



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Occupational Therapy Section
January 12, 2017
9:00 a.m.

Members Present

Beth Ann Ball, OTR/L, Chair
Mary Beth Lavey, COTA/L, Secretary
Jean Halpin, OTR/L

Staff

Jennifer Adams, Investigator Assistant
Diane Moore, Executive Assistant
Lisa Ratinaud, Enforcement Division Supervisor
Tony Tanner, Executive Director

Legal Counsel

Melissa Wilburn, AAG

Guests

Jacquelyn Chamberlin, OOTA
Anissa Siefert

Call to Order

Beth Ann Ball, Section Chair, called the meeting to order at 9:14 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: Jena Halpin all moved that the minutes from the November 17 2016, meeting be approved as submitted. Mary Beth Lavey seconded the motion. The motion carried.

Executive Director's Report

- The Executive Director informed the Section that the Board in the middle of the physical therapist assistant renewal. The eLicense issues are being worked out with the IT Department.
- The Executive Director informed the Section that the budget bill be completed by June 30th.
- The Executive Director further informed the Section that the rules updates are on hold due to the proposed consolidation bill.
- The Executive Director reported that the Board received two resignations since the last meeting. The Board has posted the vacancy for the investigator position. The clerk position will be posted soon.

Discussion of Law and Rule Changes

The Executive Director had no formal report for the Section.

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 November 17, 2016, through January 12, 2017, taking into account those licenses subject to discipline, surrender, or non-renewal. Mary Beth Lavey seconded the motion. The motion carried.

Occupational Therapist – Examination

Alicia Berman	Sarah Elizabeth Bogdan	Kaitlyn Una Bonnette
Christina Marie Green Clark	Maria Michelle Eismann	Jessica Lynn Gillespie
Amy Elise Grooms	Jessica Lauren Grossman	Tyler Dean Hester
Bryan Albert Larkin Hoffman	Lauren Elizabeth Howe	Alyssa Lauren Iott
William Andrew Jones	Kristin Catherine Kerper	Elizabeth Ann Koss
Amy Rose Lock	Christopher Jon Lussier	Anna Nicole Marchiando
Julie Ellen Rennick	Margaret Rusnak	Megan Ann Suman
Katherine Elizabeth Wheeler	Amy Arminda Williams	Eliscia Ann Wisner

Occupational Therapy Assistant – Examination

Leanne K Baker	JoAnna Dee Brittain	Maria Elizabeth Combs
Clay Courtney	Emilee Evans	Sarah Jane Himes
Stefania Shelby Kerkuta	Sarah Beth Lyons	Mirela Matijevic
Anne Catherine McGee		

Occupational Therapist – Endorsement

Kaddi Renee Dillen	Dana Gaerke	Kyra Marie Hunter
Stephanie Elizabeth McQuain		

Occupational Therapy Assistant – Endorsement

Gwenn Sonya Case	Tricia Ann Metz	Ariel R North
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Occupational Therapist – Reinstatement

Angela Gwen Abdon	Wanda Lynn Green	Dwayne C. Griswold
Stephanie DeAnna Lester		

Occupational Therapist – Restoration

Melinda Jane Hostetler

Occupational Therapy Assistant – Reinstatement

Jody Sue Kaplansky	Nicole Dawn Lancaster	Kimberly Ann Miller
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Limited License Agreements

Action: Jean Halpin moved that the Section accept the withdraw request for occupational therapy assistant restoration file 5568094, based on the documentation provided. Beth Ann Ball seconded the motion. The motion carried.

Jean Halpin reported that Bonnie Binzley complied with all terms and conditions and was released from her limited license agreement.

Continuing Education Report

Action: Mary Beth Lavey moved that the Section approve 48 applications for contact hour approval. Jean Halpin seconded the motion. The motion carried.

Assistant Attorney General's Report

Melissa Wilburn, AAG had no formal report for the Section.

In effort to train board members, Melissa Wilburn put together practice pointers on for establishing findings of facts and conclusion of law.

Enforcement Report

Lisa Ratinaud reported that the Enforcement Division opened two cases and closed three cases since the November 17, 2016, meeting. There are currently nineteen cases open. There is one consent agreement and two adjudication orders being monitored.

Enforcement Actions:

Action: Jean Halpin moved that the Section issue a notice of opportunity for a hearing for case number OT FY17-003 for practicing on an expired occupational therapy assistant license. Beth Ann Ball seconded the motion. The motion carried.

