Call to Order
Beth Ann Ball, Section Secretary called the meeting to order at 9:05 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: Mary Beth Lavey moved that the minutes from the March 6, 2014 meeting be approved as submitted. Kimberly Lawler seconded the motion. Rebecca Finni and Jean Halpin were absent for the vote. The motion carried.

Executive Director’s Report
- The Executive Director informed that Section that the Board has made significant progress on setting up the new licensing system. The new go live date is September 2014. The Executive Director further reported that the Board will undergo additional testing in two weeks.
- The Executive Director informed the Section that rent rates for all agencies in state-owned buildings increased significantly (approximately $8,000-$9,000). This increase exceeded the rent increase that was budgeted for in FYs 2014 and 2015. The rates for FY 2015 have not yet been determined, but could increase from the FY 2014 rates.
- The Executive Director informed the Section that the Board will implement the project to scan all historic files in FY 2015.

The formal Executive Director’s report is attached to the minutes for reference.

Discussion of Law and Rule Changes
The Executive Director reported that the military rules are ready to be filed. The Section will discuss the proposed rules in today’s meeting.
OTA Renewal Update
The Section reviewed the occupational therapy assistant renewal update. Only 13% of licensees have renewed so far.

Administrative Reports

Licensure Report

**Action:** Kimberly Lawler 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 March 6, 2014 through May 8, 2014, taking into account those licenses subject to discipline, surrender, or non-renewal. Mary Beth Lavey seconded the motion. Rebecca Finni and Jean Halpin were absent for the vote. The motion carried.

**Occupational Therapist – Examination**

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**Occupational Therapy Assistant – Examination**

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**Occupational Therapist – Endorsement**

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McKenzie, Abigail Stone, Stephanie Trippel, Katharine Wolfe, Kelsey

**Occupational Therapy Assistant – Endorsement**
Armenti, Catherine Bauer, Vickie Goldman, Jessica Gooch, Whitney Griffith, Melinda Jones, Reginald Staley, Audrey Wentworth, Courtney

**Occupational Therapist – Reinstatement**
Cleary, Moira Heyob, Susan Kent, Laurice Mohr, Stephanie

**Occupational Therapy Assistant – Reinstatement**
Welch, Catrina

**Occupational Therapist – Restoration**
None

**Occupational Therapy Assistant Restoration**
Barth, Angela Billmaier, Michelle Brown, Danielle Henning, Bobbie

**Limited License Agreements**
Jean Halpin reported that the Section received five limited license applications and closed zero limited license applications since the March 6, 2014 meeting. There are currently twenty-two limited license applications/agreements being monitored.

Jean Halpin reported that Joan Mainville-Davis and Sarah Lethander complied with all terms and conditions and were released from their limited license agreements.

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 #5358546 based on the documentation provided. **Action:** Kimberly Lawler moved that Section grant a limited occupational therapist license agreement to occupational therapist reinstatement applicant #5358546 based on the documentation provided. Mary Beth Lavey seconded the motion. Jean Halpin abstained from voting. The motion carried. The Section granted a limited license agreement to Leah Jean Hall.

Jean Halpin recommended that the Section deny the request for an extension for the limited license agreement for occupational therapist reinstatement applicant #5239805 based on the documentation provided. **Action:** Beth Ann Ball moved that Section deny the request for an extension for the limited license agreement for occupational therapist reinstatement applicant #5239805 based on the documentation provided. Kimberly Lawler seconded the motion. Jean Halpin abstained from voting. The motion carried. The Section denied the extension request for Lisa Williams. The Section recommends that the applicant submit a new reinstatement application when the applicant is ready to return to active practice.

The Section reviewed a question from a limited license holder for occupational therapy assistant #5346174 in regards to liability coverage. **Reply:** It is not within the Section’s jurisdiction to render legal advice regarding obtaining professional or personal liability insurance. The Section recommends that the individual contact an attorney or the facility regarding liability when acting as an unpaid volunteer.
**Continuing Education Report**

**Action:** Mary Beth Lavey moved that the Section approve 63 applications and deny 1 application for contact hour approval. Beth Ann Ball seconded the motion. Rebecca Finni and Jean Halpin were absent for the vote. The motion carried.

