

Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board  
**Joint Board Meeting**  
**May 20, 2021**  
**8:30 AM Roll Call**  
**Microsoft Teams**  
**Dial 614-721-2972; Conference ID: 740 739 762#**

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**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 Agenda Review *Ganim*

1.2 Approval of Minutes *Ganim*

**Action Required**

1.3 Executive Director Report *Anthony*

1.4 Executive Session: TBA

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)*) – *Cost of Living Adjustment for Executive Director*
- 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 OPP – Unique qualifications for licensure

1.5.2 OPP Ethics rule

1.5.3 House Bill 263 implementation – licensure denials due to past criminal convictions

1.5.4 House Bill 110 – State Budget Bill – appropriations and language

**2. Licensure Applications**

*Sczpanski*

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 CE Requests for Approval

2.5 Licensure Renewal Report

2.6 Application Withdrawals

**Action Required**

**3. Enforcement Division**

*Sczpanski*

3.1 Assistant Attorney General Report

3.2 Case Review Liaison Report

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. Open Forum**

**5. Correspondence**

**6. Old Business**

6.1 Policies Update

*Anthony*

**7. New Business**

7.1 Occupational Therapy Section Report

*Lavey*

7.2 Physical Therapy Section Report

*McIntire*

7.3 Athletic Trainers Section Report

*Bates*

7.4 OPP Advisory Council Report

*Sczpanski*

**8. Next Meeting Preparation**

*Ganim*

8.1 Agenda Items

8.2 Executive Director Assignments

**9. Adjournment**



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

### Joint Board Meeting

January 21, 2021  
9:00 AM

Virtual Meeting via Microsoft Teams

#### **Members**

Mario Baker, PT  
Beth Ann Ball, OT  
Trevor Bates, AT  
Joanne Phillips Estes, OT  
Anthony Ganim, PT, *President*  
Erin Hofmeyer PT  
Hollie Kozak AT  
Gary Lake, AT  
Mary Beth Lavey, OTA  
Linda Lowes, PT  
Jeffrey Sczpanski, AT, *Secretary*  
Anissa Siefert, OT, *President Elect*  
Melissa Van Allen, OT  
Benjamin Burkam, MD  
Jennifer Wissinger, PT

#### **Legal Counsel**

Emily Pelphrey, AAG  
Lindsay Miller, AAG

#### **Staff**

Melissa Anthony, Executive Director  
Jeffery Duvall, Enforcement Division Supervisor  
Jan Hills, Executive Assistant  
Rosa Avery, Licensure  
Mai Vo, Licensure  
Debbie Fulk, Licensure

#### **Guests**

Kassady Roe, Student, University of Toledo  
Timothy McIntire, PT Section  
Chad Miller, PT Section  
Brian Weaver, OPPAC  
Craig Campbell, PT Section  
Karen McIntyre, PT Section

#### **Mission Statement**

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- 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.
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#### **Call to Order**

The meeting was called to order by Joint Board President Tony Ganim at 9:06 A.M.

#### **Approval of Minutes**

**Action:** Hollie Kozak moved that the minutes from the September 17, 2020 meeting be approved as amended. Mary Beth Lavey seconded the motion. Motion passed.

#### **Executive Directors Report**

- Report given at each section meeting held prior to this meeting.

### **Discussion of Law and Rule Changes**

- *Waiver for endorsement applicants*

**Action-** Jeff Sczpanski moved that the Executive Director release for early stakeholder comments a new rule related to orthotics and prosthetics licensure by special considerations as discussed. Mario Baker seconded the motion. Motion passed.

- *OPP Military Rule*

**Action-** Jeff Sczpanski moved that the Executive Director final file with the Joint Committee on Agency Rule Review the OPP military considerations rule 4755-63-13. Second by Erin Hofmeyer. Motion passed.

- *OPP Five Year Rule Review*

**Action-** Jeff Sczpanski moved that the Executive Director file with the Common Sense Initiative OPP rules for five year review- 4755-62-01, -02, 4755-65-01 and – 02. Second by Melissa Van Allen. Motion passed.

### **Licensure Applications**

Jeff Sczpanski moved that the OTPTAT Board ratify, as submitted, the orthotics, prosthetics, and pedorthics full and temporary licenses issued by examination, reciprocity, and reinstatement, from September 18, 2020 through January 21, 2021, taking into account those licenses subject to discipline, surrender, or non-renewal. Second by Beth Ann Ball. Motion passed.

