



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Physical Therapy Section*  
*July 10, 2014*  
*10:00 a.m.*

**Members Present**

Raymond Bilecky  
Lynn Busdeker  
Thomas Caldwell  
Karen Holtgreffe, Secretary  
Ronald Kleinman, Chair  
James Lee  
Chad Miller  
Trevor Vessels, Public Member

**Members Absent**

Matthew Creed

**Legal Counsel**

Yvonne Tertel, Assistant Attorney General

**Call to Order**

Ronald Kleinman, Chair, called the meeting to order at 10:01 a.m.

**Approval of Minutes**

**Action:** Ronald Kleinman moved that the minutes from the May 15, 2014, meeting be approved as amended. Lynn Busdeker seconded the motion. The motion carried.

**Executive Director's Report**

- The Executive Director informed that Section FY 2014 spending was very close to the appropriation authority amounts.
- The Executive Director informed the Section that 280 candidates sat for the NPTE PTA examination and reported that as of July 9th, there are 148 candidates registered to sit for upcoming NPTE PT examination.
- The Executive Director informed the Section that the legislature formed a study committee to establish guidelines on the appropriate education needed to return a student athlete with a suspected concussion to participation.

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

**Discussion of Law and Rule Changes**

There were no items discussed.

**Administrative Reports**

**Licensure Applications**

**Action:** Chad Miller moved that the Physical Therapy Section ratify, as submitted, the individuals approved by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board to sit for the National Physical Therapy Examination for physical therapists and physical therapist assistants from May 15, 2014 through July 10, 2014, taking into account those individuals subject to discipline, surrender, or non-renewal. Mr. Miller further moved that the following persons be licensed as physical therapists/physical therapist assistants pending passage of the National Physical Therapy Examination and Ohio Jurisprudence Examination. James Lee seconded the motion. The motion carried.

Physical Therapist – Examination

Acenbrak, Lauren  
Anastasopoulos, Sofia  
Baker, Ryan  
Becks, Christine  
Blanton, Thomas  
Buchenic, Lindsay  
Carmosino, Kadi  
Chelstowski, Kathy  
Compton, Keith  
Craig, Shannon  
Denier, Benjamin  
Dickerson, Benjamin  
Dunphy, Julianne  
Fontanella, Gina  
Gonzalez, Sophia  
Hamrick, Janel  
Hemm, Ashley  
Johnson, Krista  
Jones, Zachary  
Khaja-Abdul, Sadiq Khan  
Kula, Abby  
Lawrence, Jessica  
Long, Christine  
Mansfield, Cody  
McGinnis, Olivia  
Mitchell, Steven  
Molony, Adam  
Mullett, Ashton  
Olszewski, Amanda  
Perisa, Lauren  
Poeppelman, Kate  
Prosen, Raquel  
Ream, Alexander  
Roth, Amber  
Roush, Emily  
Sabo, Sara  
Sanker, Holly  
Schmitz, Michelle  
Schweickart, Hannah  
Seiser, Hallie  
Shine, Karli  
Sink, Alexis  
Snyder, Scott  
Stocker, Cory  
Strube, Eileen  
Sweet, Caitlin  
Toole, Allison  
Wallace, Michelle  
Wesselman, Elizabeth  
Wiesman, Melissa  
Wills, Allison  
Wyman, Deanna