Action: Jean Halpin moved that the Section issue a notice of opportunity for a hearing for case number OT FY17-004 for supervising an occupational therapy assistant with an expired license. Mary Beth Lavey seconded the motion. The motion carried.

Action: Jean Halpin moved that the Section accept the surrender consent agreement for former case OT LD16-001 in lieu of going to hearing. Mary Beth Lavey seconded the motion. The motion carried.

Action: Jean Halpin moved that the Section dismiss notice of opportunity for a hearing for case number OT FY17-003 as proof of continuing education compliance was received. Mary Beth Lavey seconded the motion. The motion carried.

Action: Jean Halpin moved that the Section close case number OT LD 15-002 as the deadline for conditions has expired and agreement cannot be completed. Mary Beth Lavey seconded the motion. The motion carried.

Affidavit Hearing

Good Morning. My name is Beth Ann Ball, Chairperson of the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. Let the record show that this proceeding was called to order at 10:18 am on January 12, 2017, at the Riffe Center 77 S. High Street, Columbus, Ohio 43215. Member of the Board Present for the proceeding are:

The Executive Director called roll:

Beth Ann Ball	Present
Jean Halpin	Present
Mary Beth Lavey	Present

It will be noted for the record that a majority of the member of the board are present. There will be one adjudication proceeding today. The proceeding is in the matter of case number OT-LD-17-001, Kenneth Peisecki.

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

As the respondent did not properly request a hearing in these cases, 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 the 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 that the original sworn affidavit and exhibits shall be kept as the official record of the proceeding in the aforementioned matter in the Board office.

I will now recognize Senior Assistant Attorney General, Melissa Wilburn, for the purpose of providing a brief synopsis of the case. Ms. Wilburn you may present your case.

Melissa Wilburn provided a synopsis of the case.

Having heard Ms. Wilburn's synopses, may I now have a motion to admit the findings of facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence?

Action: Jean Halpin moved that the Section admit the findings of facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence. Mary Beth Lavey seconded the motion.

The Executive Director called roll:

Beth Ann Ball	Yes
Jean Halpin	Yes
Mary Beth Lavey	Yes

The motion carried.

There being no further evidence to come before the board, this proceeding is now closed at 10:26am.

The procedural and jurisdictional matters having satisfied, we will now continue with the proceedings 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-LD-17-001, Kenneth Peisecki and to reconvene the meeting after deliberations are complete?

Action: Jean Halpin moved that the Section recess the meeting in order to go into private session for the purpose of quasi-judicial deliberation on case number OT-LD-17-001, Kenneth Peisecki and to reconvene the meeting after deliberations are complete. Mary Beth Lavey seconded the motion.

The Executive Director called roll:

Beth Ann Ball	Yes
Jean Halpin	Yes
Mary Beth Lavey	Yes

The motion carried.

The Section went into private session at 10:27 am and came out at 10:36 am.

In the matter of case number OT-LD-17-001, Kenneth Peisecki, after review of the evidence, the Board makes the following findings of fact:

1. Mr. Peisecki's license to practice as an occupational therapist in the state of Ohio was revoked on January 12, 2012 due to negligence, unprofessional conduct, and gross misconduct in the practice of the profession of occupational therapy; violation of the standards of ethical conduct; and a departure from, or failure to conform to, minimal standards of care required of licenses.
2. On July 24, 2013, the Board denied Mr. Peisecki's 2013 occupational therapist reinstatement application due to Peisecki's failure to present evidence of rehabilitation that would warrant reinstatement of his occupational therapist license. The Board noted that "Peisecki's inability to practice occupational therapy at minimal standards of care resulted from his surgery for a brain tumor in February 2004 that affected his cognitive and perception skills."
3. On March 4, 2016, Mr. Peisecki's license to practice in the state of Pennsylvania was indefinitely suspended due to his Ohio discipline, including his 2004 brain surgery.
4. On April 5, 2016, the Board office received Mr. Peisecki's 2016 application for reinstatement of his occupational therapist license.

