licensee~~license holder-patient relationship exists.

(1) A license holder ~~must~~ shall not intentionally expose or view a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to the patient diagnosis or treatment under current practice standards.

(2) A license holder ~~must~~ shall not engage in a conversation with a patient that is sexual in nature or sexually demeaning and unrelated to the plan of care.

(T) A license holder ~~must~~ shall not engage in sexual harassment of patients, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature that results in:

(1) Withholding services to a patient;

(2) Creating an intimidating, hostile, or offensive environment; or

(3) Interfering with the patient's ability to recover.

(U) License holders ~~must~~ shall cooperate with an investigation by the board. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the board and providing copies of the medical records and other documents requested by the board,

(1) A license holder ~~must~~ shall respond fully and truthfully to a request for information from the board.

(2) A license holder ~~must~~ shall comply with a subpoena issued by the board.

- (3) A license holder ~~must~~ shall provide information or document within the time frame specified by the board.
 - (4) A license holder ~~must~~ shall appear and provide information at an interview requested by the board.
 - (5) A license holder ~~must~~ shall not deceive, or attempt to deceive, the board regarding any matter, including by altering or destroying any record or document.
 - (6) A license holder ~~must~~ shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the board, or by use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any other legal action.
 - (7) A license holder ~~must~~ shall not refuse to provide testimony in an administrative hearing.
- (V) A license holder ~~must~~ shall not practice orthotics, prosthetics, or pedorthics while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If a license holder's or applicant's ability to practice is in question, and the license holder or applicant is not a participant in the board's safe haven program, the license holder or applicant ~~must~~ shall submit to a physical or mental examination or drug/alcohol screen as requested by the board to determine the applicant's or license holder's qualifications to practice orthotics, prosthetics, and pedorthics.

4755-64-02

Proper use of credentials.

- (A) A license holder ~~must~~ shall not misrepresent any professional qualifications or credentials or provide any information that is false, deceptive or misleading in connection with his/her own application for employment or work as an orthotics, prosthetics, or pedorthics practitioner.
- (B) A license holder ~~must~~ shall not delegate the use of his/her name or signature on documentation for services unless he/she actually provided these services and has given permission to another person for such documentation, or unless he/she appropriately supervised those services.
- (C) A license holder ~~must~~ shall not use any title, initials or acronym indicating ownership or possession of an advanced educational credential or degree unless such educational credential or degree was earned through the auspices of an institution recognized by an appropriate national or regional accrediting agency.

4755-64-03

Investigations.

- (A) ~~Pursuant to sections 4779.28 and 4779.33 of the Revised Code, the~~The Ohio occupational therapy, physical therapy, and athletic trainers board ~~must~~ shall investigate compliance with Chapter 4755. and 4779. of the Revised Code or any rule or order adopted by the board. ~~The board must also investigate~~ Investigations shall include alleged grounds for the suspension, revocation, or refusal to issue or renew licenses, or reprimand, fine, or place a license holder on probation.
- (B) Board investigators may conduct ~~routine~~ inspections at the work site of license holders to determine compliance with the laws and rules ~~governing the practice of orthotics, prosthetics, and pedorthics~~of the board. Investigators will carry proper identification to be shown upon request.
- (C) ~~Routine inspections~~Inspections include, ~~but are not limited to, checking the display of wall certificates,~~ verifying proper supervision of and delegation of tasks performed by unlicensed personnel, ~~supervised by orthotics, prosthetics, and pedorthics staff,~~ documentation, ~~and/or~~and medical records, ~~relating to orthotics, prosthetics, and pedorthics~~and checking for authorized licensed practitioner referrals.
- (D) Investigations of complaints must include search for specific evidence regarding ~~the a~~ case. In accordance with division (A) of section 4755.02 and division ~~(B)~~(C) of section 4779.28 of the Revised Code, the ~~section~~ board may issue subpoenas to obtain copies of patient records, ~~and~~ personnel files of license holders, and other documents in connection with its investigations.
- (E) All ~~investigations/inspections~~ investigations and inspections ~~must~~ shall be conducted pursuant to the laws and rules of the state of Ohio and are confidential subject of division (E) of section 4755.02 and division (B) of section 4779.33 of the Revised Code.

4755-64-04

Denial and disciplinary action procedures.

(A) Denial of an application for licensure or examination or any proposed action against a license must be in accordance with Chapter 119. of the Revised Code.

(1) Pursuant to ~~section 119.07~~[Chapter 119.](#) of the Revised Code, a request for an administrative hearing on the proposed action must be received by the board within thirty days of ~~the mailing~~[service](#) of the notice of opportunity for a hearing.

(2) If a request for an administrative hearing is not received by the board within thirty days of the mailing of the notice of opportunity for a hearing, the board, upon consideration of the charges cited, may take appropriate action in the absence of the applicant or license holder.

(3) Pursuant to sections 4755.031 and 4779.281 of the Revised Code, a person sanctioned under sections 4755.11, 4755.47, 4755.482, 4755.64, or 4779.28 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel.

(B) The board may deny, limit, suspend, or revoke the license of any person or reprimand, fine, or place a license holder on probation for violation of any provision of Chapter 4779. of the Revised Code or any lawful order or rule of the board.

(C) If the physical or mental condition of a license holder is at issue in a disciplinary proceeding, the board may order the license holder to submit to reasonable examinations by a health care practitioner designated or approved by the board at the cost of the license holder.

(D) In the event a license issued by the board is suspended or revoked by the board pursuant to violation of any provision of Chapters 4775. or 4779. of the Revised Code or violation of any lawful order or rule of the board, the license holder shall, upon receipt of the final order or rule of the board, immediately surrender to the board office all evidence of the person's license, including the wall certificate.

Any photocopies of the wall certificate maintained in offices of employment shall be retrieved by the license holder and destroyed.

This paragraph shall apply in the case of consent agreements which may result in the voluntary surrender of a license issued by the board.

~~(D)~~(E) In accordance with ~~section~~ [sections 4755.11, 4755.47, 4755.64, or 4779.29](#) of the Revised Code, if the board determines that a license holder poses an immediate

threat to the public, the board must immediately suspend the license ~~of the orthotist, prosthetist, prosthetist-orthotist, or pedorthist~~ prior to holding a hearing in accordance with Chapter 119. of the Revised Code. The board must notify the license holder of the suspension in accordance with section 119.07 of the Revised Code. If the license holder fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board must enter a final order ~~permanently~~ revoking the person's license.

~~(E)~~(F) The hearings and investigations related to ~~Chapter~~ Chapters 4755. and 4779. of the Revised Code must be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code occurred are confidential and are not subject to discovery in any civil action.

~~(F)~~(G) If requested by the board, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code allegedly occurs, must take charge of and conduct the prosecution.

~~(G)~~(H) In addition to any other remedy provided in ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code, the board may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code. On a showing that a person has violated or is about to violate ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code, the court must grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code.

*** DRAFT - NOT YET FILED ***

4755-64-05

Notice of change of name, place of employment, e-mail, and mailing address.

- (A) A license holder must notify the board of any change of name, place of business or employment, e-mail address or mailing address within thirty days after the change.
- (B) Notification ~~may be~~ is made ~~electronically by logging into the eLicense system~~ by making the change in eLicense Ohio or its successor licensing system.

4755-62-01

Definition of terms.

The following definitions must apply to the language of Chapter 4779. of the Revised Code:

~~(A) General definitions~~

~~(1)(A)~~ "Board" means the Ohio occupational therapy, physical therapy, and athletic trainers board.

~~(2) "Temporary license" means a license issued under section 4779.18 of the Revised Code, which renews on its own anniversary date, and which may only be renewed one time.~~

~~(B) Licensing language and educational standards~~

~~(1)(B)~~ "License" as it is used under ~~division (A) of section 4779.20~~ Chapter 4779. of the Revised Code, means the authority to practice in the noted profession pursuant to an action of the board.

~~(2)(C)~~ "License holder" means a person who holds a license issued under Chapter 4779. of the Revised Code.

~~(3)(D)~~ "Nationally accredited college or university in the U.S." means colleges and universities accredited by an accreditation body recognized by the U.S. department of education, including regional accreditation bodies.

~~(4)(E)~~ "Provides two semesters or three quarters of instruction" as it is used in divisions (B)(1), (C)(1), and (D)(1) of section 4779.26 of the Revised Code means that the certificate program meets those specific traditional education duration standards or meets the standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) in effect at the time the applicant was completing his or her formal education for entrance to the referenced professions. Such instruction may include blended learning that allows for a combination of online distance learning, classroom learning, and on-site clinical learning that meets the standards established by the commission on accreditation of allied health education professions (CAAHEP).

~~(5)(F)~~ "Provides two semesters or three quarters of instruction" as it is used in divisions (B)(1), (B)(2), and (B)(3) of section 4779.27 of the Revised Code means that the residency program requires as a prerequisite for admission the educational equivalent of learning required by section 4779.26 of the Revised Code or residency admission standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) that were in effect at the time the applicant was completing his or her formal education for entrance to the

referenced professions and that meets or met the standards established by the commission on accreditation of allied health education professions (CAAHEP).

~~(E)~~(G) "Residency program" approved by the board, as referenced in section 4779.10 of the Revised Code, section 4779.11 of the Revised Code, and section 4779.12 of the Revised Code means a residency requiring nineteen hundred hours under the direct supervision of a practitioner certified in the same discipline, and which meets the requirements of section 4779.27 of the Revised Code.

~~(A)~~(H) "Suspended" as used in section 4779.31 of the Revised Code means a license that has lapsed or been placed on inactive or non-renewed status due to non-payment of renewal fees, as well as a license placed under suspension as the result of an adjudication pursuant to section 4779.28, 4779.29, or 4779.30 of the Revised Code, or as the result of an agreement entered into between the board and the license holder in lieu of proceeding to adjudication.

~~(E)~~(I) Supervision definitions and requirements

(1) "Physically present" as it is used under division (B) of section 4779.04 of the Revised Code means at the same building, location, or facility as the non-licensed practitioner and patient.

(2) "Under the direct supervision", as it is used under division (B)(5) of section 4779.02 of the Revised Code, means the person who provides orthotic, prosthetic, or pedorthic services under the supervision of a person authorized to practice medicine or osteopathic medicine, must perform the evaluation, measurement, design, fitting, adjusting, servicing, or training in a building, facility, or location where the physician or osteopathic physician is present at the time the service is provided and pursuant to a professional arrangement whereby the physician or osteopathic physician takes full clinical and consumer care responsibility for the orthotic, prosthetic, or pedorthic services provided.