Alexander, Crystal  
Anderson, Heather  
Banna, Kyle  
Bentz, Michelle  
Border, Stacy  
Butler, Maria  
Celarek, Abaigael  
Churbock, Jessica  
Corley, Danielle  
Dain, Alison  
Dey, Shounak  
Diller, Allison  
Everden, Amanda  
George, Gabriella  
Gourlay, Jenna  
Haverbusch, Paul  
Hians, Brittany  
Jonda, Jill  
Kagarise, Adam  
Killa, Carri  
Lampe, Marissa  
Leonard, Alicia  
Long, Tyler  
Matthews, Casey  
Michalak, Katelyn  
Moffett, Ashley  
Morehouse, Lucius  
Nesbit, Erik  
Paul, Matthew  
Petkewitz, Lucas  
Policella, Michael  
Ramsey, Olivia  
Reed, Rachel  
Roth, Erin  
Ryan, Melinda  
Salvo, Charles  
Schaffner, Logan  
Schroter, Jamie  
Schwieterman, Julie  
Seislove, Samantha  
Shultz, Susan  
Skinner, Sarah  
Starr, Tammyan  
Stolle, Jessica  
Sullivan, Alyssa  
Thobe, Kyle  
Veith, Michael  
Walski, Hannah  
Westbrook, Adrienne  
Wilger, Mary  
Wright, Jacob  
Yoder, Kristi

Alfman, Morgan  
Bacon, Traci  
Bartsokas, Jenna  
Bingham, Margaret  
Brown, Allyson  
Butler, William  
Champ, Jennifer  
Combs, Holly  
Cowell, Regina  
Deming, Nathan  
Dhiraprasiddhi, Sidra  
DiMarco, Danielle  
Farver, Lauren  
Glenn, Caitlin  
Haldi, Alexandra  
Hawk, Sarah  
Hoffman, Maxwell  
Jones, Melissa  
Kagarise, Alisha  
Kornder, Michelle  
Langen, Kendra  
Levenson, Marsha  
Low, Aron  
McBee, Colleen  
Miller, Joshua  
Moffitt, Kelly  
Morris, Abby  
Newcomb, Jennifer  
Pawlikowski, Megan  
Plahuta, Kaylen  
Powers, Thomas  
Ratica, Sarah  
Reed, Rachel  
Roth, Keith  
Ryan, Michael  
Samsel, Courtenay  
Schimmoeller, Courtney  
Schuman, Kristen  
Searight, David  
Sfara, Alison  
Singh, Narinderjit  
Slutz, Bo  
Stegeman, Emily  
Stowe Kelsey  
Sussky, Hunter  
Timmons, Caitlin  
Vollmer, Kyle  
Washabaugh, Jenna  
Wetmore, Michael  
Williams, Laura  
Wyatt, Verrelle

Physical Therapist Assistant – Examination

Adams, Alisha

Adams, Kelly

Adams, Merry

Aleman, Karen  
Andrews, Mariel  
Baker, Cody  
Barr, Brandon  
Beyke, Nichole  
Blanton, Jeremy  
Bower, Heather  
Bristol, Jennifer  
Brooks, Nycole  
Brush, Rhonda  
Burton, Matthew  
Christensen, Cory  
Clark Roath, Laurie  
Costello, Laura  
Denniston, Rachel  
Dobrozsi, Bridgette  
Dukes, Cody  
Ereth, Darrel  
Finch, Raisa  
Frank, Casey  
Garmyn, Jonathan  
George, Rachel  
Gokhfeld, Maxim  
Grogg, Brandi  
Hall, Evan  
Hanlon, Sara  
Harrington, Amber  
Hay, James  
Hendrickson, Jennifer  
Hoffmann, Mary  
Irwin, McKenzie  
Jubara, Dewane  
Key, Melinda  
Kooser, Donald  
Lang, Maria  
Lenhart, Karen  
Lowery, Katherine  
Mathews, James  
McCune, Heidi  
McIntosh, Deborah  
Mestemaker, Erica  
Miller, Chelsey  
Morgan, Dashara  
Muldowney, Matthew  
Nichols, Jordan  
Otieno, Tom  
Patel, Mitee  
Pekar, Michael  
Pickens, Amy  
Pompey, Steven  
Pugh, Tanessa  
Rawlins, Tracy  
Revill, Jacob  
Richardson, Jordan  
Riley, Emily  
Robinette, Jeffrey

