



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Occupational Therapy Section
March 6, 2014
9:00 a.m.

Members Present

Beth Ann Ball, OTR/L, Secretary
Rebecca Finni, OTR/L, Chair
Jean Halpin, OTR/L
Mary Beth Lavey, COTA/L
Kimberly Lawler, OTR/L (arrived from OTERP @ 9:54 am)
Trevor Vessels, Public Member

Staff

H. Jeff Barker, Investigator
Lisa Ratinaud, Enforcement Division Supervisor
Jeffrey Rosa, Executive Director

Guest

Heather Meredith, OOTA
Kathy Sanders

Legal Counsel

Yvonne Tertel, AAG

Call to Order

Rebecca Finni, Section Chair called the meeting to order at 9:30 a.m.

The Section began the meeting by reading the vision statement.

The Occupational Therapy Section is committed to proactively:

- Provide Education to the Consumers of Occupational Therapy Services;
- Enforce Practice Standards for the Protection of the Consumer of Occupational Therapy Services;
- Regulate the Profession of Occupational Therapy in an Ever-Changing Environment;
- Regulate Ethical and Multicultural Competency in the Practice of Occupational Therapy;
- Regulate the Practice of Occupational Therapy in all Current and Emerging Areas of Service Delivery.

Approval of Minutes

Action: Rebecca Finni moved that the minutes from the January 16, 2014 meeting be approved as amended. Kimberly Lawler seconded the motion. The motion carried.

Discussion of Law and Rule Changes

The Section needs to amend two of the no change rules that were filed recently to fix some technical changes. These rules will be addressed at the May 2014 rules hearing.

Administrative Reports

Licensure Report

Action: Jean Halpin moved that the Occupational Therapy Section ratify, as submitted, the occupational therapist and occupational therapy assistant licenses issued by examination, endorsement, reinstatement, and restoration by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from January 16, 2014 through March 6, 2014, taking into account those licenses subject to discipline, surrender, or non-renewal. Rebecca Finni seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. The motion carried.

Occupational Therapist – Examination

Aldrich, Wesley	Alger, Benjamin
Bass, Jaime	Bates, Bethany
Bochnak, Morgan	Brehm, Laurie
Buehrle, Lauren	Cahalan, Ann
Carsone, Blair	Cash, Mary
Chou, Chang-Tung	Conley, Samantha
Davis, Ashlee	DeBrosse, Michelle

Baird, Lauren
Berarducci, Lindsay
Brown, Kaitlyn
Carpenter, Carissa
Cecil, Christine
Craven, Kimberly
Dobbs, Mackenzie

Farr, Leigh
Freyman, Jocelyn
Hand, Brittany
Hooker, Lisa
Jackson, Kristen
Kirsch, Brian
Legg, Elizabeth
Marusic, Jennifer
Milazzotto, Carmin
Moore, Elena
Mumm, Katrina
Parrino, Catherine
Raffol, Lindsey
Rogers, Jayna
Russo, Gabriella
Schmelzer, Brooke
Staal, Erin
Sturgill, Kristi
Terlau, Melissa
Vangsness, Kari
Weber, Elaina

Fink, Christine
Gorentz, Samantha
Hickox, Erica
Hunter, Jessica
Joseph, Danielle
Knabusch, Kristen
Limburg, Sarah
McCarthy, Mallory
Mitchell, Lyndsey
Morris, Richard
Newman, Crystal
Potts, Wendy
Redmond, Lauren
Rosenbauer, Brianna
Sauer, Katherine
Schmitt, Ashlee
Stanton, Morgan
Swogger, Emily
Toledo, Kathryn
Vitucci, Angelina
Williams, William

Finley, Rebecca
Graft, Deric
Holmes, Brittany
Jackson, Julie
Justice, Lauren
Kramer, James
Mahon, Shannon
Melvin, Courtney
Molnar, Lyndsay
Mueller, Tracy
Olson, Jessica
Prushing, Michelle
Reno, Stacey
Rowland, Megan
Schaffner, Leah
Slomka, Katelyn
Staraitis, Kathryn
Taylor, Blair
Tom, Andrew
Vogel, Kasey

Occupational Therapy Assistant – Examination

Berk, Ashley
Chambers, Kelly
Cook, Erin
Hardwick, Laura
Keller, Katlyn
Mills, Sue
Powell, Paula
Schneider, Courtney
Sobal, Nancy
Urbas, Antonia