~~(3) "Under the supervision" as it is used under division (B) in section 4779.18 of the Revised Code means the temporary license holder who practices under the supervision of a person who holds a full practitioner license issued under section 4779.09 of the Revised Code may conduct all activities either at a building, location, or facility where the supervising orthotist, prosthetist, or pedorthist is physically present or at a location where the supervising orthotist, prosthetist, or pedorthist is readily available to the person through some means of telecommunication and is in a location that under normal circumstances is not more than sixty minutes travel time away from the location where the temporary license holder is practicing.~~

4755-63-01

Applications for initial licensure by examination.

(A) Applications must be:

- (1) Submitted electronically via the Ohio e-license system;
- (2) Electronically signed via the Ohio e-license system;
- (3) Accompanied by the fee prescribed by rule 4755-66-01 of the Administrative Code; and
- (4) Accompanied by such evidence, statements, or documents as specified on the application.

(B) ~~For the purposes of filing an electronic application via the Ohio e-license system, the applicant will create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the person to whom it is issued. The "UserID" and password will constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.~~ For purposes of filing an electronic renewal application via eLicense Ohio or its successor licensing system, the applicant shall create log-in credentials. The use of these credentials is solely the responsibility of the license holder who created it. The credentials constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any person.

(C) Any application received in accordance with this rule that remains incomplete one year after the initial application filing will be considered to be abandoned and no further processing will be undertaken with respect to that application.

- (1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.
- (2) No application for licensure may be withdrawn without approval of the board. An applicant may request to withdraw an application by submitting a request through eLicense Ohio.
- (3) Submitted fees are neither refundable nor transferable.

(D) The applicant seeking licensure under section 4779.09 of the Revised Code must:

- (1) Submit an attestation that the applicant is at least eighteen years old and meets

the requirements of section 4779.10, 4779.11, 4779.12, or 4779.13 of the Revised Code.

- (2) Pass an examination approved by the board pursuant to section 4779.15 of the Revised Code.
 - (3) Attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license.
- (E) In addition, an application for a license to practice orthotics must document compliance with the following requirements:
- (1) A post-secondary educational credential of at least a bachelors degree;
 - (2) A certificate of completion of a post-graduate certificate program in orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in orthotics consisting of nineteen hundred hours supervised by a practitioner certified in orthotics;
 - ~~(4) A letter or statement from an Ohio licensed orthotist or prosthetist-orthotist, attesting to having conducted supervision for at least an eight month period (required if residency not conducted under Ohio licensed supervisor). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;~~
 - ~~(5)~~(4) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14 of the Administrative Code.
- (F) In addition, an application for a license to practice prosthetics must document compliance with the following requirements:

- (1) A post-secondary educational credential of at least a bachelors degree;
- (2) A certificate of completion of a post-graduate certificate program in prosthetics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;

- (3) Completion of a residency program in prosthetics consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics;
 - ~~(4) A letter or statement from an Ohio licensed prosthetist or prosthetist orthotist, attesting to having conducted supervision for at least an eight month period (required if residency not conducted under Ohio licensed supervisor). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;~~
 - ~~(5)~~(4) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14 of the Administrative Code.
- (G) In addition, an application for a license to practice orthotics and prosthetics must document compliance with the following requirements:
- (1) A post-secondary educational credential of at least a bachelors degree;
 - (2) A certificate of completion of post-graduate certificate programs in prosthetics and orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in prosthetics and orthotics, consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics, and nineteen hundred hours supervised by a practitioner certified in orthotics;
 - ~~(4) A letter or statement from an Ohio licensed prosthetist orthotist, attesting to having conducted supervision for at least an eight month period (required if residency not conducted under Ohio licensed supervision). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;~~
 - ~~(5)~~(4) An applicant who holds a license in orthotics and successfully completes all the requirements for a license in prosthetics will be issued a new license in prosthetics-orthotics;
 - ~~(6)~~(5) An applicant who holds a license in prosthetics and successfully completes all the requirements for a license in orthotics will be issued a new license in prosthetics-orthotics;
 - ~~(7)~~(6) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14

of the Administrative Code.

(H) In addition, an application for a license to practice pedorthics must document compliance with the following requirements:

- (1) A high school diploma or a certificate of high school equivalence.
- (2) A statement from the supervising pedorthist, orthotist, prosthetist, or prosthetist-orthotist; that the applicant has practiced ~~for eight months~~ under the supervisor's oversight and direction. The statement must be provided on a form prescribed by the state board of orthotics, prosthetics, and pedorthics which requires attestation of completion of one thousand hours of pedorthic care practice under supervision by the licensed supervisor, including at least one hundred hours devoted to each of the following five general areas of service delivery:
 - (a) Comprehensive assessment and evaluation of patients requiring the full spectrum of pedorthic care, including:
 - (i) Custom fabricated and custom fitted foot orthoses
 - (ii) Therapeutic/diabetic shoes, depth shoes and custom shoes
 - (iii) Prefabricated inserts, custom fitted, moldable and rigid
 - (iv) Shoe modifications
 - (v) Retail, non-therapeutic shoes and foot orthoses
 - (b) Development of a comprehensive treatment plan to provide appropriate pedorthic care.
 - (c) Selection of materials and components to meet the treatment plan. On-site fabrication of the device where facilities are available. Working knowledge of how various devices are fabricated if fabrication is not done at the facility.
 - (d) Fitting and appropriate follow-up of the pedorthic device to assure optimal fit and function of the device. This includes modifications and adjustments of the device to ensure proper and continued function and instructing patient on the use and care of the device with verbal and

take-home instructions where indicated or required.

- (e) Appropriate documentation of patient care and interaction, including records are accurate, current and complete, and that principles and procedures of practice management are understood.
- (3) Completion of the training, education, and/or experience requirements necessary to sit for a certification in pedorthics examination in accordance with standards established by the national commission on orthotic and prosthetic education.
- ~~(1) A candidate for a full license in orthotics, prosthetics, prosthetics-orthotics, or pedorthics who has already been granted a temporary license under section 4779.18 of the Revised Code and is practicing under that license may advance the temporary license to full license status by documenting completion of the remaining requirements without submitting a new license application. Documentation must include:
 - ~~(1) Proof of successful passage of the examination as provided by section 4779.15 of the Revised Code; and~~
 - ~~(2) Proof that the applicant has practiced for not less than eight months under the supervision of a person licensed under Chapter 4779. of the Revised Code to practice orthotics, prosthetics, or pedorthics as required by division (A) of section 4779.10, division (A) of section 4779.11, division (A) of section 4779.12, or division (A) of section 4779.13 of the Revised Code.~~~~

(A) Applications must be:

- (1) Submitted electronically via the Ohio e-license system;
- (2) Electronically signed via the Ohio e-license system;
- (3) Accompanied by the fee prescribed by rule 4755-66-01 of the Administrative Code; and
- (4) Accompanied by such evidence, statements, or documents as specified on the application.

(B) For the purposes of filing an electronic application via the Ohio e-license system, the applicant will create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the person to whom it is issued . The "UserID" and password will constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(C) Any application received in accordance with this rule that remains incomplete one year after the initial application filing will be considered to be abandoned and no further processing will be undertaken with respect to that application.

- (1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.
- (2) No application for licensure may be withdrawn without approval of the board. An applicant may request to withdraw an application by submitting a request through eLicense Ohio.
- (3) Submitted fees are neither refundable nor transferable.

(D) The following requirements apply to all applicants seeking licensure under section 4779.18 of the Revised Code.

- (1) The application must contain an attestation that the applicant is at least eighteen years old and meets the requirements of section 4779.18 of the Revised Code.
- (2) An applicant seeking a first license issued by the state board of orthotics, prosthetics, and pedorthics must comply with the criminal record check

requirements of section 4779.091 of the Revised Code and rule 4755-63-12 of the Administrative Code.

- (3) A license issued pursuant to section 4779.18 of the Revised Code expires one year after issuance, and may only be renewed once.
- (E) In addition, an application for a temporary license to practice orthotics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (1) A post-secondary educational credential of at least a bachelors degree;
 - (2) A certificate of completion of a post-graduate certificate program in orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in orthotics consisting of nineteen hundred hours supervised by a practitioner certified in orthotics;
 - (4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
- (F) In addition, an application for a temporary license to practice prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (1) A post-secondary educational credential of at least a bachelors degree;
 - (2) A certificate of completion of a post-graduate certificate program in prosthetics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in prosthetics consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics;
 - (4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

(G) In addition, an application for a temporary license to practice orthotics and prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:

- (1) A post-secondary educational credential of at least a bachelors degree;
- (2) A certificate of completion of post-graduate certificate programs in prosthetics and orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
- (3) Completion of a residency program in prosthetics and orthotics, consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics, and nineteen hundred hours supervised by a practitioner certified in orthotics;
- (4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

(H) In addition, an application for a temporary license to practice pedorthics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:

- (1) A high school diploma or a certificate of high school equivalence;
- (2) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
- (3) Completion of the training, education, and/or experience requirements necessary to sit for the certification in pedorthics examination in accordance with standards established by the national commission on orthotic and prosthetic education (NCOPE).

4755-63-15

Unique and exceptional qualifications.

- (A) "Unique and exceptional qualifications" as used in division (A) of section 4779.08 of the Revised Code means education, training, or experience that qualify a person to perform orthotic or prosthetic care outside of the traditional pathway outlined in sections 4779.10, 4779.11, 4779.12, [or 4779.17](#), ~~or 4779.18~~ of the Ohio Revised Code.
- (B) The Occupational Therapy, Physical Therapy, and Athletic Trainers Joint Board will determine whether a person is uniquely and exceptionally qualified on a case-by-base basis based on the information supplied by the applicant and other information deemed relevant by the Board. The joint board shall consult with a member of the Orthotics, Prosthetics, and Pedorthics Advisory Committee in determining whether an applicant meets the unique and exceptional qualifications.
- (C) Applicants may apply for licensure by unique and exceptional qualifications via one of the following paths:
- (1) Experiential
 - (a) Applicants with at least fifteen years of extensive orthotic or prosthetic experience, including direct patient care, in the discipline for which they have applied. Applicants must demonstrate proof of 50 continuing education hours within the five years prior to submission of application. The board will accept as continuing education units all courses approved by the board for orthotist/prosthetist certification (BOC), and the American board for certification in orthotics, prosthetics, and pedorthics (ABC). The board will also accept continuing education units as specified by section 4779.24 of the Revised Code; or
 - (b) Applicants with at least fifteen years of extensive orthotic and prosthetic experience, including direct patient care, when applying to be a licensed prosthetist-orthotist. Applicants must demonstrate proof of 70 continuing education hours within the five years prior to submission of application. The board will accept as continuing education units all courses approved by the board for orthotist/prosthetist certification (BOC), and the American board for certification in orthotics, prosthetics, and pedorthics (ABC). The board will also accept continuing education units as specified by section 4779.24 of the Revised Code.
 - (2) Applicants who meet the academic requirements described in division (A)(3) of section 4779.10 of the Revised Code, division (A)(3) of section 4779.11 of the Revised Code, division (A)(3) of section 4779.12 of the Revised Code, or

division (A)(3) of section 4779.17 of the Revised Code, but have not completed a professional clinical residency meeting national commission on orthotic and prosthetic education requirements. These applicants shall submit proof of at least two years of applicable orthotic or prosthetic experience within the five years before application that was obtained under supervision of a licensed or certified orthotist or prosthetist in the discipline for which they have applied. ~~An applicant may be granted a temporary license for up to two years to work under the supervision in Ohio in order to meet the requirements of this division.~~

- (D) In addition to the requirements described in division (C) of this rule, an applicant must submit:
- (1) Two letters of recommendation to the board demonstrating qualifications for licensure; and
 - (2) Proof of current and unrestricted active certification from either BOC or ABC.
- (E) Any applicant applying for licensure under division (C)(2) of this rule must comply with rule 4755-63-14 of the Administrative Code.