Ambs, Jessica  
Antill, Emily  
Baker, Patricia  
Bell, Ryan  
Beyler, Kayla  
Boerger, Ashton  
Bowling, David  
Britt, James  
Brown, Paula  
Bucceri, Patra  
Case, Brittany  
Chumley, Michael  
Collier, Joshua  
Cox, Allison  
DiBacco, Rachel  
Doup, Caleb  
Dumas, Sarah  
Everett, Sarah  
Fisher, Shawn  
Gacek, Dana  
Gasser, Andrea  
Goddard, Stephanie  
Gold, Kiersten  
Guzzetti, Neil  
Hall, Stephanie  
Hanson, Tyler  
Harris, Jessica  
Hayes, Jessica  
Henry, Jarrod  
Hug, Chase  
Jakmides, Jeffrey  
Kamugisha, Sabine  
King, Paige  
Koppert, Eric  
Lanzendorfer, Brian  
Long, Kathryn  
Macaluso, David  
May, Patricia  
McDonald, Jennifer  
McJoynt-Griffith, Matthew  
Meyer, Seth  
Miller, Christopher  
Morris, Natalie  
Mullins, Stephanie  
Okafor, Christina  
Ottinger, Katelyn  
Pease, Derrick  
Petite, Brian  
Pitzer, Madison  
Portik, Nathan  
Raddell, Mary  
Ray, Garrett  
Rexroad, Jean  
Ridout, Brennan  
Rindler, Jena  
Rollins, Helen

Amicone, Anthony  
Bachman, Patricia  
Barlow, David  
Berick, Thomas  
Blankenship, Desiree  
Boron, Michelle  
Brandewie, Janelle  
Brooks, Nicole  
Brown, Tyler  
Burgei, Alyssa  
Chlebowski, Michael  
Cibroski, James  
Cooper, Bethany  
Deck, Jessica  
Dillow, Gavin  
Drew, Rory  
English, Jordan  
Fairbanks, Chad  
Foster, Michelle  
Gaeke, Alexandria  
Gates, Shannon  
Goecke, Crystal  
Granger, Jennifer  
Hale, Amber  
Hammond, Joel  
Harness, David  
Hashbarger, Kayley  
Hearn, Michelle  
Herman, Kelly  
Irving, Hollie  
Johnson, Sarah  
Kelley, Ian  
Kolner, Pamela  
Lang, Katelyn  
Leipply, Heather  
Loop, Wesley  
Malloy, Kevin  
McClellan, Mckinley  
McGoye, Janine  
Mendoza, Maribel  
Midcap, Emily  
Moore, Lena  
Mowery, Jesse  
Newman, Lori  
Ollila, Amanda  
Parsley, Chad  
Peck, Angela  
Petrella, Monica  
Polachek, Victoria  
Pronio, Andrew  
Ramsey, Andrea  
Reichert, Jennifer  
Rhodes, Aaron  
Riedel, Montgomery  
Robertson, Luke  
Rollyson, Jennifer

Rotella, Jennifer  
Santus, Olivia  
Schellhaas, Casey  
Schmidt, Damon  
Schwieterman, Stacy  
Shellenbarger, Karen  
Sidoti, Vincenzo  
Sloop, William  
Smith, Randy  
Spiess, Kaitlin  
Stayton, Benjamin  
Stefanek, Andrew  
Sullivan, Robert  
Terrill, Taylor  
Troyer, Natalie  
Vickers, Deanna  
Waggoner, Ashleigh  
Walz, Tressa  
Weeks, Stephanie  
Wiles, Jacquelyn  
Woodfork, Kayla  
Zupancic, Jaime

Roth, Kasey  
Sauerwein, Taylor  
Schimmoller, Nicole  
Schumaker, Casey  
Shafer, Erick  
Shimp, Alexandria  
Siefker, Ashley  
Smith, Christopher  
Speece, Jason  
St. John, Alyssa  
Stead, Michael  
Stewart, Emily  
Taggart, Kara  
Thomas, Laci  
Utendorf, Amy  
Villers, Justin  
Wagner, Beth  
Ward, Erich  
Weis, Alyssa  
Wirrig, Marissa  
Wright, Callie