**Assistant Attorney General’s Report**

Yvonne Tertel, AAG informed the Section that the mock adjudication exercise held at the Physical Therapy Section retreat was well received. The mock adjudication exercises will be customized for each Section.

**Case Review Liaison Report**

Kimberly Lawler reported that the Enforcement Division opened four cases and closed thirteen cases since the March 6, 2014 meeting. There are currently ten cases open. There are ten consent agreements and one adjudication order being monitored.

Kimberly Lawler reported that Kathryn M. Hoffert, Bruce A. Kasnick, Tyra L. Link, Christina A. Watts, Quianna L. Alexander, Laura J. Glasscock, and Judith L. Swarm complied with all terms and conditions and were released from their consent agreements.

**Enforcement Actions**

Kimberly Lawler recommended that the Section issue a notice of opportunity for hearing for case number OT FY14-023 for practicing prior to being licensed. **Action:** Rebecca Finni moved that the Section issue a notice of opportunity for hearing for case number OT FY14-023 for practicing prior to being licensed. Beth Ann Ball seconded the motion. Kimberly Lawler abstained from voting. Jean Halpin was absent for the vote. The motion carried.

Kimberly Lawler recommended that the Section grant a license with a written reprimand and fine of $100 for case OT LD14-001 for practicing prior to obtaining a license. **Action:** Rebecca Finni moved that the Section grant a license with a written reprimand and fine of $100 for case OT LD14-001 for practicing prior to obtaining a license. Mary Beth Lavey seconded the motion. Kimberly Lawler abstained from voting. The motion carried.

**Correspondence**

1. **Brandy Heistand, OT/L:** Ms. Heistand asked the Section questions regarding whether level II occupational therapy students can treat clients if the primary occupational therapist is out of the building. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that prevents the supervising occupational therapist from taking sick leave. As you describe the situation, it appears that the consumer is protected because another occupational therapist is available to answer relevant questions and requests from the occupational therapy student if the occupational therapy supervisor of record needs to be off a day for illness or appointments. The occupational therapy student, who is functioning independently, may manage caseloads with another Ohio license occupational therapist supervisor that is available for consultation.

2. **Cassandra Detwiller, COTA/L:** Ms. Detwiller asked the Section questions regarding supervision requirements for occupational therapy practitioners. **Reply:** Your understanding of the law is correct. In the situation you described, an occupational therapist may supervise no more than four full-time equivalent occupational therapy assistants. Since the rehab team will have 4 full time occupational therapy assistants, your occupational therapist’s supervisory limit will be at the maximum allowed under the Occupational Therapy Practice Act. Because, as you state in your description of your responsibilities, you are treating approximately 10 hours per week, the occupational therapist’s supervisory ratio would be exceeded.

3. **Joan McAdoo, OTR/L:** Ms. McAdoo asked the Section questions regarding billing for evaluations when providing an orthosis. **Reply:** The Section recognizes the challenges for billing and reimbursement indicated by your situation. However, it is not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. Your license depends on your ethical practice, not how you bill. You might also contact the Ohio Occupational Therapy Association, or the Reimbursement Department of the American Occupational Therapy Association. You also 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.