*** DRAFT - NOT YET FILED ***

4755-66-02

Temporary license fee - [To Be Rescinded](#).

The temporary licensing fee for an orthotist, prosthetist, pedorthist, and orthotist-prosthetist must not exceed one hundred dollars. The prescribed fee must be submitted to the board with the application for temporary licensure.

*** DRAFT - NOT YET FILED ***

4755-66-05

Fee to upgrade from temporary to full license - To Be Rescinded.

The fee to upgrade a temporary license to a full license shall not exceed fifty dollars. The prescribed fee shall be submitted to the board with the application for full licensure.

4755-63-02

Licensure ~~by endorsement~~ for out-of-state applicants.

(A) In accordance with ~~division (A)(4) of section 4779.17~~ Chapter 4796. of the Revised Code, an applicant who holds a license issued by another state may obtain a license to practice orthotics, prosthetics, or pedorthics in the state of Ohio if the out-of-state applicant qualifies under one of the following paths:

(1) Meets the same standard as for Ohio licensure by:

~~(1)(a) Qualifies~~ Qualifying for licensure in the state of Ohio, except for the passage of the examination as required under sections 4779.09 and 4779.15 of the Revised Code; and

~~(2)(b) Holds~~ Holding a valid license issued by the appropriate licensing entity of another state and has not been issued a license in another state that has been revoked or is currently under suspension or probation or remains under the effect of any other current disciplinary action.

(2) Holds a substantially similar out-of-state occupational license or government certification according to Chapter 4795.03 (A) of the Revised Code and the applicant:

(a) Has held the out-of state license or government certification for at least one year immediately preceding the date of application; and

(b) Is in good standing in all jurisdictions in which the applicant holds an out-of-state occupational license or government certification to practice the same profession, occupation, or occupational activity for which the applicant is applying in this state; and

(c) Was required to satisfy minimum education, training, or experience requirements or pass an examination to receive the out-of-state occupational license or government certification; and

(d) Has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's work in the same profession, occupation, or occupational activity for which the applicant is applying in this state; and

(e) Has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant

is applying.

(3) Holds a private certification and the applicant:

(a) Has held a private certification for at least two years immediately preceding the date the application is submitted and has been actively engaged in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state in a state that does not issue an out-of-state occupational license or government certification for the respective profession, occupation, or occupational activity for at least two of the five years immediately preceding the date the application is submitted; and

(b) Is in good standing with the private organization that issued the private certification; and

(c) Has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's work in the same profession, occupation, or occupational activity for which the applicant is applying in this state; and

(d) Has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant is applying.

(B) Applications must be:

(1) Submitted electronically via the Ohio e-license system;

(2) Electronically signed via the Ohio e-license system;

(3) Accompanied by the fee prescribed by ~~rule 4755-66-01~~ Chapter 4755. of the Administrative Code; and

(4) Accompanied by such evidence, statements, or documents as specified on the application, including any documentation necessary to support the qualifications mentioned in ~~paragraph (A)(1) or (A)(2) of~~ this rule, and pursuant to the profession-specific requirements ~~of paragraphs (E) to (H) of~~

~~rule 4775-63-01~~ [in Chapter 4755.](#) of the Administrative Code.

- (C) Out-of-state residents must update the Ohio occupational therapy, physical therapy, and athletic trainers board within thirty working days of any change in orthotics, prosthetics, or pedorthics employment in the state of Ohio or any change in state-of-residence or state-of-employment status.

SECTION 3 -PERSONNEL POLICIES

Definitions

Board – Occupational Therapy, Physical Therapy, and Athletic Trainers Board

CBA - acronym for Collective Bargaining Agreement (i.e., Union contract).

Core Hours – hours during which all employees shall be in a working status if they are not on leave.

Employee Evaluation Review Meeting – meeting held between a Supervisor and an employee to discuss the annual performance evaluation of the employee.

Flex Time – hours less or more than the normal workday (i.e., 8 hours or 10 hours).

FLSA – acronym for Fair Labor Standards Act as written by the Federal Department of Labor.

FOB –Device utilized to record entry/exit time and to allow door access to the agency office.

LOA – acronym for Leave of Absence.

[KRONOS – State of Ohio timekeeping application](#)

Meal Period – uncompensated period during the middle of the day.

OAC–citation or abbreviation for Ohio Administrative Code.

~~OAKS (MyOhio) – acronym for the Ohio Administrative Knowledge System, which is the State of Ohio computer system, for the purpose recording employees' timesheet and requesting time off and updating benefits and personal contact information.~~

ORC - citation or abbreviation for Ohio Revised Code.

Rest Periods – 30 minutes of compensated time during any given workday for which an employee may take breaks.

Policy #3.6 Leave Time, LOA and Leave without Pay

If an employee is unable to report to work, they shall notify their immediate supervisor via text message or phone call no later than 8:30 AM. If immediate supervisor is not available, the employee shall contact another supervisor.

Vacation, Personal, and Compensatory Time

General

1. All requests for any type of leave, as set forth in this policy, shall be entered into [myOhio-Kronos](#) and be approved or denied by the Executive Director or immediate supervisor in advance of the

scheduled leave on a first come, first serve basis. The Executive Director may also use prior leave history if two overlapping or equal leave requests are received at the same time. Emergency personal leave and sick leaves do not need advanced approval.

- a. A request, submitted in [myOhioKronos](#), shall be reviewed, and considered for approval based upon operational need, ORC/OAC provisions, DAS Directives and/or appropriate Collective Bargaining Agreement (CBA) and assurance that the employee has an available leave balance to support the request.
 - b. Personal leave shall be granted if an employee makes the request via email with a forty-eight (48) hour notice. In an emergency the request shall be made as soon as possible, and the supervisor will respond promptly. The leave shall not be unreasonably denied.
 - c. Vacation leave requests shall be submitted in advance via email for approval. The leave should be requested in advance based on the amount of time being requested (e.g., 1 day should be requested 1 day in advance, 2 weeks should be requested 2 weeks in advance).
 - d. Compensatory time leave requests shall be submitted, 24 hours in advance and shall not be unreasonably denied.
 - e. A request based on an unforeseen circumstance that precludes advance notice and/or when a mitigating or emergency circumstance exists shall be submitted, via e-mail, as soon as the circumstance is known or immediately upon return to work.
 - f. Documentation may be requested to substantiate the mitigating or emergency situation.
 - g. If an unforeseen, mitigating or emergency circumstance occurs, leave time shall be taken in the following order or as defined in the appropriate CBA:
 - Personal leave
 - Compensatory time
 - Vacation
2. All leave, except for emergency leave, shall be pre-approved. The Executive Director or immediate supervisor may deny leave if working conditions warrant. Leave requests will not unreasonably be denied.

Sick leave may be used in accordance with the terms in the union contracts between the State of Ohio and OCSEA or in accordance with the administrative rules of the Department of Administrative Services in effect at the time the leave is requested. Sick leave may be granted to an employee who is unable to report to work because of illness or injury of the employee or member of the employee's immediate family living in the employee's household or because of medical appointments or other ongoing treatment. The board shall not unreasonably deny a request for sick leave. A request shall be submitted in [myOhio-Kronos](#) in advance for any pre-scheduled health care appointment and immediately upon return to work for any illness in which the employee calls off. The Board shall follow ORC/OAC provisions, DAS directives and the appropriate CBA for sick time use. Documentation may be requested as determined by the Executive Director. In the case of a condition exceeding 3 consecutive calendar days, a physician's verification statement may be required. After an employee has been under the care of a physician, or off for 3 consecutive work days, a return to work release may be required prior to the beginning of their reporting time.

Sick leave may be utilized when an employee, or a member of their immediate family, is not able to work due to illness or for scheduled health care appointments, and other leave has not been pre-approved.

If the employee has a sick leave balance, this leave shall be utilized prior to any other type of leave being approved.

The board shall utilize the Family and Medical Leave Act when an employee's leave constitutes a qualifying event in accordance with the Family Medical Leave Act.

If approved, when sick leave is exhausted, the following leave may be utilized in the following order or as defined in the appropriate CBA:

Personal leave
Compensatory time
Vacation (Documentation may be requested)

Unauthorized Use, Misuse or Abuse of Sick Leave (Abuse of sick leave)

The Board shall take corrective and/or disciplinary action for unauthorized use of sick leave, misuse and/or abuse of sick leave, to include the following:

1. Failure to properly notify Director or Executive Assistant of medical absence.
2. Failure to request leave in OAKS time and labor.
3. Failure to provide physician's verification, return-to-work release, or other medical documentation when required.
4. Fraudulent documentation associated with use of sick leave.
5. Misuse of sick leave (using sick leave for purposes other than intended or provided).
6. Failure to comply with the terms of policies regarding use of sick leave.
7. Pattern abuse - inappropriate and unauthorized use or abuse of sick leave, for example:
 - a. before and/or after holidays
 - b. before and/or after weekends or regular days off
 - c. after paydays
 - d. on any one specific day of the week
 - e. following overtime worked
 - f. half days
 - g. continued pattern of maintaining zero or near-zero leave balances
 - h. excessive absenteeism.

Procedure

When an employee falls under the conditions of pattern abuse as described above, the employee will receive a notification of pattern abuse from the Director.

The Director shall meet with the employee to discuss the employee's use of sick leave. The purpose of the meeting shall be to allow the employee the opportunity to discuss any extenuating or mitigating circumstances concerning the use of sick leave of which the Director should be aware. This meeting is not for the purpose of requiring the employee to explain their prior use of sick leave or the employee's medical condition.

Other Leave

Personal Leave

Personal leave, if authorized under the State of Ohio and OCSEA contract, shall be used in accordance

with the terms of the contract between the State of Ohio and OCSEA or in accordance with the administrative rules of the Department of Administrative Services in effect at the time the leave is requested. Personal leave must be taken for at least 2 hours but can be used in units of 1/10 hours after the initial 2 hours minimum.