Brock, Jaclyn
Church, Kelley
Davis, Christine
Hashman, Deanna
Kelner, Margaret
Myers, Drew
Robinson, Kelly
Sethman, Karen
Starcher, Karen
Wright, Kristi

Bushee, Tyler
Cook, Bobbi-Jo
Gale, Kayla
Holcomb, Tiffany
McCauley, Nancy
Newton, Rebecca
Rumer, Sandra
Shook, Amber
Taller, Melissa

Occupational Therapist – Endorsement

None

Occupational Therapy Assistant – Endorsement

Karp, Miriam
Wolfgang, Megan

Rosel, Andrew

Spicer, Erin

Occupational Therapist – Reinstatement

Fugate, Bryan
Scott, Laurie

Gold, Debra

Sadowski, David

Occupational Therapy Assistant – Reinstatement

None

Occupational Therapist – Restoration

Teater, Amanda

Occupational Therapy Assistant Restoration

Loewenstine, Julie

Limited License Agreements

Jean Halpin reported the Section received five limited license applications and closed zero limited license applications since the January 16, 2014 meeting. There are currently twenty-two limited license applications/agreements being monitored.

Jean Halpin reported that Angela Stevenot and Ria Caldwell complied with all terms and conditions and were released from their limited license agreements.

Jean Halpin recommended that, pursuant to rule 4755-3-01(F) of the Administrative Code, the Section offer a limited license agreement to occupational therapy assistant endorsement applicant #5338554. **Action:** Beth Ann Ball moved that Section grant a limited occupational therapy assistant license agreement to occupational therapy assistant endorsement applicant #5338554. Rebecca Finni seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. Jean Halpin abstained from voting. The motion carried. The Section granted a limited license agreement to Lori Ann Brennan.

Jean Halpin recommended that, pursuant to rule 4755-3-12(D)(2) of the Administrative Code, the Section offer a limited license agreement to occupational therapist reinstatement applicant #5342828. **Action:** Rebecca Finni moved that Section grant a limited occupational therapist license agreement to occupational therapist reinstatement applicant #5342828. Mary Beth Lavey seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. Jean Halpin abstained from voting. The motion carried. The Section granted a limited license agreement to Jordan R. Gray.

Jean Halpin recommended that, pursuant to rule 4755-3-05(D) of the Administrative Code, the Section offer a limited license agreement to occupational therapy assistant restoration applicant #5346174. **Action:** Rebecca Finni moved that Section grant a limited occupational therapist license agreement to occupational therapy assistant restoration applicant #5346174. Mary Beth Lavey seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. Jean Halpin abstained from voting. The motion carried. The Section granted a limited license agreement to Bobbie Jo Henning.

Jean Halpin recommended that, pursuant to rule 4755-3-12(D)(2) of the Administrative Code, the Section offer a limited license agreement to occupational therapist reinstatement applicant #5342620. **Action:** Beth Ann Ball moved that Section grant a limited occupational therapist license agreement to occupational therapist reinstatement applicant #5342620. Mary Beth Lavey seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. Jean Halpin abstained from voting. The motion carried. The Section granted a limited license agreement to Patricia Mayer.

Jean Halpin recommended that, pursuant to rule 4755-3-05(D) of the Administrative Code, the Section offer a limited license agreement to occupational therapy assistant restoration applicant #5348393. **Action:** Rebecca Finni moved that Section grant a limited occupational therapy assistant license agreement to occupational therapy assistant restoration applicant #5348393. Mary Beth Lavey seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. Jean Halpin abstained from voting. The motion carried. The Section granted a limited license agreement to Angela Barth.

The Section clarified the limited license requirements for occupational therapist restoration applicant #5333945. **Q:** If a limited license holder fails the NBCOT certification examination, does the applicant have to reapply? **A:** The Section would keep the existing application open for one year from the date listed on the limited license agreement. The applicant can retake the NBCOT certification examination prior to the file close date. Otherwise, the applicant would be required to submit a new application for licensure to the OT Section.

Continuing Education Report

Action: Mary Beth Lavey moved that the Section approve 72 applications for contact hour approval. Jean Halpin seconded the motion. Kimberly Lawler was absent for the vote due to the Enforcement Review Panel. The motion carried.

Assistant Attorney General's Report

Yvonne Tertel, AAG, had no formal report for the Section.