#### **Licensed Orthotist by Examination- 3**

Timothy Arnold

Makenzie LeeAnn Best

Christopher Michael Surface

#### **Licensed Orthotist by Endorsement- 3**

Kristen McDonald

Zachary Alexander Smith

Mary Frances Walsh

#### **Licensed Prosthetist by Examination- 1**

Michael Ball

#### **Licensed Pedorthist by Endorsement- 2**

Louis Mason Grove

David W. Smith

#### **Licensed Prosthetist by Endorsement- 2**

Nicholas Norman Denroche

Sara Emma Goldberg

#### **Licensed Prosthetist-Orthotist by Examination- 6**

Elisabeth Bradley

Brooke Iames

Allison Seim

Samantha Jo Graeff

Katie Johnson

Natalie Marie Thomas

#### **Licensed Prosthetist- Orthotist by Endorsement- 3**

David Coleman

Julia Dee Fry

Adam Roth

Jeff Sczpanski recommended that the Section grant the application withdrawal request for OPP examination/endorsement/reinstatement applications on file with the Board on January 21, 2021 based on the documentation provided. Hollie Kozak made the motion, second by Melissa Van Allen. Motion passed.

Laura Marden        LO.00375  
DeAnn Dean        LO APP-000395578

#### **Enforcement Division**

- New” cases opened since the last meeting: 0
- Cases “closed” since last meeting: 0
- Cases “currently open”: 1
- Active consent agreements: 0
- Adjudication orders being monitored: 0

Assistant Attorney General Report  
*No report*

#### **Open Forum**

CLEAR- Training opportunities are available for regulatory boards.

#### **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.
- OTPTAT Policies and Procedures  
In development. HR will need to review and consult with union if necessary. Once returned to the board a subcommittee will review, approve, and then bring to the full board for adoption. Members of the subcommittee are Jeff Sczpanski, Mario Baker, Beth Ann Ball and Trevor Bates.
- COVID related questions  
Report given.
- OPP Appointment Procedure  
Jeff Sczpanski moved that the Board approve the policy regarding OPP Advisory Council appointments.  
Seconded by Mario Baker.

### **Anticipated 2021**

Director Anthony prepared a synopsis of anticipated activities in 2021.

- State Budget process
- Senate Bill 255 Review
- PT Compact- SB 5
- OT Compact SB 7
- CE conversion to OOTA
- AT Practice Act amendment introduction
- Licensure reciprocity bills
- Audit
- Training and Procedures outcome of Strauss workgroup
- PT procedures of foreign trained
- Safe return to work

The next scheduled meeting of the Joint Board is May 20, 2021.

### **Adjournment**

There being no further business and there is no objection, the meeting was adjourned at 9:55 AM.

Respectfully submitted,

*Jan Hills*

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Tony Ganim, President  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

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Jeff Sczpanski, Secretary  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

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

## EXECUTIVE DIRECTOR REPORT - MAY 2021

### LICENSURE STATISTICS

License Type	%	Number of Active licenses as of 3/4/2021	change since last Board mtg	Number of Active licenses as of 5/6/2021	change since last Board mtg
Athletic Trainer	9.06%	3,269	1%	3,287	1%
Occupational Therapist	19.47%	7,000	1%	7,061	1%
Occupational Therapy Assistant	14.86%	5,333	1%	5,388	1%
Physical Therapist	30.30%	10,939	1%	10,988	0%
Physical Therapist Assistant	25.23%	9,134	0%	9,151	0%
Orthotist	0.23%	82	-1%	83	1%
Pedorthist	0.22%	81	0%	81	0%
Prosthetist	0.20%	72	-3%	74	3%
Prosthetist-Orthotist	0.43%	154	2%	155	1%
3-D printing	0.01%	1	0%	2	100%
Total		36,065	1%	36,270	1%

### ELICENSE

- Pending tickets:
  - May - Continuing Education course display - \$3,062.88
  - May - Continuing Education audit automation improvement - \$3,119.60
  - May - LO/LP consolidation to LPO automation - \$4,310.72
  - June or July - PT Compact integration - \$TBD
  - June or July - PT Compact integration - \$TBD
  - TBD - Address check when requesting duplicate wall certificate
  - TBD - license picker assistance - checklist (endorsement vs. exam)



PERSONNEL, BUDGET, AND OFFICE REPORT

- Revenue:
  - March - \$11,420.00 (COVID hit)
  - April - \$30,198.50 (OTA renewal)
  - May - \$69,645.00 (OTA renewal)
  - June - \$103,230.00 (OTA renewal)
  - July - \$149,447.76 (OTA/AT renewal)
  - August - \$68,510.00 (OTA/AT renewal)
  - September - \$99,186.00 (OTA/AT renewal)
  - October - \$63,090.00 (OTA/AT renewal)
  - November - \$171,155.00 (PTA and OPP renewal starts, OTA/AT continue)
  - December - \$136,855.01 (PTA/OPP/OTA/AT renewals)
  - January 2021 - \$224,150.00 (PTA/OPP/OTA/AT renewals)
  - February 2021 - \$119,832.50 (PTA/OPP/OTA/AT renewals)
  - March 2021 - \$41,690 (PTA/OPP/OTA/AT renewals)
  - April 2021 - \$93,620 (OT renewal starts, PTA/OPP/OTA/AT renewals cont.)
  