Vacation Leave

Vacation leave may be used in units of 1/10 hour or in accordance with the terms of the contract between the State of Ohio and OCSEA or in accordance with the administrative rules of the Department of Administrative Services in effect at the time the leave is requested.

Disability Leave

Eligibility for disability leave shall be determined in accordance with Ohio law and the terms of the contract between the State of Ohio and OCSEA or in accordance with the administrative rules of the Department of Administrative Services in effect at the time the leave is requested.

Bereavement Leave

An employee is allowed up to three (3) consecutive days of leave with full pay pursuant to the provisions of the CBA. This leave may be subject to verification at the discretion of the board.

Adoption/Childbirth Leave

Adoption/childbirth leave shall be granted in accordance with the contract between the State of Ohio and OCSEA or in accordance with the administrative rules of the Department of Administrative Services in effect at the time the leave is requested, including the use of Family Medical Leave.

Court/Jury Duty Leave

Court leave or leave for jury duty shall be granted in accordance with the terms of the contract between the State of Ohio and OCSEA or in accordance with the administrative rules of the Department of Administrative Services in effect at the time the leave is requested.

An employee called for witness duty shall submit any witness fees (excluding travel and meal allowances) to the board.

An employee summoned for jury duty by a court shall be granted leave with full pay. When not impaneled for actual service, the employee shall report to work as soon as reasonably possible after notification that their services will not be needed. For employees covered by the contract between the State and OCSEA, in cases where the employee would report to do less than four (4) hours work, the employee need not report to work.

An employee shall submit any juror fees received in excess of \$15.00 per day to the board.

An employee shall notify their immediate supervisor or designee immediately upon receiving a subpoena.

Living Organ and Bone Marrow Donor Leave Policy

Living Organ and Bone Marrow Donor Leave (Donor Leave) is intended to provide an opportunity for state employees to receive approval for a specified amount of paid leave immediately after donating their kidney, a portion of their liver, or bone marrow in order to recuperate from the procedure.

Full-time permanent state employees paid by warrant of the Auditor of State are eligible for Donor Leave. No other appointment types are eligible for Donor Leave under the policy.

[HRD-OCB Policy](#)

Military Leave

An employee called to military duty shall be granted leave in accordance with Ohio law and the contract between the State of Ohio and OCSEA or in accordance with the administrative rules of the Department of Administrative Services in effect at the time the leave is requested.

An employee shall submit a military order or written statement from the appropriate military commander as evidenced of military duty.

Overtime

DAS Directive HR-D-06 requires all agencies to adopt a uniform policy that complies with the Fair Labor Standards Act ("FLSA"), section 124.18 of the Ohio Revised Code, and Chapter 123:01-43 of the Ohio Administrative Code.

The directive applies only to employees who are exempt from collective bargaining. It is applicable to employees that are overtime eligible pursuant to ORC Section 124.18 and the Fair Labor Standards Act, or who are overtime exempt pursuant to the FLSA but whose appointing authority has requested and received approval from DAS to pay overtime compensation in accordance with ORC Section 124.18(A). Overtime compensation can be earned by employees only for work hours which are immediately necessary to the operation of the office. No overtime will be authorized for office work or other work which could have been completed during a standard 40 hour week.

Compensatory time may be accrued in lieu of overtime upon the employee's request per the OCSEA/AFSCME contract.

Compensatory Time for Overtime Exempt Staff

DAS Directive HR-D-08 encourages all agencies to adopt a compensatory time policy which complies with the Fair Labor Standards Act, ORC Section 124.18 and Chapter 123: 1-43 of the Ohio Administrative Code. The Board adopts the provisions of DAS Directive HR-D-08.

The directive applies only to employees who are exempt from collective bargaining and are overtime exempt pursuant to ORC Section 124.18 and the Fair Labor Standards Act. Compensatory time can be earned by employees only for work hours which are immediately necessary to the operation of the office.

This policy is to establish procedures governing compensatory time for those persons who are exempt from the collective bargaining agreements and who are exempt from overtime pay under the Federal Fair Labor Standards Act (FLSA).

Compensatory Time may be granted to exempt employees if they are required to work in excess of forty (40) active pay status hours per week where such extra work hours are necessary to complete assigned tasks or other Board business. No compensatory time will be granted for office work, which could have

been completed during the 40-hour workweek. Employees who have changed from overtime eligible to overtime exempt shall have all compensatory balances paid off at the time of status change.

Compensatory time may not be authorized by anyone other than the Chairperson of the Board for the Executive Director and by the Executive Director for exempt employees under the Executive Director's supervision.

Use of compensatory time requires prior approval by a supervisor. Compensatory time may be taken in intervals of one-tenth of one hour.

Maximum amount of Compensatory Time accrual is two hundred-forty (240) hours. Any compensatory time accrued must be used within 365 days.

Cash payment for accrued Compensatory Time is not permitted.

Employees may not retain compensatory time upon separation from employment with the State of Ohio.

Compensatory Time is not transferable to another state agency or department.

Compensatory time accrues on an hour-for-hour basis and may be accrued in one-tenth of one-hour increments.

Compensatory time may not be used to extend an employee's date of resignation or date of retirement.

Active pay status hours mean the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, and personal leave. Compensatory time requests after a staff member has called in sick should not automatically be approved. Each request must be reviewed to determine if the use of compensatory time is justified. Sick leave will not be counted as active pay.

Leave Without Pay

Leave without pay shall not be approved unless one of the following situations exists:

1. The employee has an approved FMLA certification on file; and/or
2. The employee is still in their initial probationary period

An employee who falls into a leave without pay status is subject to discipline.

Upon exhaustion of sick leave, employees can request to use accrued vacation, compensatory time or personal leave in lieu of sick leave. Employees will generally be required to exhaust all leave prior to going into leave without pay status. Employees requesting other paid leave in lieu of sick leave must supply physician's verification within 3 days of returning to work.

Policy #3.7 Timekeeping

Employees are required to keep their clock in and out time ~~on a prescribed Excel timesheet~~ in the Kronos timekeeping application. All employees are required to approve their timesheets prior to submission.

Managers are expected to review sign in/out times and hours worked each pay period before approving an employee's time.

Newly issued OPP licenses – May meeting

LP.00384	John Edward Haas
LPO.00407TEMP	Karen Roth
LPO.00409	Katherine Williamson
LPO.00408	Kurt Richard Rocco

Application Withdrawals

Licensed Prosthetist APP-000678079 Karen Roth

ENFORCEMENT STATISTICS FOR OPP

Date: 05/10/2023

Statistics:

“New” cases opened since the last meeting: 00

Cases “closed” at the last meeting: 00

Cases “currently open”: 00

Active consent agreements: 00

Adjudication orders being monitored: 00

***Statistics as of 05/08/2023**

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
OHIO PROFESSIONALS HEALTH PROGRAM
AND
THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS BOARD**

This Memorandum of Understanding (“Memorandum”) is entered into as of _____, 2023 (the “Effective Date”), by and between the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (the “Board”) and the Ohio Professionals Health Program, Inc. (“OhioPHP”), an Ohio non-profit corporation, for the purpose of administering a confidential, non-disciplinary program to identify and offer professional assistance to Board licensees or certificate holders as well as applicants with substance use disorders or other mental health conditions that may result in impairment (the “Program”).

1. Definitions

A. “Licensee” means an occupational therapist, occupational therapy assistant, physical therapist, physical therapy assistant, athletic trainer, orthotist, prosthetist, pedorthist, or prosthetist-orthotist who is licensed, certified, or registered under Ohio Revised Code (“O.R.C.”) Chapters 4755 or 4779, as well as an applicant for any of the aforementioned licenses, certifications, or registrations.

B. “Impairment” means an inability to practice due to abuse of or dependency on alcohol or drugs or other medical condition or illness, and includes an inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision.

C. “Impaired Licensee” means (1) a Licensee who is suspected and/or determined by the Board to be unfit for practice due to Impairment; or (2) a Licensee who has contacted the Board and/or OhioPHP and requested to participate in the Program.

2. Purpose and Scope

The purpose of this Memorandum is to clearly identify the roles and responsibilities of each party as they relate to their roles within the Program.

It is the purpose and intent of OhioPHP to provide a confidential, non-punitive alternative to disciplinary sanctions for Impaired Licensees who are motivated to accept intervention, evaluation, treatment, and/or monitoring for their illness, disorder or condition. As such, OhioPHP shall assist the Board in identifying Impaired Licensees, timely intervene, implement appropriate measures to protect public health and safety, and assist Impaired Licensees in effective rehabilitative efforts.

OhioPHP will maintain an overview containing the operational details of the Program and its monitoring procedures as well as available evaluation, treatment, and other therapeutic resources as deemed necessary by the parties. This overview, titled *OTPTAT Board Program Overview*, is marked

as Exhibit A and is attached hereto and incorporated herein. This overview may be modified by the parties from time to time.

OhioPHP and the Board shall ensure that program activities are conducted in compliance with all applicable Ohio laws, rules, and regulations and ethical principles set forth in O.R.C. Sections 4755.11, 4755.47, 4755.64, and 4779.28, 4755.02 and 4779.33 and Ohio Administrative Code (“O.A.C.”) Rules 4755-7-08, 4755-27-05, 4755-48-02, 4755-64-04, and 4755-64-01. Pursuant to O.R.C. Sections 4755.02 and 4779.33, investigative information and records are confidential and not a public record.

3. Term

This Memorandum shall be in effect for a period of three (3) years from the date set forth above, and shall automatically renew for successive three (3) year periods unless either party gives written notice to the other of termination not less than ninety (90) days prior to the end of the current term.

4. Funding

The Board shall pay no compensation to OhioPHP for services related to the Program. All expenses associated with the Program shall be the responsibility of the Licensee.

5. Protected Health Information/Treatment Records

Protected health information and treatment records concerning Licensees who are receiving or who at any time have received services for impairment which are maintained by the Board are confidential and shall not be made available to the public. Notwithstanding OhioPHP’s requirement to maintain the confidentiality of protected health information and treatment records, any Impaired Licensee who participates in the Program shall be deemed to have waived any confidentiality requirements that would otherwise prevent a licensed healthcare professional from making reports required under Ohio law.

6. Modification

No modification or amendment of this Memorandum, including Exhibit A, shall be effective unless approved by OhioPHP and the Board. Such modification or amendment shall be in writing and signed by all parties.

7. Nondiscrimination and Equal Employment Opportunity

In carrying out this Memorandum, OhioPHP shall comply with all applicable State of Ohio and Federal laws relating to nondiscrimination as those laws may be amended from time to time.