Case Review Liaison Report

Kimberly Lawler reported that the Enforcement Division opened four cases and closed zero cases since the January 16, 2014 meeting. There are currently eighteen cases open. There are one consent agreement and one adjudication order being monitored.

Enforcement Actions

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-008 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-008 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Felix Correa, OTA.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-013 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-013 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Kathryn M. Hoffert, OT.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-014 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-014 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Bruce Kasnik, OT.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-015 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-015 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Tyra Klink, OT.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-016 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-016 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Alicia Vasiladis, OT.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-017 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-017 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Christina Watts, OT.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-018 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-018 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Quianna Alexandra, OT.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-019 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-019 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Laura Glasscock, OT.

Kimberly Lawler recommended that the Section accept consent agreement OT FY14-020 in lieu of going to hearing.

Action: Jean Halpin moved that the Section accept consent agreement OT FY14-020 in lieu of going to hearing. Rebecca Finni seconded the motion. Kimberly Lawler abstained from voting. The motion carried. The Section accepted the consent agreement for Judith Swarm, OT.

Affidavit Hearing

Good afternoon. My name is Rebecca Finni, Chairperson of the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board. Let the record show that these proceedings were called to order at 12:30 pm on March 6, 2014, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. Members of the Board present for the proceedings are:

The Executive Director called roll:

Beth Ann Ball	Present
Rebecca Finni	Present
Jean Halpin	Present
Mary Beth Lavey	Present
Kimberly Lawler	Present

It will be noted for the record that a majority of the members of the Board are present. There will be one adjudication proceeding today. The proceeding is in the matter of case number OT-FY14-011, Mirna Monroy-Cubie, OTA.

This proceeding shall be an affidavit-based adjudication relative to a Notice of Opportunity for Hearing mailed to the respondent in the aforementioned cases and believed to have been properly serviced according to the Administrative Procedures Act (Chapter 119. of the Ohio Revised Code).

As the respondent did not properly request a hearing in the case, this proceeding will be held before the board pursuant to *Goldman v. State Medical Board of Ohio*. The individual named does not have the ability to present written or oral testimony today, but may be present to hear the proceedings and outcome.

You have already received sworn affidavit from the Board's Enforcement Division Supervisor and accompanying exhibits for the Goldman Proceeding in your board packet. The affidavit contains the evidence and testimony upon which you will deliberate. Please take a few moments to review the evidence and testimony.

In lieu of a stenographic record being made, let the minutes reflect the original sworn affidavit and exhibits shall be kept as the official record of the proceedings in the aforementioned matter in the Board office.

I will now recognize Assistant Attorney General, Yvonne Tertel, for the purpose of providing a brief synopsis of the case.

Ms. Tertel reviewed the case for the Board.

Having heard Ms. Tertel's synopsis, may I now have motion to admit the facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence?

Action: Beth Ann Ball moved to admit the facts and exhibits outlined in the sworn affidavit for case number OT-FY14-011, Mirna Monroy-Cubie, OTA. Mary Beth Lavey seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

There being no further evidence to come before the board, this proceeding is now closed at 12:38 pm.

The procedural and jurisdictional matters having being satisfied, we will now continue with the proceeding by deliberation on the sworn affidavit and exhibits.

At this time, is there a motion to recess the meeting in order to go into private session for the purpose of quasi-judicial deliberation on case number OT-FY14-011, Mirna Monroy-Cubie, OTA, and to reconvene the meeting after deliberations are complete?

Action: Mary Beth Lavey moved to recess the meeting to go into private session for the purpose of quasi-judicial deliberation on these matters. Jean Halpin seconded the motion.

The Executive Director called roll:

Beth Ann Ball	Yes
Rebecca Finni	Yes
Jean Halpin	Yes
Mary Beth Lavey	Yes
Kimberly Lawler	Yes

The Section went into private session at 12:39 p.m. and came out at 12:49 p.m. Kimberly Lawler left the room during private session and did not participate in the deliberations.

After review of the evidence the Board makes the following findings:

1. The Board has proper jurisdiction over this matter.
2. Monroy-Cubie did not comply with the terms of the Consent Agreement she entered into with the Board on July 24, 2013. Specifically, Monroy-Cubie has not paid her \$250.00 fine, nor had her employer send written notification on company letterhead to the Enforcement Division indicating that they were provided with a copy of the Consent Agreement.
3. Monroy-Cubie has failed to cooperate with the board investigation by failing to follow through with statements made during a telephone conversation with the Board's Enforcement Staff, and for failing to return/respond to Enforcement Division contact.
4. The Board sent the Notice of Opportunity for Hearing on December 11, 2013, via certified mail, pursuant to Revised Code section 119.07. This Notice was signed for on an undocumented date. The Notice informed Monroy-Cubie of the Board's intent to take disciplinary action against her license as an occupational therapy assistant in the state of Ohio for violation of Ohio Revised Code sections 4755.11 (A)(3) and (A)(19)(a).
5. Monroy-Cubie did not request a hearing on the aforementioned charge.