- Expenses (Budget overview - FIN):

Account	Account Description	Budget Period	Budget	Expense	Encumbrance	Available Budget*	Percent Available
500	Personal Services	2021Q1	161,024.91	161,024.91	0	0	0
500	Personal Services	2021Q2	184,415.26	184,415.26	0	0	0
500	Personal Services	2021Q3	168,154.73	168,154.73	0	0	0
500	Personal Services	2021Q4	212,679.10	89,245.16	0	123,433.94	58.04
510	Purchased Personal Services	2021Q1	8,000.00	1,755.00	3,245.00	3,000.00	37.5
510	Purchased Personal Services	2021Q2	8,000.00	1,250.00	0	6,750.00	84.38
510	Purchased Personal Services	2021Q3	8,000.00	2,885.00	0	5,115.00	63.94
510	Purchased Personal Services	2021Q4	8,000.00	0	0	8,000.00	100
520	Supplies and Maintenance	2021Q1	73,175.00	12,879.34	11.34	60,284.32	82.38
520	Supplies and Maintenance	2021Q2	84,475.00	47,026.62	11.35	37,437.03	44.32
520	Supplies and Maintenance	2021Q3	161,975.00	120,775.39	7.56	41,192.05	25.43
520	Supplies and Maintenance	2021Q4	81,820.00	15,240.85	219.78	66,359.37	81.1
530	Equipment	2021Q1	4,076.00	4,076.00	0	0	0
530	Equipment	2021Q3	4,250.00	4,236.00	0	14	0.33

## MISCELLANEOUS

- Auditor of state has begun FY 20-21 work.
- Finishing up OTA/AT 2018, PTA 2019, and OT 2019 audits. Just ran PT 2020 audit. The rest of the audits must wait until renewals finish up July 1.
- National level committee work:
  - BOCAT Regulatory Affairs Advisory Panel - Chair - planning committee for next conference in 2022, virtual meeting in 2021
  - FSBPT Continuing Competence Committee
  - FSBPT and BOC both hosting webinar series. NBCOT still debating their approach
  - Will participate in AOTA/NBCOT panel at AOTA conference on OT Compact

## LEGISLATIVE

- Senate Bill 5 (PT Compact) - Signed by Governor DeWine, effective 6/30/2021
- Senate Bill 7 (OT Compact) - Signed by Governor DeWine, effective 6/30/2021
- Senate Bill 131 (reciprocity based on experience) - introduced
- House Bill 122 (Telehealth) - Fixed PTA/OTA reference, passed the House
- House Bill 110 (FY 22-23 State Budget) - contains multiple provisions supported by (requested by) the Board, pending in Senate committee
- House Bill 176 (AT Practice Act) - Passed the House
- House Bill 203 (reciprocity based on experience) - hearings in the House, pursuing Compact exemption

## RULES

Rule package	#	Status
OT CE	1	Awaiting law change, up for discussion
Concussion rules (2021 FYR)	3	Filed with JCARR
OPP FYR	4	Filed with JCARR as no change
AT CE - remove EBP	1	Awaiting CSI comments
OPP licensure under special circumstances	1	Awaiting Joint Board discussion

## BOARD MEMBER REMINDERS

- Training:
  - Ethics by 12/31/2021  
(<https://www.ethics.ohio.gov/education/elearning/ecourses.html>)
  - If we need you to conduct other training, we are in touch
  - Contact Jan if you are unsure what you have completed
- Financial disclosure by 5/17/2021
- Awaiting appointment of public member of Board
- CLEAR training modules are available - self paced
  - Foundations of Occupational and Professional Regulation
  - Roles and Responsibilities of a Board Member
  - Administrative Rulemaking
  - Professional Discipline

- Assessing Competence

#### OUTREACH

- April - AOTA conference session
- OATA virtual
- Upcoming OT and PT classes

#### COVID-19

- Staff continue to work from home - Phase 4 return, date unknown
- New paralegal - welcome David Day!