8. Assignment

No party will assign any of rights nor delegate any of duties and responsibilities under this Memorandum without prior written consent of the other party.

9. Construction

This Memorandum is governed, construed, and enforced in accordance with the laws of the State of Ohio.

10. Immunity

Program activities conducted in good faith pursuant to this Memorandum shall not be grounds for civil action under the laws of Ohio.

11. Effective Date and Signature

IN WITNESS THEREOF, and beginning on the Effective Date identified above, the parties acknowledge their intent to be bound by this Memorandum by affixing their signatures herein below.

OHIO PROFESSIONALS HEALTH PROGRAM

By: _____

Title: _____

THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

By: _____

Title: _____

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1.0 DEFINITIONS

“Licensee” refers to any OTPTAT licensee or applicant.

“Board” refers to the OTPTAT Board.

“OhioPHP” refers to the Ohio Professionals Health Program, the monitoring organization responsible for administering the OTPTAT Board’s safe haven program.

“Impairment” refers to the OTPTAT Board’s definitions in ORC 4755.11, 4755.47, 4755.64 and OAC 4755-7-08, 4755-27-05, 4755-48-02, 4755-64-04, 4755-64-01: habitual or excessive use or abuse of drugs or alcohol or other substances, or other medical conditions or illnesses.

2.0 SAFE HAVEN PROGRAM

2.01 Introduction

In 2022, the Occupational Therapy, Physical Therapy, and Athletic Trainers (OTPTAT) Board developed a safe haven program for OTPTAT licensees. A safe haven program provides:

- A clearly defined confidential path for individuals to seek help for burnout, mental health or substance use disorders.
- A safe space for early intervention before patient safety becomes a concern.
- Access to quality clinical screening/evaluation, treatment, long-term monitoring and support.
- A therapeutic alternative to disciplinary action for potential or existing impairment due to habitual or excessive use or abuse of drugs or alcohol or other substances, or other medical conditions or illnesses.

Additionally, safe haven programs:

- Remove stigma of mental health disorders and substance use disorders and minimize practitioners’ fear of losing their license.
- Allow licensees to feel safe and comfortable asking for and receiving help before an illness becomes a possible patient safety concern.
- Minimize complaints and potential need for disciplinary action through early intervention.

2.02 Eligibility

Any of the following licensees who need assistance with a potential or existing impairment are eligible for the safe haven program. A licensee may not be eligible for the safe haven program if they are under a current Board disciplinary action for an impairment due to mental health or substance use disorder.

- Athletic trainers
- Occupational therapists
- Occupational therapy assistants
- Orthotists
- Pedorthists
- Prosthetists
- Prosthetist-orthotists
- Physical therapists
- Physical therapist assistants

2.03 Considerations/Duty to Report

- Referrals are accepted from any of the following sources: licensees; other individuals; employers; professional societies and associations; healthcare personnel, and treatment providers; other entities and organizations; the Board; and others.
- Licensees are responsible for the expense of examinations, treatment, aftercare/continuing care, and applicable toxicology screening.
- Participation in the safe haven program does not excuse acts or preclude investigation or disciplinary action for other violations of the Board's rules.
- A licensee must self-report a potential or existing impairment to the Board within thirty (30) days **unless** they are a participant in the safe haven program.
- A licensee must report to the Board any unprofessional, incompetent, unethical, or illegal behavior of a colleague of which the person has knowledge. If a licensee believes a colleague is suffering from a substance use disorder or physical or mental impairment, **they may contact OhioPHP in lieu of making a report to the Board.**

2.04 Referrals

Referrals can be made to OhioPHP for a potential or existing impairment, or as related to events such as OVI, DUI, hospitalizations, relapses, etc.

2.05 Referral Process

Referrals may be submitted to OhioPHP via the referral form, via email (info@ohiophp.org), via phone (614-841-9690), or by visiting ohiophp.org. Questions about referrals should be directed to Jenn Hayhurst at jhayhurst@ohiophp.org or 614-841-9690 x39 or as otherwise directed by OhioPHP.

Board referrals shall be sent to info@ohiophp.org with the following details: name, license type, address, email, phone number, and reason for referral. OhioPHP will send a confirmation receipt to the Board and will attempt to contact the licensee within forty-eight (48) hours utilizing available contact information.

- If the licensee is agreeable to safe haven program participation, the appropriate evaluation, treatment, and enrollment process begins.
- OhioPHP will send the referral to the Board for further investigation if:
 - The Board referred the licensee, and they are **not** agreeable to safe haven program participation.
 - The Board referred the licensee, and they have not responded to OhioPHP's communication attempts within a reasonable timeframe.
 - The licensee contacted OhioPHP directly or was referred by an individual, an employer, a professional society or association, health care personnel, a treatment provider, or the Board, and OhioPHP believes that they are a risk to themselves or others.

2.06 OhioPHP Services

OhioPHP shall determine eligibility for participation in the safe haven program and provide associated services to eligible licensees.

OhioPHP services include, but are not limited to:

- Screening for potential or existing impairment.

- Referring to treatment providers approved by OhioPHP for the purpose of evaluation, treatment, and continuing care of potential or existing impairment.
- Establishing individualized monitoring criteria and duration.
- Providing case management, which shall include one-on-one engagement at a frequency determined necessary for therapeutic support.

2.07 Informed Consent

During the screening and enrollment process, the licensee shall be provided the following:

- An opportunity to review the safe haven program terms and conditions.
- An opportunity to review the process and potential outcomes of completing a well-being screening.
- An opportunity to review the terms of the agreement, provided the ability of OhioPHP to perform its duties in a timely manner is not compromised.
- Notification of consequences for violations of the agreement (compliance deficiencies), including any reporting requirements and subsequent recommendations to regulatory agencies, treatment providers, employers, or others as appropriate.
- Notification that compliance with monitoring is determined by OhioPHP and when clinically indicated, possible intensification of monitoring services or extension of the term of monitoring services may be required.
- Documentation that the licensee has been provided with the opportunity to review the agreement and questions or concerns have been addressed to demonstrate the informed participation of the licensee.

2.08 Well-being Screening

OhioPHP utilizes a multi-disciplinary team approach to provide preliminary results, recommendations, and referrals for behavioral health, mental health, or substance use disorders or other medical conditions. OhioPHP's well-being screening may include but is not limited to any/all of the following: a biopsychosocial interview with a master's level counselor or social worker, clinical interview with a physician or psychiatrist, Maslach Burnout Inventory, Millon Clinical Multiaxial Inventory – IV, additional mental health or substance use disorder assessments as deemed necessary, and toxicology screening or other screenings as deemed necessary.

Licensees that complete the screening receive preliminary results verbally from the clinical team, followed by a formal written summary of the screening as well as any recommendations and referrals.

2.09 Well-being Screening Process

1. The licensee completes a demographic form and preliminary testing.
2. OhioPHP reviews the results internally.
3. OhioPHP reviews the results with the licensee while completing an additional in-person or virtual screening, which may include a biopsychosocial interview, an interview with a physician, and collateral interviews.
4. OhioPHP makes a preliminary recommendation and plan with the licensee.
5. OhioPHP issues a formal summary to the licensee.
6. In instances where a licensee was referred by the Board, a well-being screening is completed, and the licensee is deemed ineligible for the safe haven program, OhioPHP will issue a formal summary to the Board.
7. If the licensee does not agree with OhioPHP's summary, they may seek an evaluation and recommendation from another provider as approved by OhioPHP in accordance with section 2.10 and/or 2.11 below.

2.10 Referral for Further Evaluation

In instances where a licensee is identified as having a potential or existing impairment, a referral for further evaluation may be made. Whenever possible, three (3) evaluation providers approved by OhioPHP will be provided to the licensee. A licensee may also request their own evaluation provider to be approved by OhioPHP. OhioPHP shall have sole discretion as to whether a requested provider will be approved for the purpose of evaluating the licensee.

If a licensee receives a diagnosis of a mental health or substance use disorder during the evaluation, they may be required to engage in treatment with a provider approved by OhioPHP.

2.11 Referral for Treatment

When possible, OhioPHP will provide three (3) treatment provider options to licensees from the approved OhioPHP Treatment Provider Network. Licensees may also request their own treatment provider to be approved by OhioPHP. OhioPHP shall have sole discretion as to whether a requested provider will be approved for the purpose of providing treatment to the licensee. The treatment provider may consult with the OhioPHP Medical Director (or their designee) to assist in the establishment of a treatment plan. Individualized treatment plans shall be established for each licensee with consideration of the training and complexities associated with their professional license.

2.12 Return to Work

If a licensee is referred to the safe haven program, OhioPHP may request that they stop working until determined fit to return to practice by the OhioPHP Medical Director or their designee.

If a licensee engages in treatment, OhioPHP may request that they stop working until determined fit to return to practice by OhioPHP's Medical Director or their designee.

2.13 Monitoring

Monitoring may be recommended for licensees with potential or existing impairment. Monitoring agreements range from one (1) to five (5) years, as determined by OhioPHP. Please note: relapses and other failures to comply may result in longer periods of monitoring. Addendums to the agreement may be initiated by OhioPHP.

2.14 Monitoring Agreement Terms

- Treatment and therapy plan
- Support group participation
- Case management
- Duration of monitoring
- Random toxicology testing
- Releases of information to seek records or updates related to the licensee, including but not limited to family, peers, health care personnel, employers, and treatment providers
- Grounds for dismissal from participation in the safe haven program for failure to comply with program requirements
- Any required fees associated with participation in the safe haven program including but not limited to fees for toxicology testing

2.15 Enrollment

Licensees may be required to sign a monitoring agreement with OhioPHP as a condition of the safe haven program. For those licensees who are recommended for monitoring, it is required that the licensee submit all the appropriate documentation prior to an initial enrollment meeting to allow for adequate time to prepare the monitoring agreement and supporting documentation. If the documentation is not received seventy-two (72) hours prior to the scheduled enrollment meeting, the appointment will be rescheduled to the next available date/time. The documentation necessary for the enrollment process includes:

- Demographic and Intake Form (completed and signed)
- Treatment records and/or discharge summary
- Aftercare/Continuing Care Contract
- Appropriate releases of information
- List and copy of all current medications and prescriptions
- Primary care physician information
- Completed payment form
- Volunteer Peer Monitor information (within three (3) months of monitoring agreement date)

The Demographic and Intake Form will be utilized along with the treatment records and/or discharge summary to prepare the terms of the monitoring agreement. Any other documentation necessary for enrollment, including payment for the non-refundable enrollment fee, will be completed at the time of enrollment. *Please note: enrollment fees are currently waived.*

2.16 Disqualification Criteria

- OhioPHP shall report to the Board any licensee who is unwilling or unable to complete or comply with any part of the safe haven program, including screening/evaluation, treatment, or monitoring.
- OhioPHP does not consider any incident or criteria as precluding a licensee from receiving services; however, a report to the Board shall be made when there is evidence or disclosure of sexual misconduct with a patient. Reports to additional agencies may be required when there is evidence or disclosure of abuse or neglect.
 - Reports include the licensee's name, license type, and the reason for the report to the Board. OhioPHP requests confirmation of reports made to the Board. OhioPHP may be available to answer questions and consult about reported licensees, with an active release of information for the Board.
 -

2.17 Completion

Licensees that successfully complete their monitoring agreements receive a formal letter from OhioPHP.