5. On July 27, 2016, the Board issued a "Notice of Opportunity for a Hearing" (hereinafter "Notice") which was sent via certified mail to Mr. Peisecki's address of record, return receipt requested, proposing to deny his application for reinstatement. The certified notice was signed for by an individual with an illegible signature on behalf of Mr. Peisecki on August 8, 2016.
6. Mr. Peisecki was required under Ohio Revised Code section 119.07 to request a hearing within thirty (30) days of the mailing of the "Notice." Mr. Peisecki failed to request a hearing within the thirty (30) day time period, nor did he request a hearing at any time thereafter.
7. On November 1, 2016, a scheduling letter was sent via regular US mail to Mr. Peisecki's address of record, advising him of a hearing to be held on his 2016 reinstatement application on January 12, 2017 pursuant to *Goldman v. State Medical Board of Ohio*, 110 Ohio App. 3d 124; 673 N.E.2d 677 (1996).
8. R.C. 4755.06(0) and Ohio Admin. Code 4755-3-07 establish the criteria for the board to consider when evaluating an application for reinstatement. Ohio Admin. Code 4755-3-07(B)(5) requires the board to evaluate any evidence of rehabilitation, which the applicant may submit. Mr. Peisecki sent several emails to the board office in support of his application. None of the emails address whether he has completed any rehabilitation. Additionally, none of the information Mr. Peisecki sent for consideration indicates his 2004 brain surgery no longer negatively impacts his ability to practice occupational therapy according to acceptable and prevailing standards of care.
9. R.C. 4755.11(A) authorizes the Board to suspend, revoke, or refuse to issue or renew an occupational therapist license, or reprimand, fine, or place a license or limited permit holder on probation, on any of the following grounds; (12) Denial, revocation... of authority to practice in Ohio or another state of jurisdiction. (21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affect cognitive, motor, or perception skills.

In the matter of case number OT-LD-17-001, Kenneth Peisecki, after review of the evidence, the Board makes the following conclusions of law:

1. Peisecki was properly served with the notice of opportunity for hearing pursuant to Revised Code 119.07.
2. Peisecki's Pennsylvania license to practice Occupational Therapy was indefinitely suspended on March 4, 2016 due to his Ohio discipline. Peisecki's Ohio license to practice Occupational Therapy was revoked on January 12, 2012 due to negligence, unprofessional conduct, and gross misconduct in the practice of the profession of occupational therapy; violation of the standards of ethical conduct; and a departure from, or the failure to conform to, minimal standards of care required of licensees.
3. The Board denied Peisecki's 2013 Ohio reinstatement application due to a lack of rehabilitation evidence. The Board found at that time that, "Peisecki's inability to practice occupational therapy at minimal standards of care resulted from his surgery for a brain tumor in February 2004 that affected his cognitive and perception skills."
4. Peisecki did not submit evidence of rehabilitation from his brain tumor, which the Board would consider under Ohio Admin. Code 4755-3-07(B)(5).
5. Peisecki's reinstatement application and his other submissions to the Board do not demonstrate he is able to safely practice pursuant to R.C. 4755.11 (A)(21). The Board may deny his license reinstatement application on this basis.
6. The State of Pennsylvania indefinitely suspended Peisecki's license to practice occupational therapy. R.C. 4755.11 (A)(12) permits the Board to deny his reinstatement application based on the Pennsylvania license suspension.

Action: Jean Halpin moves to deny the occupational therapist reinstatement application for Kenneth Peisecki; Mary Beth Lavey seconds the motion.

The Executive Director called roll:

Beth Ann Ball Yes
Jean Halpin Yes
Mary Beth Lavey Yes

The motion carried.

The occupational therapist reinstatement application of Kenneth Peisecki, is hereby denied.

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-LD-17-001, Kenneth Peisecki, in the manner prescribed by law.

This concludes the matter of OT-LD-17-001, Kenneth Peisecki.

Correspondence

The Section reviewed the correspondence and provided feedback to the Correspondence Liaison.

Old Business

None

New Business

None

Open Forum

Mary Beth Lavey and Tony Tanner will give a presentation at Owen Community College on February 14, 2017. Attendees can earn 1 hour of ethics education for attending presentation.

Ohio Occupational Therapy Association (OOTA) Report

Jacquelyn Chamberlin reported that the 2017 Annual Conference will be held at the University of Dayton Mariott on November 3-4, 2017. OOTA requested that the Occupational Therapy Section present at the conference.

Items for Next Meeting

Standard Agenda Items

Next Meeting Date

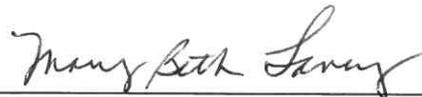
The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, March 9, 2017.

Action: There being no further business and no objections, Beth Ann Ball adjourned the meeting at 11:17 a.m.

Respectfully submitted,
Diane Moore



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



Mary Beth Lavey, COTA/L, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section



Tony Tanner, Executive Director
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

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