Commenter	Comment
Don Weldon, LCO	I feel as though this is an appropriate rule for the profession. There are many of us that have traveled different routes to be certified and have many years of experience and should have the opportunity based on that to become State Licensed.
Mark Martien CO.	<p>To whom it may concern. I hope I'm reading and understanding this correctly. I been in the O&amp;P field since 1992 where I received my Associates degree in Applied Science Specialized in O&amp;P. I worked as a Technician for 2 years and since 1994 I worked alongside a CPO providing patient care. I became BOCOcertified in 1999 and grandfathered into ABC,CO in 2004. I just missed the Ohio Licensure grandfather clause when it was first passed. I did get my Kentucky License in Orthotics in 2013 when they passed their licensure.. I hope that if this rule passes that I will be able to finally get an Ohio License.</p> <p>I hope with the information that I provided can give you the information to let me know that this is in fact a pathway that will work for me and others that are in the same situation.</p>
Ivan E Kruger	<p>Furthermore to comments relating to this proposed bill.</p> <p>I immigrated to the US in Aug 2015, from South Africa, where I had been practicing as a Registered Orthotist and Prosthetist since 2003.</p> <p>I have struggled to get certification for Prosthetic and Orthotics.</p> <p>I have appealed on 2 occasions – 2015 &amp; 2018.</p> <p>NCOPE have denied both appeals due to insufficient tertiary education.</p> <p>This was despite numerous attempts to get additional credits internationally and locally to satisfy their requirements.</p> <p>I am now certified as a Certified Orthotic and Prosthetic Assistant, as well as a Certified Orthotic Fitter.</p> <p>I believe my experience and achievements in this field, since starting in 1999, should suffice to be licensed as a Certified Orthotist and Prosthetist in Ohio.</p> <p>I have attached my Resume, patient and colleague testimonials and the 2015 &amp; 2018 appeal letters to NCOPE.</p> <p>There a lot of documents, but I believe they provide substance for my request.</p> <p>Please be so kind as to review these documents and assist me in enforcing this rule.</p>
Douglas VanAtta, LPO	Good. Fair. I don't feel you should back off on other requirements, but this is fair.
Matthew De Lay	I have been working in the O&P industry for my entire adult life. I began my career working as a technician and soon after incorporated patient care in my daily tasks as a BOC certified Orthotist ABC certified Pedorthist and prosthetic assistant. I have been involved in every area of the industry

	<p>including training others and overseeing clinical care of orthotic and prosthetic patients. I have a passion for patient centered care and would sincerely like to be close to my wife's family that live in Ohio. The current licensure laws in Ohio prevent me from making a living in the state even though I have dedicated over 21 years of my life to the industry. Orthotics and Prosthetics is a unique healthcare industry in the most healthcare workers provide a service but we provide a product that enables life to resume. It is still very much a hands on industry where hand and people skills are very much needed. There is nothing wrong with education but I believe the current programs lack the bedrock of what this field was founded upon. I would hope that common sense would prevail and I will one day soon be able to pursue my career in Ohio. Thank You for your Time</p>
Thomas M Gore CPO	<p>I don't know if this could be expanded to other countries as well? I've been practicing for about 10 years and have come across several practitioners with loads more experience but they are not able to be certified or licensed. This is mainly due to the fact that they don't want to have to go through 2 more years of school to learn what they already know.</p>
Sarah Z. Frankel C.Ped.	<p>Yes, licensure should be reciprocal and allowed for those visiting from other states. However, Ohio has rules for Pedorthists that are unlike any other states. All other states follow ABC scope of practice for pedorthists and they are permitted to provide short leg AFOs, SMOs, and SCFOs to patients needing these.</p> <p>From ABC Scope of Practice:</p> <p>Pedorthic devices means therapeutic shoes, shoe modifications made for therapeutic purposes, partial foot prostheses for transmetatarsal and more distal amputations and foot orthoses. It also includes subtalar-control foot orthoses (SCFO) designed to manage the function of the anatomy by primarily controlling the range of motion of the subtalar joint. Excluding footwear, the proximal height of a custom pedorthic device does not extend beyond the junction of the gastrocnemius and the Achilles tendon.</p> <p>Until Ohio makes changes to its Pedorthic Scope of Practice I cannot approve of the Rule up for debate, number 4755-63-15</p>
John N. Billock, CPO/L, Clinical Director	<p>I certainly would agree with the proposed rule that has been released for early stakeholder feedback, as it has been drafted and presented in this e-mail.</p> <p>Thank You for the opportunity to respond!</p>
Zack Chait Regulatory and Legislative Analyst BOC	<p>Thank you for asking for our input. I reviewed the rule in coordination with our senior leaders and am pleased to provide enthusiastic support on behalf of the Board of Certification/Accreditation (BOC.) We believe it addresses an issue that has hampered the ability of many highly-qualified</p>