Sainopulos, Matthew  
Saylor, Joshua  
Schmenk, Erin  
Schwarz, Bryan  
Sheets, Leann  
Shiverdecker, Joshua  
Sleesman, Garrett  
Smith, Katina  
Spieles, Hannah  
Stahl, Susan  
Steele, Mary  
Stewart, Scott  
Taylor, William  
Thorn, Julia  
Vance, Amber  
Vogel, Molly  
Wallace, Christopher  
Watkins, Stacy  
White, John  
Wombold, Alexis  
Wurster, Shannon

**Action:** Chad Miller moved that the Physical Therapy Section ratify, as submitted, the physical therapist and physical therapist assistant licenses issued by endorsement and reinstatement by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from May 15, 2014 through July 10, 2014, taking into account those licenses subject to discipline, surrender, or non-renewal. Karen Holtgreffe seconded the motion. The motion carried.

Physical Therapist – Endorsement

Bauer, Matthew  
Carlin, Andrew  
Duncan, Michael  
Ellerbrock, Megan  
Geiwitz, Katie  
Hundley, Andrew  
Leggett, Marlise  
Noteboom, Judith  
Shelton, Ryan  
Tabb, Daniel  
Workman, Jaime

Baumann, Erin  
Dietrick, Michelle  
Edwards, Jennifer  
Flynn, Kaitlyn  
Gracik, Amy  
Kennedy, Matthew  
List, Carol  
Rasizzi, Joseph  
Shineman, Dianne  
West, Kelly  
Yakopich, Robbin

Camilo Reyes, Ramon  
Dowler, Brianna  
Elkady, Ehab  
Flynn, Trista  
Huffman, Matthew  
Leggett, Adam  
Miller, Ashlin  
Rogers, Erin  
Southard, Damian  
Wisda, Stefanie  
Zhao, Xuan

Physical Therapist Assistant – Endorsement

Begley, Joshua  
McMahon, Carrie

Graham, Ryan  
Swihart, Laura

Mack, Jewell

Physical Therapist Reinstatement

Domyan, Jason  
Newkirk, Devon

Erne, Kristin  
Seyler, William

Johnston, Billie  
Terry, Kelly

James Lee reported that Kelly Brzozwski complied with all terms and conditions outlined in her action plan for reinstatement of licensure.

Continuing Education Liaison Report

Ronald Kleinman had no formal report for the Section.

Assistant Attorney General's Report

Yvonne Tertel, AAG, had no formal report. Ms. Tertel informed the Section that she is being reassigned to another Section within the Attorney General's Office and will no longer be representing the Board. The Section thanked Ms. Tertel for her service with the Board.

Case Review Liaison Report

Raymond Bilecky reported that the Enforcement Division closed seven and opened eighteen new cases since the May 15, 2014 meeting. There are twenty-eight cases currently open. There are three disciplinary consent agreements and two adjudication orders being monitored.

**Enforcement Actions**

Raymond Bilecky recommended that the Section accept the consent agreement for case PT-FY14-047 in lieu of going to a hearing. **Action:** Karen Holtgrefe moved that the consent agreement for case PT- FY14-047 be accepted in lieu of going to a hearing. Lynn Busdeker seconded the motion. Raymond Bilecky and Karen Holtgrefe abstained from voting. The motion carried. The Section accepted the consent agreement for Mary Beth Romeo, PT.

Raymond Bilecky recommended that a notice of opportunity for a hearing be issued for case PT-FY14-045 for practicing on an expired license. **Action:** Lynn Busdeker moved that a notice of opportunity for a hearing be issued for case PT-FY14-045 for practicing on an expired license. Ronald Kleinman seconded the motion. Raymond Bilecky and Karen Holtgrefe abstained from voting. The motion carried.

Raymond Bilecky recommended that a notice of opportunity for a hearing be issued for case PT-FY14-049 for practicing on an expired license. **Action:** Lynn Busdeker moved that a notice of opportunity for a hearing be issued for case PT-FY14-049 for practicing on an expired license. James Lee seconded the motion. Raymond Bilecky and Karen Holtgrefe abstained from voting. The motion carried.