After review of the evidence, the Board makes the following conclusions of law:

1. Monroy-Cubie was properly served with the notice of opportunity for hearing pursuant to Revised Code section 119.07.
2. Monroy-Cubie violated Ohio Revised Code sections 4755.11 (A)(3) and (A)(19)(a).

Action: Rebecca Finni moved that the license of Mirna Monroy-Cubie, OTA, be revoked based on the affidavit, findings, and conclusions of law before us. Jean Halpin seconded the motion.

The Executive Director called roll:

Beth Ann Ball	Present
Rebecca Finni	Present
Jean Halpin	Present
Mary Beth Lavey	Present
Kimberly Lawler	Abstained

The motion carried. The license of Mirna Monroy-Cubie, OTA, is hereby revoked.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandates of this Board and serve the order on OT-FY14-011, Mirna Monroy-Cubie, OTA, in the manner prescribed by law.

This concludes the Matter of OT-FY14-011, Mirna Monroy-Cubie, OTA.

Correspondence

1. **James Boylen, OTR/L:** Mr. Boylen asked the Section questions regarding whether occupational therapy practitioners can provide restorative programs to residents that are not on their caseload. **Reply:** The requirements for provision of occupational therapy services are consistent across practice settings. If you are representing yourself as an occupational therapist and/or your services are related to your skills as an occupational therapist (regardless of payer source), each client would require an evaluation and the establishment of an occupational therapy treatment/intervention plan. If, as an employee of the facility, you are asked to participate in duties that may not be under skilled (OT) but related duties, you would not be representing yourself as occupational therapists or occupational therapy assistants, or billing as such. If you decide to bill for your services through a third party payer, the Section recommends that you refer to Medicare, Medicaid, and/or payer policies for any specific billing and reimbursement requirements in your setting. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association.
2. **Maria Sheller, OTR/L:** Ms. Sheller asked the Section questions regarding supervisory ratios being affected by Level II occupational therapy assistant students. **Reply:** There is nothing in the Occupational Therapy Practice Act that addresses directly how students affect supervisory levels. Since the supervising occupational therapist is ultimately responsible for all supervised occupational therapy assistants and their students, **the decision of how many is acceptable should be a collaborative one with the supervising occupational therapist.** Rule 4755-7-04 of the Administrative Code addresses the supervision of occupational therapy assistant students. According to this rule, "Supervision must ensure consumer protection. The supervising occupational therapist is ultimately responsible for all clients and is accountable and responsible at all times for the actions of persons supervised." The Section recommends that you review the Accreditation Council for Occupational Therapy Education (ACOTE) Standards regarding supervision of students.
3. **Melissa Sturgill-Lucas, OTA/L:** Ms. Sturgill-Lucas asked the Section questions regarding occupational therapy services during calamity days. **Reply:** The Occupational Therapy Practice Act does not address these circumstances directly. Ethical considerations for using backpack activities during calamity days should take into consideration that **the work done at home would not be documented as treatment time.** In accordance with rule 4755-7-08 (B)(15) of the Ohio Administrative Code, a licensee shall adhere to minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a client occurred, includes, but not limited to: (a) Documenting or billing for services not actually performed. The Section recommends contacting Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office for Exceptional Children at (419) 747-2806 or via email at cathy.csanyi@ode.state.oh.us. The Ohio Occupational Therapy Association's pediatrics member support group chair may be able to assist you with questions regarding school based practice during calamity day make up programs. You can contact the Ohio Occupational Therapy Association at www.oota.org.
4. **Shelly Boldman, OTR/L:** Ms. Boldman asked the Section questions regarding supervising quotas for occupational therapy assistants in different facilities and 10th visit considerations. **Reply:** *Regarding your first question about supervision of occupational therapy assistants*, the supervisory ratio applies across all practice locations. If you are providing direct client treatments at any facility, you may supervise no more than four occupational therapy assistants, even if you do not provide direct client treatments at the facility where you supervise the occupational therapy assistants. *Regarding your question about the length of time for the 10th visit for a Medicare part B patient*, the "10th visit note" is a documentation requirement specific to Medicare Part B that requires specific visits during a course of therapy to be completed and documented by a licensed therapist. As it is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice, the Section recommends that you refer to Medicare policies for specific guidelines regarding this requirement. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association.
5. **Claire Heffron, OT/L:** Ms. Heffron asked the Section questions regarding school based service specifically with students who are attending programs using the ODE Autism Scholarship. **Reply:** The Section requested clarification form the correspondent.