4. **Stella Mohler, OTA/L:** Ms. Mohler asked the Section questions regarding caseload requirements for occupational therapy practitioners in a school-setting. **Reply:** The Ohio Occupational Therapy Practice Act does not regulate caseload levels. It is the Ohio Department of Education (ODE) that establishes the number of students that an occupational therapy practitioner may serve. Under the ODE rules, OT personnel may serve no more than 50 school age children with disabilities or no more than 40 preschool children with disabilities. ODE interprets these numbers as direct service. An occupational therapy assistant who provides occupational therapy techniques must do so under the general supervision of an occupational therapist as required in Chapter 4755-7 of the Ohio Administrative Code. Paragraph (I)(1) of rule 3301-51-09 also states that determination of the appropriate ratio 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. Services provided to students without disabilities must also be considered in determination of therapist/student ratio. This includes screenings, assessments, consultation, and counseling with families and professionals. Attending Intervention Assistance Team (IAT) meetings, participating in Response to Intervention (RTI) programs, and training education professionals as a part of these programs also must be considered when determining the therapist/student ratio. **All students served by an OTA are part of the supervising therapist’s caseload.** In accordance with ODE’s Operating Standards, as well as the Ohio Occupational Therapy Practice Act, OTAs do not have their own caseloads separate from that of the supervising therapist. Therefore, in the scenario you describe, the full time occupational therapy would be responsible for all 90-100 students as part of the occupational therapy caseload. It is the position of the Occupational Therapy Section that all responsibilities of the OT and OTA, 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 two additional resources: 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, and the Ohio Occupational Therapy Association’s pediatrics member support group chair at www.oota.org. Both may be able to assist you further with some of your questions regarding school-based practice.

5. **Paula Michaud, OT/L:** Ms. Michaud asked the Section questions regarding social connections with clients and former clients. **Reply:** Although the Ohio Occupational Therapy Practice Act does not expressly prohibit social media connections with former clients and/or their family members, scenarios may arise that make it difficult to separate your professional and social relationship with those individuals. As this may create situations that affect professional liability, the Section advises caution when pursuing social relationships with clients and former clients. In addition, please be aware that employers may have more stringent guidelines in place regarding social media policies.

6. **Karen Pinkerton, OTA/L:** Ms. Pinkerston asked the Section questions regarding whether there are regulations that prohibit an occupational therapy assistant from working as an activity director and how should the assistant sign activity notes. **Reply:** It is the position of the Occupational Therapy Section that an occupational therapy assistant working in the administrative role you described would not be governed by the Ohio Occupational Therapy Practice Act provided that the occupational therapy assistant was not holding himself/herself out as an occupational therapy assistant, and so long as the individual was not billing or being reimbursed for occupational therapy services when serving in this administrative capacity. In the situation you describe, the you would be functioning as an activity director who also happens to be an occupational therapy assistant. There is nothing that would prohibit you from signing activity notes in this capacity. Your credentials as an OTA would not be added to your name when signing...
notes as Activity Director. However, if occupational therapy progress is being reported or an occupational therapy plan of care is being modified, an occupational therapist must sign the document. The occupational therapy assistant cannot sign in lieu of an occupational therapist. There is nothing in the Ohio Occupational Therapy Practice Act prohibiting occupational therapy assistants from administratively coordinating the provisions of services **external to the occupational therapy plan of care.** In providing services other than occupational therapy, the occupational therapy assistant must make it clear to the client or family that the occupational therapy assistant is acting only in this other capacity. That is, communication must be done in such a way that if the client or family is asked, he/she could clearly testify in a legal proceeding as to the role of the individual who was providing treatment. The facility must also not represent this role as being more skilled due to additional education/credentials than required for that job description. It is not within the Section’s jurisdiction to render legal advice regarding obtaining professional or personal liability insurance. The Section recommends you contact an attorney or the facility regarding liability when acting in this capacity. The Section also recommends that you check with corporation policies as they may be more restrictive than the Ohio Occupational Therapy Practice Act.

7. **Amy Watson-Grace, OTR/L:** Ms. Watson-Grace asked the Section questions regarding copyright law related to occupational therapy assessment protocols. **Reply:** It appears that you have done exceptional research into the laws for copying protocols for informative use in evaluating clients. It is not within the Section’s jurisdiction to render legal advice. There is nothing in the Occupational Therapy Practice Act that prohibits an occupational therapist from sharing information about a client to another therapist **as long as proper permission is granted.** However, hospital, school or facility policies, accrediting bodies, and/or reimbursement agencies may be more restrictive than the Ohio Occupational Therapy Practice Act.