2.18 Program Administration

OhioPHP shall provide periodic, deidentified data to the Board regarding all referrals received for licensees. This data may include: number of referrals, license type, number of reports sent to the Board, reason for referral, number of licensees scheduled for screening. OhioPHP shall meet with the Board periodically to discuss program improvement.

Points of Contact:

OhioPHP: Jenn Hayhurst, jhayhurst@ohiophp.org, 614-841-9690 x39 or as otherwise directed by OhioPHP.

OTPTAT Board: Jeffery Duvall, Jeffery.Duvall@otptat.ohio.gov or as otherwise directed by the Board.

2.19 Frequently Asked Questions

How do I make a referral to OhioPHP?

Referrals are accepted from any source, including the Board. Board referrals should be sent to info@ohiophp.org with the following details: name, license type, address, email, phone number, and reason for referral. OhioPHP will send a confirmation receipt to the Board and will attempt to contact the licensee within forty-eight (48) hours utilizing available contact information.

Who is eligible for the safe haven program?

OTPTAT license holders or applicants with potential or existing impairment due to habitual or excessive use or abuse of drugs or alcohol or other substances, or other medical conditions or illnesses are eligible for the safe haven program.

Who provides treatment?

Licensees recommended for treatment will receive a personalized treatment plan from an OhioPHP approved treatment provider. Whenever possible, OhioPHP will provide three (3) treatment provider options for licensees from the OhioPHP Treatment Provider Network.

Licensees may also request their own treatment provider to be approved by OhioPHP.

Is medical marijuana permitted for participants in the safe haven program?

Permission for the use of medical marijuana will be determined on a case-by-case basis.

Can licensees continue working while participating in the safe haven program?

OhioPHP may request that a licensee stop working until determined fit to return to practice by the OhioPHP Medical Director or their designee.

What does monitoring with OhioPHP include?

Monitoring agreements may range from one (1) to five (5) years unless additional treatment or monitoring is deemed necessary by the OhioPHP Medical Director or their designee.

The following conditions will be determined on a case-by-case basis:

- *Coordination of ongoing treatment and continuing care*
- *Confidential therapeutic monitoring*
- *Participation in random drug and alcohol toxicology screens*
- *Quarterly consultations (more often if needed) with OhioPHP clinical staff*
- *Services and support provided by an Addiction Medicine physician, a psychiatrist, master's level counselors, licensed chemical dependency counselors, etc.*

What case information will the Board receive from OhioPHP?

If a licensee is deemed eligible and is agreeable to safe haven program participation, the appropriate evaluation, treatment, and enrollment process begins. However, if a licensee is deemed ineligible or they are unwilling or unable to comply with the program requirements, the Board will receive a report.



OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS (OTPTAT) BOARD
PROGRAM OVERVIEW

What data will the Board receive about the safe haven program?

The Board will receive periodic deidentified data regarding all referrals received. This report may include: number of referrals, license type, number of reports sent to the Board, reason for referral, number of licensees scheduled for screening. OhioPHP may also meet with the Board periodically to discuss program improvement.

Who do I contact with questions?

Questions may be directed to info@ohiophp.org or 614- 841-9690.

3.0 DISCIPLINARY CASES

3.01 Introduction

As an Occupational Therapy, Physical Therapy, and Athletic Trainers (OTPTAT) Board Staff member, you may send licensees under investigation or those who have received disciplinary action for impairment due to habitual or excessive use or abuse of drugs or alcohol or other substances, or other medical conditions or illnesses to the OhioPHP for screening, referral for further evaluation or treatment, and/or monitoring services.

3.02 Considerations

Licensees are responsible for the expense of examinations, treatment, aftercare/continuing care, and applicable toxicology screening.

3.03 Referral Process

Board referrals shall be sent to info@ohiophp.org with the following details: name, license type, address, email, phone number, reason for referral, whether the licensee is under investigation or if they have received disciplinary action for impairment, and a copy of the licensee's Board Order or Consent Agreement. OhioPHP will send a confirmation receipt to the Board and will attempt to contact the licensee within forty-eight (48) hours utilizing available contact information.

Investigation or disciplinary action for impairment referrals:

- OhioPHP will send the referral to the Board for further action if:
 - The licensee is not agreeable to screening, referral for evaluation or treatment, or they are not agreeable to enter a monitoring agreement.
 - The licensee has not responded to OhioPHP's communication attempts within a reasonable timeframe.
 - OhioPHP believes that they are a risk to themselves or others.

3.04 OhioPHP Services

- OhioPHP services include, but are not limited to:
 - Screening and/or evaluation for potential or existing impairment.
 - Referral to treatment providers approved by OhioPHP for the purpose of evaluation, treatment, and continuing care of potential or existing impairment.
 - Establishing individualized monitoring criteria and duration in conjunction with a licensee's Board Order or Consent Agreement.
 - Case management, which shall include one-on-one engagement at a frequency determined necessary for therapeutic support.

3.05 Informed Consent

During the screening and enrollment process, the licensee shall be provided the following:

- An opportunity to review the screening and monitoring terms and conditions.
- An opportunity to review the process and potential outcomes of completing a well-being screening.

- An opportunity to review the terms of the agreement, provided the ability of OhioPHP to perform its duties in a timely manner is not compromised.
- Notification of consequences of violations of the agreement (compliance deficiencies), including any reporting requirements and subsequent recommendations to regulatory agencies, treatment providers, employers, or others as appropriate.
- Notification that the compliance with monitoring is determined by OhioPHP and when clinically indicated, possible intensification of monitoring services or extension of the term of monitoring services may be required.
- Documentation that the participant has been provided with the opportunity to review the agreement and questions or concerns have been addressed to demonstrate the informed participation of the participant.

3.06 Well-being Screening

OhioPHP utilizes a multi-disciplinary team approach to provide preliminary results, recommendations, and referrals for behavioral health, mental health, or substance use disorders or other medical conditions. OhioPHP's well-being screening may include any/all of the following: a biopsychosocial interview with a master's level counselor or social worker, clinical interview with a physician or psychiatrist, Maslach Burnout Inventory, Millon Clinical Multiaxial Inventory – IV, additional mental health or substance use disorder assessments as deemed necessary, and toxicology screening or other screenings as deemed necessary.

Licensees that complete the screening receive preliminary results verbally from the clinical team, followed by a formal written summary of the screening as well as any recommendations and referrals.

3.07 Well-being Screening Process

1. The licensee completes a demographic form and preliminary testing.
2. OhioPHP reviews the results internally.
3. OhioPHP reviews the results with the licensee while completing an additional in-person or virtual screening, which may include a biopsychosocial interview, an interview with a physician, and collateral interviews.
4. OhioPHP makes a preliminary recommendation and plan with the licensee.
5. OhioPHP issues a formal summary to the licensee and the Board.
6. If the licensee does not agree with OhioPHP's summary, they may seek an evaluation and recommendation from another provider as approved by OhioPHP in accordance with section 3.08 and/or 3.09 below.

3.08 Referral for Further Evaluation

In instances where a licensee is identified as having a potential or existing impairment, a referral for further evaluation may be made. Whenever possible, three (3) evaluation providers approved by OhioPHP will be provided to the licensee. A licensee may also request their own evaluation provider to be approved by OhioPHP. OhioPHP shall have sole discretion as to whether a requested provider will be approved for the purpose of evaluating the licensee.

If a licensee receives a diagnosis of a mental health or substance use disorder during the evaluation, they may be required to engage in treatment with a provider approved by OhioPHP.

3.09 Referral for Treatment

When possible, OhioPHP will provide three (3) treatment provider options to licensees from the approved OhioPHP Treatment Provider Network. Licensees may also request their own treatment provider to be approved by OhioPHP.

OhioPHP shall have sole discretion as to whether a requested provider will be approved for the purpose of providing treatment to the licensee. The treatment provider may consult with the OhioPHP Medical Director (or their designee) to assist in the establishment of a treatment plan. Individualized treatment plans shall be established for each licensee with consideration of the training and complexities associated with their professional license.

3.10 Return to Work

If a licensee engages in treatment, OhioPHP may request that they stop working until determined fit to return to practice by the treatment provider and OhioPHP's Medical Director or their designee, in addition to any suspension period stated in their disciplinary action.

3.11 Monitoring

Monitoring agreements for licensees with disciplinary action for impairment may range from one (1) to five (5) years, as determined by OhioPHP or as stated in their Board Order or Consent Agreement. Please note: relapses and other failures to comply may result in longer periods of monitoring or reporting. Addendums to the agreement may be initiated by OhioPHP and may require Board approval.

3.12 Monitoring Agreement Terms

- Treatment and therapy plan
- Support group participation
- Case management
- Duration of monitoring
- Random toxicology testing
- Releases for seeking information or records related to the licensee, including but not limited to family, peers, health care personnel, employers, and treatment providers
- Conditions in which a violation would result in a report to the Board
- Any required fees associated with participation in OhioPHP screening and monitoring including but not limited to fees for toxicology testing
- Additional conditions required in the Board Order or Consent Agreement

3.13 Enrollment

For those licensees who are required to sign a monitoring agreement with OhioPHP, it is required that the licensee submit all the appropriate documentation prior to an initial enrollment meeting to allow for adequate time to prepare the monitoring agreement and supporting documentation. If the documentation is not received seventy-two (72) hours prior to the scheduled enrollment meeting, the appointment will be rescheduled to the next available date/time. The documentation necessary for the enrollment process includes:

- Demographic and Intake Form (completed and signed)
- Any Board Orders or Consent Agreements from any regulatory agency
- Treatment records and/or discharge summary
- Aftercare/Continuing Care Contract
- Appropriate releases of information

- List and copy of all current medications and prescriptions
- Primary care physician information
- Completed payment form
- Volunteer Peer Monitor information (within three (3) months of monitoring agreement date)

The Demographic and Intake Form will be utilized along with the treatment records, discharge summaries, and any Board Order or Consent Agreement to prepare the terms of the monitoring agreement. The monitoring agreement is reviewed and executed and any other documentation necessary for enrollment, including payment for the non-refundable enrollment fee, will be completed at the time of enrollment. *Please note: enrollment fees are currently waived.*

3.14 Disqualification Criteria

- OhioPHP will report to the Board any participant who is unwilling or unable to complete or comply with screening/evaluation, treatment, or monitoring.
- OhioPHP will report any violation of the monitoring agreement to the Board within five (5) days.
- OhioPHP does not consider any incident or criteria as precluding a licensee from receiving services; however, a report to the Board shall be made when there is evidence or disclosure of sexual misconduct with a patient. Reports to additional agencies may be required when there is evidence or disclosure of abuse or neglect.
 - Reports include the licensee's name, license type, and the reason for the report to the Board. OhioPHP requests confirmation of reports made to the Board. OhioPHP may be available to answer questions and consult about reported licensees, with an active release of information for the Board.