	<p>practitioners in the field of orthotics and prosthetics (O&amp;P) to come to Ohio and serve patients residing there. We appreciate the effort of the State to address this issue and ensure that the population relying on O&amp;P care to maintain their quality of life has ample access.</p> <p>We would like to note that the suggested 15 years of experience meets our standards in establishing expertise, but we recommend that ten years would achieve similarly adequate assurance, and could open the candidate pool even further.</p> <p>Please let me know if there is any additional assistance we can provide. I appreciate the opportunity to offer perspective and support on behalf of BOC.</p>
<p>Stephen Fletcher, CPO, LPO Director, Professional Credentialing, ABC</p>	<p>I apologize for the late email and comments on Rule 4755-63-15. I realize that Sunday April 4<sup>th</sup> as the last day for sending in comments but thought I would submit our comments early today anyway.</p> <p>It appears that this rule appears to be addressing single discipline orthotists and prosthetists and dual discipline prosthetist/orthotist (LPO). Since there is no reference to the licensure types in the title, it is not obvious.</p> <p>This rule does not appear to apply to pedorthists. However, rule sections 4779-17 and 4779-18 both are referenced in the rule and both have subsections referring to pedorthics.</p> <p>The continuing education requirements in (C) (1) (a) and (b) make sense based on the requirements set forth in 4779.20.</p> <p>General Comments. This is somewhat surprising to see the Ohio board contemplating an experiential pathway to licensure. The O&amp;P profession has definitively moved away from this type of pathway. ABC eliminated any experience only pathway in 2008. The BOC eliminated this type of pathway in 2013. It is unclear what need this is attempting to address.</p> <p>Sections 4779.10, 4779.11, 4779.12, 4779.25 and 4779.26 of the O,P and P laws and rules all reference a bachelors degree in O&amp;P or a certificate program. Both of these elements no longer exist. The only CAAHEP accredited educational programs in orthotics and prosthetics are at the Masters level. ABC only accepts a Masters degree in orthotics and prosthetics to qualify for licensure. The BOC sunsetted their orthotist, prosthetist and pedorthist certification programs in 2015. There is no longer any educational programs that offer a bachelors degree or a post-bacaulaurette certificate. The board may want to consider updating these sections of the rules to reflect the current accepted level of education in order to enter the O&amp;P profession as a prosthetist/orthotist.</p>

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, 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 meets 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.



4755-64-01

**Ethical and professional conduct.**

A license holder must 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 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 provide sufficient information to enable the health care recipient to make an informed decision to enter into a contractual relationship. Sufficient information must include any fees and arrangements for payment which might affect the decision.
- (C) A license holder must not mislead the public and/or colleagues about services and must not advertise in a misleading manner.
- (D) A license holder must 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 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 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 not accept gratuities for any reason including, but not limited to, preferential consideration of the health care recipient.
- (H) A license holder must 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.
- (I) A license holder must practice orthotics, prosthetics, or pedorthics in accordance with prevailing professional standards or guidelines and must 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 not carry out a prescribed service that he knows to be harmful

to a patient.

(K) A license holder must 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 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 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 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 self report to the ~~board~~[occupational therapy section](#), 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 by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or license holder's ability to practice with reasonable skill and safety.

(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 not document or bill for services not actually provided.](#)

[\(Q\) License holders must not falsify, alter, or destroy patient records, medical records, or billing records without authorization. The license holder must maintain accurate patient and billing records.](#)

[\(R\) A license holder must not abandon a patient by inappropriately terminating the practitioner-patient relationship.](#)

(S) A license holder must not engage in any sexual relationship 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 therapist-patient relationship exists.

(1) A license holder must 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 not engage in a conversation with a patient that is sexual in nature and unrelated to the plan of care.

(T) A license holder must 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 physical therapy 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 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 respond fully and truthfully to a request for information from the board.

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

(3) A license holder must provide information or document within the time frame specified by the board.

(4) A license holder must appear and provide information at an interview requested by the board.

(5) A license holder must 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 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 not refuse to provide testimony in an administrative hearing.