8. **Kathy Hogue, OTR/L:** Ms. Hogue asked the Section questions regarding assessment and plan of care needs in relation to consultative service. **Reply:** From the situation you describe, it is inferred that this student is not receiving occupational therapy services from their home district. In addition, it appears that the student has transitioned from EI to school-based services. Therefore, the assessment and occupational therapy treatment/intervention plan should be provided by you as the therapist of record. This is needed for consultation as well as direct service. It appears that you understand that, in addition to identifying the IEP goals/objectives to be addressed by the occupational therapy practitioner, your separate occupational therapy treatment/intervention plan should include intervention approaches, types of interventions to be used, outcomes, and any additional occupational therapy goals not listed in the IEP. Please refer to the American Occupational Therapy Association’s *Guidelines for Documentation of Occupational Therapy* (AOTA, 2008). The Section recommends that you contact the Ohio Occupational Therapy Association’s pediatrics member support group coordinator concerning further questions regarding school-based issues at [www.oota.org](http://www.oota.org).

9. **Gail Requardt, OTR/L:** Ms. Requardt asked the Section questions regarding records retention. **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.

10. **America Jordan, OTR/L:** Ms. Jordan asked the Section questions regarding whether occupational therapist can perform dry needling in their clinical practice. **Reply:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapist from completing dry needling (intramuscular manual therapy) as part of the occupational therapy treatment/intervention plan, provided that the occupational therapist has received training, and demonstrated and documented competence in this activity.

**Joint Correspondence**

**JB1. Kristina Smith, OT/L:** Ms. Bachman asked the Occupational and Physical Therapy Sections whether occupational and physical therapists are obligated to continue treating a client if the therapy goals have been met. **Reply:** If the physical therapy goals have been met and no further skilled physical therapy needs have been identified then there is no obligation to continue treatment. There may be specific instances where no improvement is expected but skilled physical therapy is needed in order to prevent or slow deterioration and maintain maximum level of function. Your question also relates to payer policies. The Physical Therapy Section recommends that you contact the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association. In response to your scenario, occupational therapy
practitioners may encounter situations in which they feel a client would not benefit from further intervention, where a client is ready to be discharged from occupational therapy services, but other interdisciplinary team members, managers, and/or the client's family disagree. According to rule 4755-7-08 (C)(1)(b) of the Ohio Administrative Code, an occupational therapist or occupational therapy assistant shall not provide treatment interventions that are not warranted by the client's condition or continue treatment beyond the point of reasonable benefit to the client. Occupational therapy practitioners must clearly document and communicate with the interdisciplinary team. If the manager, interdisciplinary team, and/or client/client’s family decides to continue occupational therapy services after such communication, the occupational therapist may continue to provide services after the client is made aware that no further benefit is expected. In this situation, the occupational therapist would not be in violation of rule 4755-7-08 (C)(1)(b).

JB2. Thomas Paris, PT: Mr. Paris asked the Occupational and Physical Therapy Sections questions regarding occupational and physical therapy practitioners can perform tracheostomy suctioning. Reply: It is the opinion of the Ohio Physical Therapy Section that tracheostomy suctioning is part of the physical therapist’s scope of practice as long as the physical therapist can demonstrate and document competence to perform the intervention. This competence is important since suctioning requires an examination for appropriateness and an evaluation of how much and when to stop the treatment. It is not within the scope of practice for the physical therapist assistant, however. In accordance with section 4755.04 (A)(3) of the Ohio Revised Code, it is the position of the Occupational Therapy Section that occupational therapy practitioners may use physical agent modalities in the provision of occupational therapy services provided that the occupational therapy practitioner demonstrates and documents competency in the modality, in accordance with rule 4755-7-08 of the Administrative Code, and is practicing within the occupational therapy scope of practice. If the modality will be administered by an occupational therapy assistant both the supervising occupational therapist and occupational therapy assistant must document and demonstrate competency in this technique or modality.