3.15 Completion

Licensees that successfully complete their monitoring agreements receive a formal letter from OhioPHP. A letter of completion will also be issued to the Board.

3.16 Administration

OhioPHP will provide to the Board a copy of each licensee's monitoring agreement and notice of their scheduled quarterly status reports which contain compliance updates. Timely reporting of compliance deficiencies may be expected outside of the normal report schedule for licensees under a Board Order or Consent Agreement. OhioPHP is willing to testify regarding licensees' compliance with their monitoring agreements.

OhioPHP may request periodic meetings with the Board to discuss process improvement.

Points of Contact:

OhioPHP: Jenn Hayhurst, jhayhurst@ohiophp.org, 614-841-9690 x39 or as otherwise directed by OhioPHP.

OTPTAT Board: Jeffery Duvall, Jeffery.Duvall@otptat.ohio.gov or as otherwise directed by the Board.

3.17 Frequently Asked Questions

How do I refer a disciplinary case to OhioPHP?

After receipt of an impairment complaint, OTPTAT Board staff may refer a licensee to OhioPHP for screening and/or monitoring via email (info@ohiophp.org) with the following details: name, license type, address, email, phone number, and reason for referral, along with a copy of the Board Order or Consent Agreement. OhioPHP will send a confirmation receipt to the Board and will attempt to contact the licensee within forty-eight (48) hours utilizing available contact information.

Who is eligible for disciplinary monitoring with OhioPHP?

OTPTAT licensees or applicants who received disciplinary action for potential or existing impairment are eligible to receive monitoring services.

Is medical marijuana permitted for licensees in a monitoring agreement with OhioPHP?

Permission for the use of medical marijuana will be determined on a case-by-case basis.

Can licensees continue working while in a monitoring agreement with OhioPHP?

OhioPHP may request that a licensee stop working until determined fit to return to practice by the OhioPHP Medical Director or their designee or as defined in a licensee's Board Order or Consent Agreement.

What does monitoring with OhioPHP include?

Monitoring agreements may range from one (1) to five (5) years unless additional treatment or monitoring is deemed necessary by the OhioPHP Medical Director or their designee.

The following will be determined on a case-by-case basis and as defined in a licensee's Board Order or Consent Agreement:

- *Coordination of ongoing treatment and continuing care*
- *Confidential clinical support and monitoring*
- *Participation in random drug and alcohol toxicology screens*
- *Quarterly consultations (more often if needed) with OhioPHP clinical staff*
- *Services and support provided by an Addiction Medicine physician, Psychiatrist, master's level counselors, licensed chemical dependency counselors, etc.*

What case information will the Board receive from OhioPHP?

OhioPHP will provide to the Board a copy of each licensee's monitoring agreement and notice of their scheduled quarterly status reports, which contain compliance updates. Timely reporting of compliance deficiencies may be expected outside of the normal report schedule for licensees under a Board Order or Consent Agreement.

Who do I contact with questions?

OhioPHP may request periodic meetings with the Board to discuss process improvement. Questions may be directed to info@ohiophp.org or 614- 841-9690.

Occupational Therapy, Physical Therapy, and Athletic Trainers Board

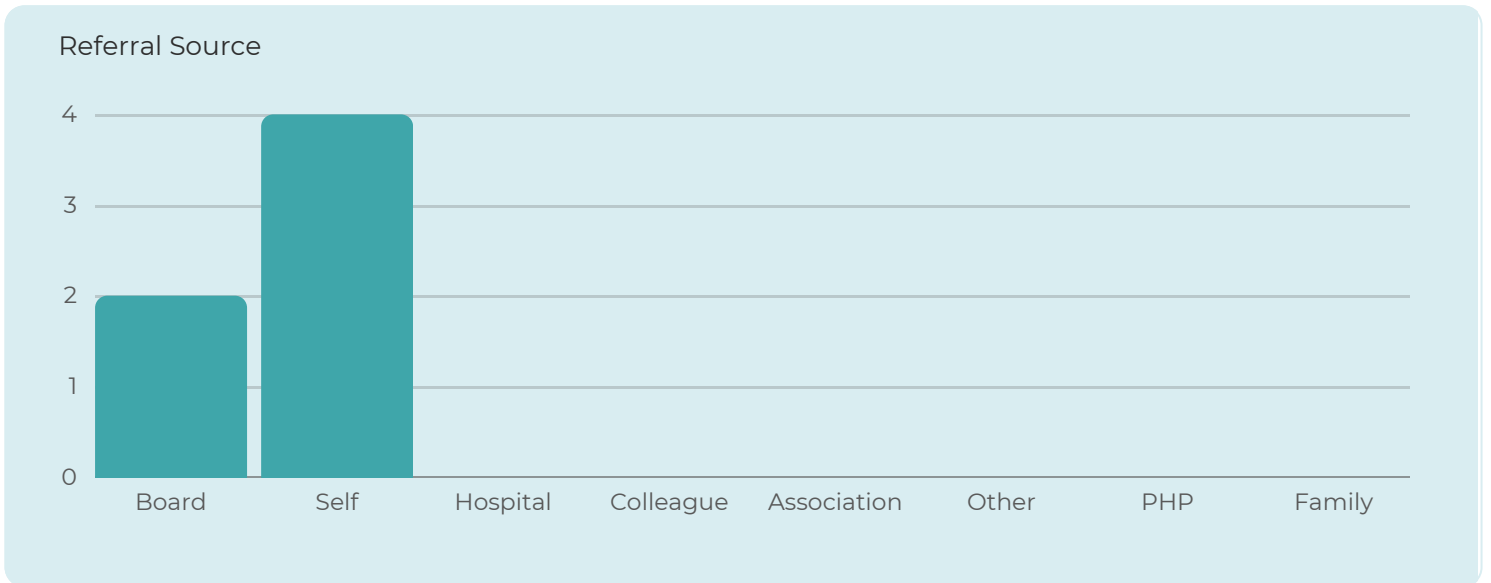
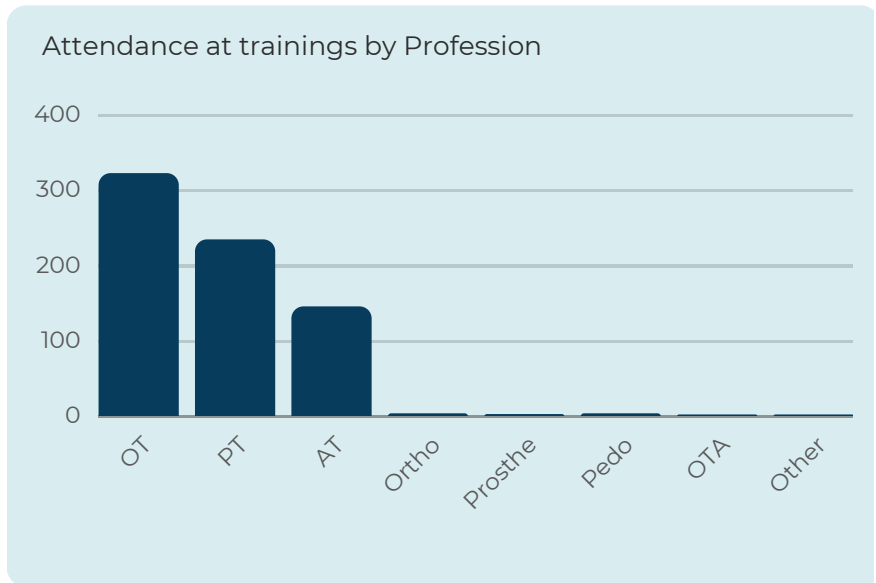
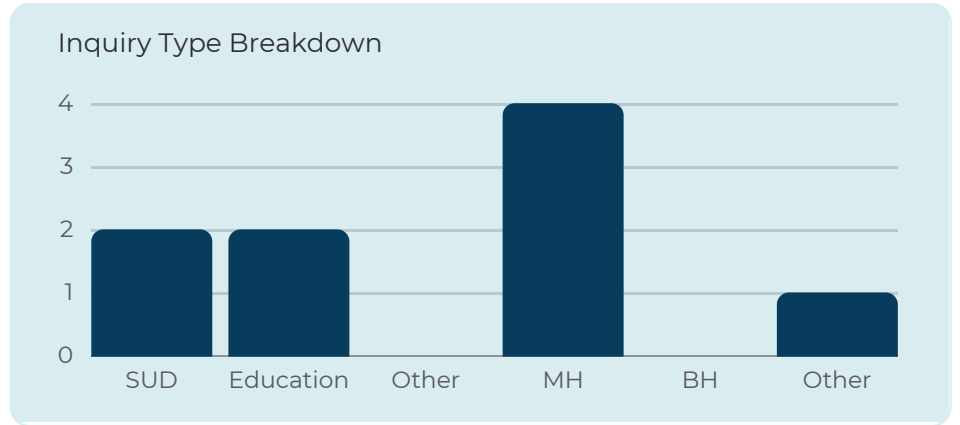
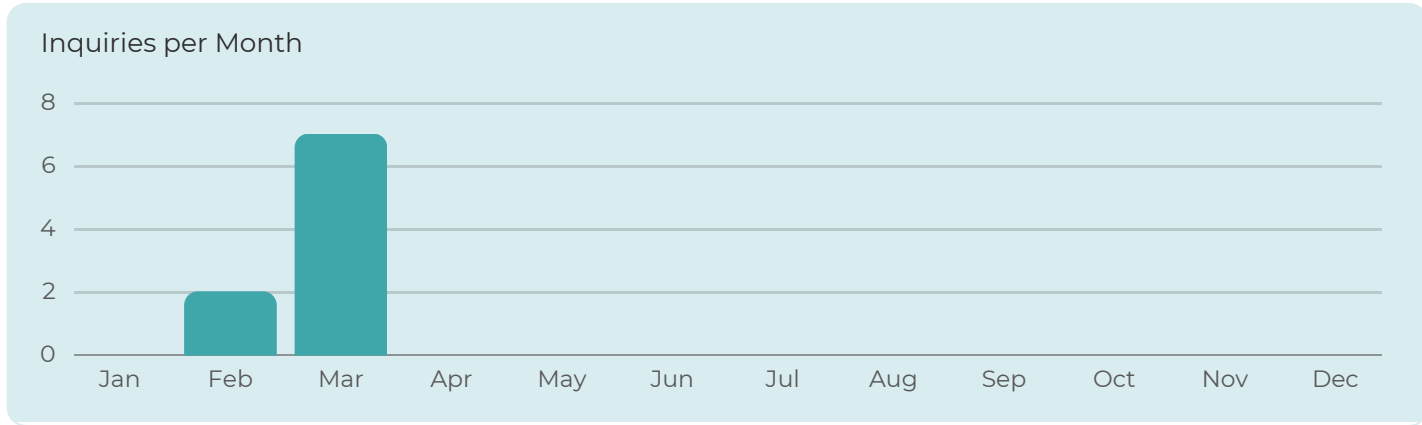
Safe Haven Program - 2023 Quarter One Report



Total Number of Referrals
9

People registered for Education
1,966

Number of Hours of CE Provided
760



COMMENTS FROM EP ATTENDEES



Excellent information and helpful to promote the well-being of my peers and those whom I am supervising.