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

77 South High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215-6108

Governor  
*Mike DeWine*  
Executive Director  
*Missy Anthony*

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board  
Missy Craddock Anthony, Executive Director  
Senate Health Committee  
House Bill 110  
April 27, 2021

Good afternoon Chair Huffman, Vice Chair Antani, Ranking Member Antonio, and members of the Senate Health Committee. My name is Missy Anthony, Executive Director of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board. On behalf of the OTPTAT Board members, thank you for the opportunity to testify on the OTPTAT Board budget as proposed in House Bill 110.

The mission of the Ohio OTPTAT Board is to actively promote and protect the health of Ohioans through effective regulation of the professions of occupational therapy (OT), physical therapy (PT), athletic training (AT), orthotics, prosthetics, and pedorthics (OPP). This is accomplished through primary tasks of regulation:

- Establishing and checking requirements for entry into the profession
- Adopting administrative rules to increase transparency and create processes for efficient regulation
- Investigating complaints and disciplining licensees for violations of the code of ethics
- Assuring continued competence of licensees through required continuing education

These essential functions are accomplished by a team of nine FTEs and payroll drives the bulk of the agency's budget. The Board itself is comprised of five members of the Occupational Therapy Section (four OT/one OTA), nine members of the Physical Therapy Section, five members of Athletic Trainers Section (four AT/one physician), and one public member - for a total of twenty members. The five members of the Ohio Orthotics, Prosthetics, and Pedorthics Advisory Council advise the board on matters related to those professions.

The OTPTAT Board is four programs within the Regulation Program Series. Therefore, for common expenses, costs are allocated to four sections based on the percentage of license holders each Board had at the start of the fiscal year. For this budget request, the percentages are: OT - 33%; PT - 57%; AT - 9%, and OPP - 1%.

As a member of Fund 4K90, the OTPTAT Board's budget is entirely supported by revenue raised through licensure fees and disciplinary fines. The Board respectfully requests spending authority totaling \$1,168,045 in FY 22 and FY 23. This is the same amount as appropriated for the current fiscal year 2021. Barring any major expenses related to disciplinary hearings or legislative initiatives which require eLicense changes, the Board should be able to live within the appropriation. Payroll and eLicense costs are two of the main drivers of the OTPTAT Board budget. Based on historical revenue trends, the anticipated revenue in the upcoming biennium will cover the amount requested by the Board in this budget request, as the OTPTAT Board has historically been a net contributor to the 4K90 fund.

## Language Changes

The FY 22-23 budget as proposed includes a handful of language changes being sought by the Board to clean up several provisions of law that are no longer in use and are confusing to license holders and other items aimed at improving the disciplinary statute for the board.

1. OTPTAT Board members are currently permitted by law to serve an additional sixty days after the expiration of their term on August 27. This is helpful in giving the Governor's office appropriate time to thoroughly vet the appointments to find well-qualified candidates. This amendment would simply extend the sixty days to ninety in order to cover the November Board meeting.
2. The statute governing occupational therapy references a limited permit and license escrow option which are no longer offered by the OTPTAT Board. This often causes confusion for our licensees. The limited permit was previously a way for people to start practicing prior to passing the national exam. The Board decided many years ago that allowing someone to practice prior to passage of the exam is a risk to the public and eliminated the permit. The Board recently eliminated the option to escrow a license because the steps to restoring the license were identical to those of reinstating an expired license. Eliminating this option reduced administrative confusion and streamlined the path for licensees. This amendment is being proposed to clean up the statute related to these options.
3. The statute for physical therapy requires, as a part of the license application process, a physical description and photograph. The Board has no need for these records, and this submission causes occasional delays in application processing, as the photos received are oftentimes unusable. The Board does not need to have to continue to store these photographs when they have little value to Board operations, so this submission is proposed for elimination.
4. The physical therapy statute also includes antiquated language requiring a minimum level of credits in certain academic categories. As physical therapy programs have evolved to the doctorate degree, the required academic categories have changed and no longer match what is in statute. The Board would like to replace this reference with a requirement that a person has graduated from a program accredited by an agency approved by the Board. This aligns Ohio's law with the Model Practice Act for physical therapy. A second change for physical therapist assistant education is also suggested.
5. The Board sometimes sees cases where a licensee is court involved for an offense for which the court has ordered intervention in lieu of a conviction. In such cases, an offense, sometimes of a felonious nature, has been committed, but the person is not required to report it to the Board, nor can the Board necessarily take action on the license as a result. Most often, it is the desire of the Board to mirror and support the intervention required by the Court and not to add additional requirements. Clarifying statute to allow the Board to take action due to a judicial finding of eligibility for intervention in lieu of conviction would enhance the Board's enforcement powers to support a court's findings. This amendment is based on Medical Board statute.
6. References to sexual conduct being the basis for disciplinary action varies between the OT, PT, AT, and OPP Sections. The Board recently had a case where enforcement was made more difficult because the PT statute only references sexual conduct, which was too narrow a definition for the incident that had occurred. This amendment proposes to cross reference the definitions for both sexual conduct and sexual contact across all

parts of the statute to ensure the Board has sufficient authority for discipline for egregious offenses of a sexual nature.