6. **G. Sharon Handley, OTR/L:** Ms. Handley asked the Section questions occupational therapist rights responsibilities when determining caseload requirements in school based setting. **Reply:** Pursuant to paragraphs (B)(1) to (B)(3) of rule 4755-7-04 of the Administrative Code, when maintaining a separate caseload, a full-time equivalent occupational therapist may supervise no more than four full-time equivalent occupational therapy assistants. The number of occupational therapy assistants that a part-time or PRN occupational therapist may supervise is proportionate to the number of hours worked by the part-time or PRN occupational therapist. Rule 3301-51-09 (I)(3)(c) & (e) of the Ohio Department of Education's Operating Standards states that an occupational therapist shall provide services to no more than 50 school-age students or 40 preschool students. The Ohio Department of Education interprets this as the number of students to whom the therapist provides direct service. These numbers should be adjusted to the number of hours that you are working. As you described it, you do not serve the district which the COTA is serving. If, in addition to your direct service, you are asked to supervise the COTA, your direct service caseload can be adjusted. Paragraph (I)(1) of rule 3301-51-09 also states that determination of the appropriate caseload for an individual therapist must take into consideration the following: The severity of each eligible child's needs; The level and frequency of services necessary for the children to attain IEP goals/objectives; Time required for planning services; Time required for evaluations including classroom observations; Time required for coordination of the IEP services; Time required for staff development; Time required for follow up; and Travel time required for the number of building served. It is the position of the Occupational Therapy Section that all responsibilities of the occupational therapist and occupational therapy assistant, including both direct and indirect service to students, must be considered when determining an appropriate therapist caseload. The number of students to whom the supervising therapist provides direct service must be reduced as the number of assistants a therapist supervises expands, since this increases the number of students for whom the therapist is responsible. The therapist must ensure provision of appropriate services and must not serve and/or supervise service for more students than he/she can provide skilled care, including informed direction of all aspects of the service provided for students by the assistant. The code of ethical conduct requires licensees, regardless of practice setting, to maintain the ability to make independent judgments and strive to effect changes that benefit the client (4755-7-08 (B)(9)). The Section recommends contacting Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office of Exceptional Children at (419) 747-2806 or via email at cathy.csanyi@ode.state.oh.us for answers to your specific questions. The Ohio Occupational Therapy Association's pediatrics member support group may also be able to assist you with your questions regarding school-based practice. You can contact the Ohio Occupational Therapy Association at www.oota.org.
7. **Lequitta Fontenot, OTA/L:** Ms. Fontenot asked the Section requesting resources for occupational therapy practitioners' rights in the workplace. **Reply:** The mission of the Board is to protect the consumers of occupational therapy services. Unless the employment issue has a relationship to the Ohio Occupational Therapy Practice Act, you should contact the Ohio Occupational Therapy Association. The role of the professional association is to advocate for their members.
8. **Philip Enzerra, OTR/L** Mr. Enzerra asked the Section questions supervision of occupational therapy assistants. **Reply:** Regarding your first question, it is the duty of the Occupational Therapy Section to protect the consumers of occupational therapy services and ensure that students receive care consistent with safe and ethical practices. To this end, licensees are required to report to their licensing board any entity that places them in a position of compromise with the code of ethical conduct as stated in rule 4755-7-08 (B)(12) of the Administrative Code. Pursuant to rule 4755-7-01 of the Administrative Code, **the occupational therapy assistant is also responsible** to make sure the supervising occupational therapist possesses a current license to practice occupational therapy and understands whom they are supervising prior to providing occupational therapy treatment. The supervising licensed occupational therapist need not be on-site, but must be available for consultation and collaboration with the occupational therapy assistant at all times. Your second question about contract positions speaks to information that the Section does not directly oversee. Columbus City Schools does have contract positions for occupational therapists and occupational therapy assistants, however, you might want to contact the Ohio Occupational Therapy Association for further information regarding other school district contracts in Ohio. As to your question about billing and payment for services, the Section recognizes the challenges for billing indicated by your question. However, it is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. You might also contact the Ohio Occupational Therapy Association, or the American Occupational Therapy Association regarding this question.