JB3. Michelle Tristani: Ms. Tristani asked the Occupational and Physical Therapy Sections questions regarding whether the occupational and physical therapy Sections offer a limited permit, and asked for clarification on the signature designation for occupational and physical therapy practitioners. Reply: The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board does not issue temporary licenses for occupational therapy or physical therapy licensees. In response to your question regarding signature requirements, rule 4755-27-07 of the Ohio Administrative Code requires physical therapists and physical therapist assistants to use the letters PT or PTA immediately following the individual’s name since this is the regulatory designation allowing practice. Academic degrees may then follow the regulatory credential. For example, a nametag or signature might read Pat Doe, PT, MS, OCS. Rule 4755-7-10 outlines the appropriate credentials for occupational therapy licensees. Occupational therapy staff are required to use OTR/L or COTA/L if they are currently certified by the National Board for Certification in Occupational Therapy (NBCOT). They are not currently certified, the appropriate credential is OT/L or OTA/L. The Ohio Occupational Therapy Practice Act does not specify if the credential needs to immediately follow the licensee’s name.

JB4. Scott Ritchey, PT: Mr. Ritchey asked the Occupational and Physical Therapy Sections questions regarding whether occupational therapy assistants and physical therapist assistants document patient progress toward therapy goals. Reply: It is the position of the Occupational Therapy Section that the initial plan, long-term goals, and initial short-term goals must be written by the occupational therapist. The occupational therapist may collaborate with the occupational therapy assistant in the development of these items. Once the initial treatment/intervention plan and goals are established, the occupational therapy assistant may update short-term goals in collaboration with the occupational therapist. Please review rule 4755-7-02 of the Administrative Code for additional information on the roles and responsibilities of the occupational therapist and occupational therapy assistant. The occupational therapy assistant can gather objective information and report observations, with or without the client and/or occupational therapist present. 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. In accordance with rule 4755-7-04 of the Administrative Code, it is the position of the Occupational Therapy Section that if patient/client documentation includes any type of treatment grid, a
single co-signature and date of review on the form is sufficient. Co-signature verifies that the supervisor reviewed the document and agrees with its content. It is the position of the Occupational Therapy Section that for any hand written documentation, the supervising occupational therapist must co-sign each entry into the patient/client medical record with their name, credential, and date. The physical therapist assistant may assess responses to treatments rendered and make statements about progress toward goals as outlined in the plan of care and document this in the assessment portion of the daily or progress note in the medical record. The physical therapist assistant cannot establish goals or perform physical therapy assessment. Goal modifications may be performed only by a physical therapist and the documentation must clearly reflect the physical therapist’s revision(s). On another topic, the Physical Therapy Section is working to educate physical therapists and physical therapist assistants in the correct credentials to use in professional signatures. Since PT or PTA is the regulatory designation allowing practice, rule 4755-27-07 of the Administrative Code requires that only those letters should immediately follow the person’s name. Academic degrees may then follow the regulatory credential. For example, a nametag or signature might read Pat Doe, PT, MS, OCS.

**Old Business**

**Review Cease/Desist Letter and Board Process**
Yvonne Tertel, AAG informed the Section that Board’s process for issuing cease/desist letter are in compliance with state regulations. The Board is monitoring the outcome of the case regarding the Federal Trade Commission v. North Carolina State Board of Dental Examiners.

**Discussion on offering CE Credit for Supervision of Level I Students**
The Section reviewed the other jurisdictions’ rules relating to CE credit for supervision of Level I students. The Executive Director will obtain copies of those states’ rules granted CE credit for supervision of Level I students. The Section will review the findings at the Section retreat in June 2014.

**New Business**

**Public Rules Hearing**
The Section held a public rules hearing from 10:17 am to 10:22 am.

**Review and Vote to File New Rule 4755-3-12**
The Section reviewed rule 4755-3-12. **Action:** Rebecca Finni moved that the Occupational Therapy Section file rule 4755-3-12. Jean Halpin seconded the motion. Kimberly Lawler was absent for the vote. The motion carried.

**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
- CE Credit for Supervision of Level I student

**Open Forum**
The Section welcomed the occupational therapy assistant student from Owens Community College. The Section addressed questions from the student.

**Ohio Occupational Therapy Association (OOTA) Report**
Heather Meredith had no formal report for the Section.
Items for Next Meeting
• Rules Hearing

Next Meeting Date
The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, July 17, 2014.

Action: Jean Halpin moved to adjourn the meeting. Rebecca Finni seconded the motion. Kimberly Lawler was absent for the vote. The motion carried. The meeting adjourned at 11:03 a.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