7. In 2018, the OTPTAT Board took over regulation of orthotics, prosthetics, and pedorthics (OPP) after the former OPP Board was eliminated. Over the past two years, the Board has identified several weaknesses in the disciplinary statute governing these professions. This amendment proposes to align the OPP statute (ORC 4779) with the OTPTAT law (4755) in the following three ways:
  - a. Explicitly allows for investigations to be held confidential.
  - b. Allows the board to discipline a licensee for action taken by another state on a license and clarifies the actions the Board may take to include fines and corrective actions.
  - c. Allows for the cost of an administrative hearing to be paid by the licensee being sanctioned if there is a sanction.
8. The Board recently had an individual appeal a board action to a common pleas court in a rural county. The logistics of accomplishing this appeal were a challenge in a jurisdiction not accustomed to taking such appeals. At the advice of counsel, the Board is requesting that Franklin County become the jurisdiction for all Board decision appeals, just as it is for the Medical Board, Chiropractic Board, and others. Franklin County allows for online filings, so this will not be an inconvenience for individuals living outside central Ohio.

#### **Fiscal Year 20-21 highlights:**

The past two years saw the implementation of several new initiatives, including the implementation of several legislative and efficiency efforts:

1. The FY 20-21 budget bill included language to give the OTPTAT Board regulatory oversight over the 3-D printing of open source prosthetic kits. The Board successfully worked with stakeholders involved in 3-D printing and the prosthetics industry to establish standards for this regulation which are reasonable but ensure a person has experience in the field and establishes a connection to the limb recipient's medical care professional.
2. Senate Bill 7 from last General Assembly established a new temporary military license for active military members and their spouses.
3. Eased access to license display by making wall license certificates available for download in the Ohio eLicense system.
4. The rules for the orthotics, prosthetics, and pedorthics professions, merged into the OTPTAT Board in 2018, were rewritten to line up processes and procedures with the other licenses under the authority of the OTPTAT Board.
5. Efforts to strengthen the Board's response to complaints alleging sexual violations per the Governor's Strauss Workgroup findings with particular attention to educating licensees on:
  - a. Duty to Report - All license holders should have a duty to report any unprofessional or illegal conduct to the Board by a fellow license holder. This is an issue that was identified by the Strauss Working Group.
  - b. Self-Report - All license holders have a duty to inform the Board of certain violations within thirty days.



- c. Informed Consent - All license holders must obtain informed consent from their patients or from the parents of a minor patient for treatment. But informed consent requires that the patient have a full knowledge of the treatment and what it entails. This may require obtaining continuous consent and constantly communicating with a patient as treatment progresses to ensure their comfort level, especially if treatment involves sensitive areas of the body.

Like everyone else, the Board has had to respond to the COVID-19 emergency. Questions about telehealth, licensure requirements across state lines, supervision and delegation under unique circumstances, and general scope of practice have become common during this time. The Board also made the following adjustments to respond to the emergency:

1. Per legislative action, renewal deadlines were delayed first until December 1, 2020 and again until July 1, 2021. This has impacted seven of the nine license types issued by the Board. The Board has encouraged licensees to renew on time if they can in order to reduce confusion over the licensing and continuing education deadlines. However, there will always be a subset of people who wait until the last minute. This has had an impact on Board revenues which are derived largely from renewal fees. The Board expects to recoup most of this revenue, but some of it may spill into Fiscal Year 2022 if people wait to renew in the few days prior to July 1.
2. Early on in the emergency, exam centers were closed or had to reduce capacity, making scheduling for these exams challenging. For an Ohio physical therapist or physical therapist assistant applicant, a jurisprudence exam is required to be taken at an exam center. Recognizing the scheduling challenge, the Board was able to begin allowing license applicants to take an alternate laws and rules exam called the jurisprudence assessment module which had recently been developed. This module is taken at home and does not require testing center access. This eased the burden to the license applicant while continuing to ensure quality licensing standards.