Raymond Bilecky recommended that a notice of opportunity for a hearing be issued for case LD PT-FY14-001 for failure to meet qualifications for licensure. **Action:** Lynn Busdeker moved that a notice of opportunity for a hearing be issued for case LD PT-FY14-001 for failure to meet qualifications for licensure. James Lee seconded the motion. Raymond Bilecky abstained from voting. The motion carried.

Raymond Bilecky recommended that a notice of opportunity for a hearing be issued for case PT-FY15-002 for failure to obtain the required continuing education for licensure renewal. **Action:** Thomas Caldwell moved that a notice of opportunity for a hearing be issued for case PT-FY15-002 for failure to obtain the required continuing education for licensure renewal. Lynn Busdeker seconded the motion. Raymond Bilecky and Karen Holtgrefe abstained from voting. The motion carried.

Raymond Bilecky moved that the Section go into executive session to discuss proposed disciplinary action against a licensee pursuant to ORC 121.22 (G)(1) and pursuant to 121.22 (G)(5) that involve matters required to be kept confidential under ORC sections 149.43 (A)(2) and 4755.02 (E)(1) for case number PT-FY10-045. Lynn Busdeker seconded the motion.

The Executive Director called roll:

**Roll Call**

Raymond Bilecky	Yes
Lynn Busdeker	Yes
Thomas Caldwell	Yes
Matthew Creed	Absent
Karen Holtgrefe	Yes
Ronald Kleinman	Yes
James Lee	Yes
Chad Miller	Yes

The motion carried. The Section allowed Board staff, the Board's Public Member, and the Assistant Attorney General to stay in the room. The Section went into executive session at 10:36 am and came out at 10:42am.

Raymond Bilecky recommended that the Section accept the surrender consent agreement for case PT-FY10-045 in lieu of going to a hearing. **Action:** Karen Holtgreffe moved that the consent agreement for case PT- FY10-045 be accepted in lieu of going to a hearing. Lynn Busdeker seconded the motion. Raymond Bilecky and Thomas Caldwell abstained from voting. The motion carried. The Section accepted the surrender consent agreement for Eric Isakov, PT in which Mr. Isakov agrees to voluntarily surrender his license for Medicare fraud; documenting/billing for services not provided; soliciting, paying for, and trading services for patient referrals; and providing patients with items of significant value to begin and/or continue physical therapy services and the Section hereby simultaneously revokes his physical therapist license.