9. **Terri Bendele, OTA/L:** Ms. Bendele asked the Section questions regarding co-signing notes and completing discharge summaries, and whether an occupational therapist can provide supervision at another site owned by the company. **Reply:** Your first question describes a situation where there was a resignation of a supervising therapist and no transfer of care. As you describe it, it is unclear if an occupational therapist is in place for supervision. **As you know, as an occupational therapy assistant, you must have a supervising occupational therapist before you can legally provide occupational therapy service.** Rule 4755-7-03 addresses delegation: According to this rule, the occupational therapy assistant may implement the occupational therapy treatment/intervention plan established by the supervising occupational therapist. We recognize the challenges that this requirement places on you. However, you have a responsibility to inform your agency of this prerequisite. That being said, each occupational therapy practice should determine a system that will allow for transfer of care in a situation where an occupational therapist is terminating the client/therapist relationship. The transfer of care must be documented in the client's medical record by identifying the new occupational therapist by name, if there is an occupational therapist, or transferring to the individual responsible for management of therapy services, if there's not an occupational therapist, for reassignment. Regarding the documentation, it is the position of the Occupational Therapy Section that the therapist assuming the treatment/intervention plan cannot retroactively co-sign documentation prior to assuming the treatment/intervention plan. Your second question is also regarding transfers of care and a resignation after evaluations were completed. Because the transfer was due to an elective termination by the occupational therapy licensee and notice was given to the agency, the agency is responsible for hiring a new occupational therapist to receive the treatment/intervention plans. If there is no occupational therapist in place to supervise, the occupational therapy assistant may not continue service. Supervision of the occupational therapy assistant, as defined in division (C) of section 4755.04 of the Revised Code, requires initial direction and periodic inspection of the service delivery and relevant in-service training. The supervising occupational therapist need not be on-site, but **must be available for consultation with the occupational therapy assistant at all times.** Evidence must be established, either in the client records or in a separate document (e.g.: collaboration log), that the supervision took place. Regarding a time frame for discharge notes, there is nothing in the Ohio Occupational Therapy Practice Act that addresses specifically the amount of time required for a discharge note to be completed. However, hospital or facility policies, accrediting bodies, and/or reimbursement agencies may be more restrictive than the Ohio Occupational Therapy Practice Act. They may have other requirements and guidelines, including timing policies for notes to be posted. In any situation, licensees should follow the more restrictive policies. You might also contact the Ohio Occupational Therapy Association, or the American Occupational Therapy Association for best practice guidelines in this area. Your question about a supervising occupational therapist from another facility raises more questions. The occupational therapist who supervises your practice is responsible for your clients and assumes your caseload and the treatment/intervention plans. Rule 4755-7-04 (A) states: Supervision must ensure consumer protection. The supervising occupational therapist is ultimately responsible for all clients and is accountable and responsible at all times for the actions of persons supervised.
10. **Erin Echnat, OTA/L:** Ms. Echnat asked the Section questions regarding guidelines for documenting occupational therapy services for Medicare. **Reply:** While the Ohio Occupational Therapy Practice Act is not specific about the components of documentation, it is the position of the Occupational Therapy Section that occupational therapy practitioners should follow the American Occupational Therapy Association's *Guidelines for Documentation of Occupational Therapy* (AOTA, 2008) when determining documentation of occupational therapy in any setting. There is nothing in the laws and rules that govern the practice of occupational therapy in Ohio that requires short-term goals/objectives for each long-term goal as a part of the treatment/intervention plan. However, to meet best practice standards, the treatment/intervention plan must include measurable objectives for expected client outcomes. You may wish to refer to Medicare and other third party payer policies to determine what they require. Insurer policies and/or federal regulations may be more or less restrictive than the Ohio Occupational Therapy Practice Act. In any situation, licensees should follow the more restrictive policies.
11. **Julie Beach, OTR/L:** Ms. Beach asked the Section questions regarding whether it is appropriate for an occupational therapist to recommend behavioral health or geropsych consult during an initial evaluation. **Reply:** There is nothing in the Occupational Therapy Practice Act that prohibits occupational therapist from making direct referrals to another healthcare practitioner. In fact, rule 4755-7-08 (C)(8) of the Ohio Administrative Code, states that occupational therapy practitioners shall refer to or consult with other

service providers whenever such a referral or consultation would be beneficial to the care of the client. The referral or consultation process should be done in collaboration with the client. A referral in this type of circumstance should be documented by the occupational therapist in the medical record to clearly demonstrate a referral for that service. Such referrals would not constitute a delegation of tasks or duties of occupational therapy.