Great to know this support is available! Thank you for presenting.

This was a very informative training.

I really love that the Ohio Board has partnered with the OhioPhP group! What an amazing resource for licensees! Thank you!

I will now use the PHP for OTPTAT if ever in the circumstances of suspicious substance abuse of a clinician. If I ever face burnout or other aspects associated with the safe haven program I know I can reach out as well.

Great information. So glad the OTPTAT Board has decided to do this!

Very informative. Would love for employers to get this information.

Very good information. I can think of at least one former co-worker who could have benefited from this program.

I wish I would have known about OhioPHP sooner. Burnout and Stress during the Pandemic was unreal.

Excellent presentation! I understand substance use disorder more fully and feel ready to support coworkers and get them help in a confidential way. Thank you!

Thanks so much. What a great program. Glad to feel supported by the state.

EEO Anti-Discrimination and Anti-Harassment Policy and Reporting Procedures

Central Service Agency

Policy #:	CSA -01
Legal Reference:	ORC 124.04, Chapter 4112; OAC 123:1-49; DAS HR-14; Executive Order 2023-01D; Executive Order 2022-06D
Effective Date:	2/1/2023
History:	12/1/2015, 6/1/2018, 1/18/2022

1.0 Authority

For those state agencies who are too small to have a full-time equal employment opportunity officer (EEO Officer), Rule 123:1-49-03(B) of the Ohio Administrative Code allows such agencies to name one equal employment opportunity officer to represent a group of participating agencies. To that end, the Central Service Agency (CSA) has designated the HR Manager to act as the EEO Officer for all CSA-participating boards and commissions that accept the plan.

2.0 Purpose

The State of Ohio is a diverse, inclusive, and equal opportunity employer. The purpose of this policy is to emphasize that **discrimination, harassment, and/or retaliation** will not be tolerated in the workplace and to establish procedures for state employees and applicants for state employment to report claims of discrimination, harassment, and retaliation.

This policy aligns with State of Ohio Administrative Policy, HR-14 Anti-Discrimination and Anti-Harassment Policy and Reporting Procedures (previously HR-D-14), incorporating Governor DeWine's Executive Order 2023-01D Anti-Discrimination Policy in State Government.

This policy is not intended to be a complete statement of federal and/or state law, or an employee's rights regarding discrimination, harassment, and retaliation. As always, an employee should seek the counsel of an attorney for questions regarding the law and the rights thereby accorded. Bargaining unit employees may also be represented by their unions.

3.0 Policy

It is the policy of the Central Service Agency and the Boards and Commissions (CSAB&C or the Agency) to maintain a working environment free from discrimination, harassment, and retaliation.

CSAB&C prohibits discrimination and harassment of applicants and employees due to race, color, religion, gender/sex, gender identity or expression, national origin (ancestry), military status (past, present, or future), disability, age (40 years of age or older), genetic information, sexual orientation, status as a parent during pregnancy and immediately after the birth of a child, status as a nursing mother, status as a parent of a young child, or status as a foster parent as those terms are defined in applicable Ohio law, federal law and any effective Executive Order, in making any employment-related decisions including, but not limited to hiring, layoff, transfer, termination, promotion, demotion, discipline, rate of compensation, eligibility for in-service training programs, or terms and conditions of employment.

Moreover, CSAB&C may not retaliate against anyone who exercises a protected right under equal employment opportunity (EEO) laws, including, but not limited to, making a complaint or participating in an investigation.

3.1 Methods and Timelines for Reporting

An employee or applicant for state employment who believes they have experienced harassment, discrimination, or retaliation may report the incident(s) to their manager, CSA Human Resources Administrator/EEO Officer, or the Ohio Department of Administrative Services, Human Resources Division, Office of Diversity, Equity, & Inclusion (ODEI).

A. Employee Discrimination Complaint Procedure:

- a. Any employee who has experienced harassment or discrimination should promptly call 614-728-8233 to speak with the Central Service Agency Human Resources Administrator/EEO Officer.
- b. The EEO Officer shall attempt to informally resolve the problem or assist the employee in filing a formal complaint. A formal complaint may be filed through one or all the entities listed below.
- c. The individual has thirty (30) calendar days after the alleged discriminatory act in which to file a formal complaint with CSA.
- d. Every attempt is made by the EEO Officer to ensure the total processing time, including an investigation, takes no longer than sixty (60) calendar days.

An employee or applicant for state employment may also file a complaint with one or all of the following:

Complaints regarding State of Ohio EEO policy may be filed with:

- *Department of Administrative Services, Office of Diversity, Equity, & Inclusion*
File within 30 days of the incident
www.das.ohio.gov/inclusion
614-466-8380

Complaints regarding EEO law:

- *Ohio Civil Rights Commission*
File within two years of the incident
www.crc.ohio.gov
614-466-2785 or 1-888-278-7101
- *U.S. Equal Employment Opportunity Commission*
File within 300 days of the incident
www.eeoc.gov
800-669-4000

3.2 Responsibility

Manager/Supervisor: A manager/supervisor is responsible for ensuring the work-environment managed/supervised is free from discrimination and harassment. Managers/Supervisors must not retaliate against employees who exercise their rights as outlined in State or agency EEO policy or protected by law.

A manager or supervisor who receives a report of discrimination, harassment, or retaliation must immediately report the complaint to the CSA EEO Officer. While the report cannot be kept strictly confidential, the information reported shall only be communicated as necessary to investigate and take appropriate action.

Employees: Employees shall assist in the Agency's effort to achieve equal employment opportunity and to maintain a harassment and discrimination free environment. Any employee who believes that they have been subject to harassment is encouraged to inform the potential harasser that their conduct is unwelcome, directly or indirectly, as soon as practical and safe.

CSA EEO Officer: The CSA EEO Officer will counsel aggrieved employees or applicants, providing them with information about the Agency's EEO policy, including filing rights. The CSA EEO Officer will also attempt informal resolution of the issue.

The CSA EEO Officer will conduct a prompt, thorough, and objective investigation, including interviews of witnesses and formal written reports or findings. While the information obtained cannot be kept strictly confidential, the information reported shall only be communicated as necessary to investigate and take appropriate action.

CSA and the Boards and Commissions: CSAB&C will promote equal employment opportunity and maintain a harassment and discrimination free environment. The CSAB&C is required to adopt an internal policy and procedures outlining a process for reporting and resolving claims of EEO violations.

3.3 Enforcement

Discrimination, harassment, and retaliation will not be tolerated. Such conduct is subject to discipline, up to and including termination.

Supervisory employees are advised that they may be subject to personal liability for acts of discrimination, harassment, and/or retaliation and may be responsible for providing their own legal defense.

This policy will be disseminated to all employees annually and included in all new hire orientation materials and the employee handbooks.

This policy supersedes any CSA board or commission EEO Policy and is enforced by CSA as a result of statutory authority or agreement.

4.0 Inquiries

Direct inquiries about this policy to:

Janine Burnside
HR Administrator/EEO Officer
OBM, Central Service Agency
30 E. Broad St., 35th Floor
Columbus OH 43215
614-728-8233
Janine.Burnside@obm.ohio.gov

Office of Diversity, Equity & Inclusion
Ohio Department of Administrative Services
30 E. Broad St., 40th Floor
Columbus, Ohio 43215
614-466-8380

Appendix A – Definitions

- A. **Antisemitism**. A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.
- B. **Complainant**. An individual who makes the discrimination, harassment, or retaliation complaint.
- C. **Discrimination**. Discrimination occurs when an adverse employment action is taken based on the employee or applicant's status as a member of a protected class. There are two forms of discrimination:
- a. **Disparate Treatment** – Disparate treatment occurs when an employer intentionally treats an employee differently because of their protected class.
 - b. **Disparate Impact** – Disparate impact occurs when an employment policy, although neutral on its face, adversely impacts persons in a protected class.
- D. **Harassment**. Unwelcome conduct based on a protected class, such as race, sex, religion, etc. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment can be verbal and/or physical and can include name calling, slurs, jokes, gestures, leering, stalking, grabbing, and/or assault. This is not an exhaustive list of all harassing behaviors.
- E. **Retaliation**. The act of punishing an employee or applicant for asserting their rights under EEO laws to be free from employment discrimination, including harassment. This includes retaliation against an individual who requested an accommodation; filed, testified, or participated in a discrimination investigation, proceeding, or lawsuit; or opposed employment practices that they reasonably believed discriminate against individuals. A claim of retaliation is based on objective and non-discriminatory criteria.
- F. **Sexual Harassment**. Unwelcome sexual advances and/or attention, requests for sexual favors, repeated requests for dates, and other verbal or physical conduct when it explicitly affects an individual's employment and working conditions. There are two forms of sexual harassment, (1) hostile work environment – Frequent or pervasive comments, advances and requests for personal and/or sexual interaction, or (2) Quid Pro Quo – When an employee's submission to or rejections of a superior's sexual advances affects employment decisions.

Appendix B – Resources

Resource Name
EEO Complaint Process, including contact information regarding where to file a complaint: Your Rights Under EEO Department of Administrative Services (ohio.gov)

POLICY ACKNOWLEDGEMENT FORM

I understand the _____ (Name of Board or Commission) is a Central Service Agency (CSA) participating board or commission and the CSA HR Manager serves as the designated EEO Officer. I acknowledge that I have received a copy, read, and understand the CSA EEO Anti-Discrimination and Anti-Harassment Policy and Reporting Procedures.

This policy is effective until further notice. A copy of this policy is available on the [CSA webpage](#).

I understand that this document will be placed in my personnel file.

Board/Commission Member Signature

Board/Commission Member Name

Date