### **Challenges for the FY 2022-2023 Biennium**

Looking forward to the FY 22-23 biennium, the Board has several initiatives on the horizon. Interstate licensure compacts have been passed by the General Assembly and signed into law by Governor DeWine for physical therapy and occupational therapy (Senate Bills 5 and 7). These compacts would safely ease the ability to practice across state lines without sacrificing licensure standards. The explosion of therapy telehealth services during the COVID emergency has certainly demonstrated the advantages to belonging to the interstate licensure compacts and would benefit Ohio licensees greatly. The Board also continues to examine its policies and procedures to look for opportunities for greater efficiency. We also continue to work to strengthen our response to complaints related to sexual boundaries by implementing the suggestions from the Governor's working group on the Strauss case.

On behalf of the OTPTAT Board, I appreciate thoughtful consideration of the Board's FY 2022-2023 budget request, and I am happy to answer any questions.

### Historical Trends:

#### Number of License Holders by Fiscal Year

License	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
OT	4,550	4,849	4,871	5,233	5,548	5,732	5,661	6,150	6,205	6,650
OTA	3,191	3,474	3,771	4,102	4,479	4,470	4,694	5,058	4,985	5,170
PT	7,764	7,824	8,459	8,604	9,185	9,387	9,795	9,888	10,493	10,578
PTA	5,855	6,299	6,597	7,122	7,613	8,060	7,943	8,433	8,477	8,842
AT	2,008	2,250	2,235	2,509	2,815	2,903	2,753	2,985	2,903	3,094
LO								78	72	81
LP								64	61	70
LPED								81	77	80
LPO								122	133	145
TOTAL	23,368	24,696	25,933	27,570	29,640	30,552	30,846	32,859	33,406	34,710
Increase	5.39%	5.68%	5.01%	6.31%	7.50%	5.28%	1%	6.5%	1.7%	3.9%

### Enforcement statistics - FY 2020

	Occupational Therapy	Physical Therapy	Athletic Trainers	Orthotics, Prosthetics, Pedorthics	Total
Investigations Initiated of Potential Violations of the Practice Act	104	172	51	2	329
Consent Agreements	10	16	4	0	15
Reprimands	0	5	0	0	5
Fines	3	4	2	0	9
On-going Monitoring	5	19	4	0	28
Probation	2	3	2	0	7
Suspension	2	2	0	0	4
Disciplinary License Surrender/Revocation	5	4	1	0	10
ORC 119 Hearings	9	3	0	0	12
Revocation	1	4	0	0	5
Suspension or Probation	4	5	2	0	11
Application Denial	0	0	1	1	2
No Disciplinary Action Taken	5	26	3	1	35
Revocation	1	4	0	0	5
Suspension	2	2	0	0	2
Fine and Written Reprimand	3	9	2	0	14
Application Denial	0	0	1	1	2
No Disciplinary Action Taken	94	157	44	1	296
<i>Non-Disciplinary Resolutions</i>	89	109	40	0	238
<i>No Violations Found</i>	5	26	3	1	35
<i>Cases Not Yet Resolved</i>	25	48	10	1	84

**Joint Board Meeting  
Licensure Applicants  
May 20, 2021**

**Licensed Orthotist by Endorsement- 1**

Stacey Renee Richardson

**Licensed Prosthetist by Examination- 2**

Alexander Nicholas Brenner

Kurt Richard Rocco

**Licensed Prosthetist-Orthotist by Examination- 3**

Timothy Arnold

Makenzie LeeAnn Best

Christopher Michael Surface

**Licensed Prosthetist-Orthotist by Endorsement- 1**

Paul Wilbert Huhta

Board	License Type(s)	Period	Renewal Eligible at the start of the renewal period	Renewals Completed	Renewals Remaining	Renewals In Process
Occupational Therapy, Physical Therapy and Athletic Trainers Board	Occupational Therapy Assistant	4/1/2020 – 07/01/2021	5129	4,571	553	53
Occupational Therapy, Physical Therapy and Athletic Trainers Board	Athletic Trainers	7/1/2020 – 07/01/2021	3077	2,660	414	52
Occupational Therapy, Physical Therapy and Athletic Trainers Board	Orthotist, Pedorthist, Prosthetist, Prosthetist-Orthotist, Physical Therapist Asst	11/1/2020 – 07/01/2021	9,411	7,769	1,634	159

**OPP Withdrawals**

Leah Amos      APP-000436227

Autumn Wright    APP-000461046

## ENFORCEMENT STATISTICS FOR OPP

Date: 05/19/2021

### Statistics:

“New” cases opened since the last meeting: 01

Cases “closed” at the last meeting: 00

Cases “currently open”: 01

Active consent agreements: 00

Adjudication orders being monitored: 00

**\*Statistics as of 05/05/2021**