12. **Marlys Loyer, OTR/L:** Ms. Loyer asked the Section questions regarding whether an occupational therapists whose license is in escrow can provide consultative services regarding sensory activities in the classroom. **Reply:** This letter is in response to your correspondence regarding speaking about sensory activities in Ohio while your Ohio license is in escrow. According to rule 4755-3-05 of the Administrative Code the licensee whose license is in escrow will not engage in the active practice of occupational therapy, as defined by division (A) of section 4755.04 of the Revised Code. Section 4755.04 does not include any wording prohibiting presenting information on practice in general or specific modalities. It is the position of the Occupational Therapy Section that you may provide presentations in Ohio while your license is in escrow.
13. **Shelly Armstrong, OTR/L:** Ms. Armstrong asked the Section question regarding how long should an occupational therapy practitioner keep a supervision log. **Reply:** The Occupational Therapy Section does not have policy for records retention. The Section suggests that you contact your Medical Information Department and/or legal counsel regarding an appropriate record retention policy. You may also refer to OOTA or AOTA for information regarding best practice in this area. Although the Section does not have a policy for records retention, it is the position of the Occupational Therapy Section that the student records, such as IEPs and MFEs, ultimately belong to the school district. It is recommended that occupational therapists retain a copy of their therapy logs and intervention plans. The Section recommends contacting Cathy Csanyi, the OT/PT Specialty Consultant with the Ohio Department of Education, Office for Exceptional Children at (419) 747-2806 or via email at cathy.csanyi@ode.state.oh.us. The Ohio Occupational Therapy Association's pediatrics member support group chair may be able to assist you with questions regarding school based practice via telerehabilitation. You can contact the Ohio Occupational Therapy Association at www.oota.org.

Joint Correspondence

- JB1. **Stephanie Bachman, OT/L:** Ms. Bachman asked the Occupational and Physical Therapy Sections whether CPR is a requirement for occupational and physical therapy licensure. **Reply:** Although the Sections encourage Basic Life Support certification, there is nothing in the Ohio Occupational or Physical Therapy Practice Acts that requires this credential for occupational and/or physical therapy licensure. You should check with your facility policies to see if they have a requirement for CPR certification.
- JB2. **Kayla Atkinson, OTA/L:** Ms. Atkinson asked the Occupational and Physical Therapy Sections questions regarding whether occupational therapy assistants/physical therapist assistants can perform home assessments. **Reply:** A home assessment is the sole responsibility of the physical therapist. However, prior to the completion of a home assessment, the physical therapist assistant may go into the home, without patient involvement, to perform an environmental survey (architectural barriers, floor plan, etc.). If the patient is going into his/her home environment and his/her function in the home is being assessed, this assessment must be performed by a physical therapist. A physical therapist assistant may continue an established treatment plan of functional activities in the home or other non-clinical environment or may complete an environmental checklist once the patient assessment has been completed. Pursuant to section 4755.04 (C) of the Revised Code and rule 4755-7-03 (A) of the Administrative Code, it is the position of the Occupational Therapy Section that for home assessments, occupational therapy assistants may gather objective information and report observations, with or without the client and/or occupational therapist being present under an established occupational therapy treatment/intervention plan. However, they may not interpret this data. It is the responsibility of the occupational therapist to interpret the data gathered by the occupational therapy assistant and collaborate with the occupational therapy assistant to make recommendations. Any collaboration between the occupational therapist and occupational therapy assistant must be reflected in client documentation.
- JB3. **Ashley Fields, PT:** Ms. Fields asked the Occupational and Physical Therapy Sections questions regarding occupational therapy and physical therapy practitioners can perform iontophoresis. **Reply: In response to your first question,** there is nothing in the Occupational and Physical Therapy Practice Acts that prohibits

a physical therapist or an occupational therapist from providing a patient with iontophoresis treatment and instruction on their application and use as part of a home program. However, the patient will need to obtain any medication used in the treatment from a pharmacy and may have to obtain the unit from a durable medical equipment (DME) supplier. The procedure you described in your letter is permissible under the Ohio Occupational and Physical Therapy Practice Acts. More information on this can be found on the Board's website by going to the Publications page under the Physical Therapy dropdown menu and reviewing the "Guidelines for the Use of Pharmaceuticals in Physical Therapy." Please review that document to see if it answers your questions. If you still have additional questions after reviewing the document, please contact the Board. The Limited Category 2 Permit is granted by the Ohio State Board of Pharmacy and not by the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board. You may, therefore, wish to contact the Ohio State Board of Pharmacy to further clarify any questions about dispensing dexamethasone under the Limited Category 2 Permit. **In response to your second question**, yes physical therapist assistants are able to administer iontophoresis to a patient if this procedure is in the established plan of care and the physical therapist has determined the parameters of treatment prior to the physical therapist assistant performing this procedure. Pursuant to section 4755.04 (A)(6) of the Revised Code, occupational therapy includes the "administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs." Since iontophoresis is a topical drug, it falls within the scope of practice of an occupational therapist. If this will be administered by an occupational therapy assistant, both the supervising occupational therapist and occupational therapy assistant must document and demonstrate competency in the technique.

JB4. Jessica Sabine: Ms. Sabine asked the Occupational and Physical Therapy Sections questions regarding whether occupational therapy assistants/physical therapist assistants can write orders. **Reply:** Yes the physical therapist assistant is allowed to write physical therapy orders, however all orders written by the physical therapist assistant must be counter-signed by the physical therapist and ultimately signed by the physician. In accordance with rule 4755-27-02 (B) of the Ohio Administrative Code, physical therapist assistants are not qualified to: (1) interpret physician referrals, (2) conduct initial patient evaluations, (3) write initial or ongoing patient treatment plans, (4) conduct re-evaluations of the patient or adjust patient treatment plans or (5) perform the discharge evaluation and complete the final discharge summary. Occupational therapists are not required to have a referral and/or prescription to evaluate or treat patients in the State of Ohio. The decision whether an occupational therapy assistant or occupational therapist is permitted to write orders for therapy in patient charts is based on facility policy. Accrediting bodies and/or reimbursement agencies may have other requirements and guidelines, including requiring a physician's referral and/or prescription, which need to be met for accreditation and/or reimbursement of occupational therapy services. It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development, as indicated in rule 4755-7-02 of the Ohio Administrative Code. The collaboration between the occupational therapy assistant and the occupational therapist must be reflected in the client documentation. Pursuant to rule 4755-7-02 (B)(1)(b) of the Administrative Code, the occupational therapy assistant may contribute to and collaborate in the preparation, implementation, and documentation of the treatment/intervention plan and the discharge plan. Pursuant to rule 4755-7-04 (H) of the Administrative Code, any documentation written by an occupational therapy assistant for inclusion in the client's official record shall be co-signed by the supervising occupational therapist. Third party payer policies, other regulatory agencies, and/or facility policies may be more restrictive than the Ohio Occupational Therapy Practice Act. In any situation, licensees should follow the more restrictive policies.

Old Business

None

New Business

Review Cease/Desist Letter and Board Process (Yvonne Tertel, AAG)

The Section tabled this item until the May 2014 Section meeting.

Review Retreat Agenda

The Section reviewed the retreat agenda. The retreat will be held on June 18, 2014. The retreat topics are listed below.

- Display of Wall License
- Non-Traditional roles/supervision requirements
- Compact Agreements

Discuss Granting Continuing Education Credit for Supervision of a Level I Student

The Section requested that the Executive Director obtain additional information on this topic. The Section will discuss this topic further at the May 2014 Section meeting.

Open Forum

None

Ohio Occupational Therapy Association (OTA) Report

Heather Meredith had no formal report for the Section.

Items for Next Meeting

- Review the Board Process of Issuing Cease Desist Letters
- Discussion on offering CE Credit for Supervision of a Level I student

Next Meeting Date

The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, May 8, 2014.

Action: Kimberly Lawler moved to adjourn the meeting. Beth Ann Ball seconded the motion. The motion carried. The meeting adjourned at 12:50 p.m.

Respectfully submitted,
Diane Moore

Rebecca Finni, OTR/L, Chairperson
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section

Beth Ann Ball, OTR/L, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section

Jeffrey M. Rosa, Executive Director
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

BB:jmr:dm