### **Correspondence**

1. **Rebecca Riblet, PT:** Ms. Riblet asked the Section questions regarding private pay physical therapy services. **Reply:** It is the position of the Ohio Physical Therapy Section that a facility/agency may establish policies on whether the physical therapist or physical therapist assistant may continue physical therapy services after the patient has exhausted his/her insurance benefits. The Section recommends that you refer to Medicare or other payer policies for any specific requirements or policies in your setting for a patient or family to pay for therapy services by a physical therapist. However, pursuant to section 4755.47 (A)(5) of the Ohio Revised Code, all licensed physical therapists must follow the code of ethical conduct for physical therapists and physical therapist assistants established in rule 4755-27-05 of the Ohio Administrative Code. Paragraph (B)(5)(e) of this rule states that “Providing treatment interventions that are not warranted by the patient’s condition, or continuing treatment beyond the point of reasonable benefit to the patient” would be a “failure to adhere to minimal standards of practice, whether or not actual injury to a patient occurred.” The Physical Therapy Section recommends that the primary physical therapist evaluate whether self-pay, out-of-network, or maintenance services are of “reasonable benefit to the patient.” Your questions also relate to payer policies in regards to billing practices and not to the Ohio Physical Therapy Practice Act. The Physical Therapy Section recommends that you contact the appropriate insurance company or the Ohio Chapter or Reimbursement Department of the American Physical Therapy Association.
2. **Josh Schuler, PTA:** Mr. Schuler asked the Section questions regarding requirements to become a physical therapist/physical therapy assistant clinical instructor. **Reply:** The Physical Therapy Practice Act does not dictate the requirements for a physical therapist or physical therapist assistant in become a clinical instructor. You may wish to contact the American Physical Therapy Association for further information regarding this issue.
3. **Laurie Chandler, PTA:** Ms. Chandler asked the Section questions regarding what criteria determines if a facility is skilled or not. **Reply:** Your questions relate to the licensure status of the facility and not the Ohio Physical Therapy Practice Act. You may wish to contact the Ohio Department of Developmental Disabilities, the Ohio Department of Health, or the Ohio Department of Job and Family Services for further information. 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. “L” should not be used in front of “PT” or “PTA” since no one may use the “PT” or “PTA” credential in Ohio without a valid license.
4. **Duany De La Cruz, PT:** Mr. De La Cruz asked the Section questions regarding wound management in physical therapy practice. **Reply:** It is the position of the Physical Therapy Section that physical therapy includes wound and burn care with appropriate dressing and administration of topical drugs. Physical therapy also includes sharp wound debridement, provided the physical therapist has been trained in the procedure. The physical therapist may delegate this component of care to a physical therapist assistant provided that both the physical therapist and the physical therapist assistant have demonstrated competency in these procedures.
5. **Christine Kress, PT:** Ms. Kress asked the Section questions regarding providing services for interdisciplinary and transdisciplinary team for early intervention. **Reply: In response to your first question,** it is the position of the Physical Therapy Section that documentation must clearly reflect who performed the service and when the services were provided. When performing physical therapy in the setting you describe, you would still be required to perform an evaluation of the child and establish a plan of care. Rule 4755-27-03 (C) of the Administrative Code identifies writing the plan of care as a

responsibility of the physical therapist that may not be delegated to other individuals. The early intervention physical therapist must write a plan of care for his/her records for each child, indicating specific physical therapy goals and intervention to achieve those goals, as well as precautions/contraindications. Although related services, such as physical therapy, are included in the IFSP, how the physical therapy services will be implemented and precautions/contraindications are not a part of the IFSP. This is the information that must be documented in a separate physical therapy plan of care. **In response to your second question**, the Ohio Physical Therapy Practice Act does not vary with practice setting. Section 4755.481 of the Revised Code authorizes physical therapists to evaluate and treat without a physician's referral. The physical therapist must, upon consent of the patient, parent, or legal guardian, inform the patient's medical health professional of the physical therapy evaluation within five (5) business days of the evaluation having taken place. These laws and rules apply to all settings. However, if at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice. In addition, there is nothing in the law that requires the physical therapist to see a patient without a physician's referral. The physical therapist does have the discretion to request a prescription. **In response to your third question on telehealth**, it is the position of the Physical Therapy section that the physical therapist or physical therapist assistant must be licensed in the state in which the patient resides. In addition, as with all practice settings, a physical therapy evaluation and the establishment of a physical therapy plan of care is a requirement, including when the physical therapy is provided via telehealth.

6. **Scott Brehm:** Mr. Brehm asked the Section questions requesting clarification on the code of ethical conduct pertaining to physical therapy practitioners having sexual relations with clients. **Reply:** Your question is not a matter of general correspondence. If you are aware of a potential violation of the Ohio Physical Therapy Practice Act, you should file a complaint with the Board. You can download the complaint form at: <http://otptat.ohio.gov/Consumers/Enforcement.aspx>. According to rules 4755-27-05 (A)(1)(a) and (b) and (B)(1) and (7) of the Ohio Administrative Code, physical therapist and physical therapist assistants shall conduct themselves in the following manner: (A) Ethical integrity. Licensees shall use the provisions contained in paragraphs (A)(1) to (A)(10) of this rule as guidelines for promoting ethical integrity and professionalism. Failure to comply with paragraphs (A)(1) to (A)(10) of this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code. (1) A licensee shall respect the rights and dignity of all patients and provide compassionate care as described in paragraphs (A)(1)(a) and (A)(1)(b) of this rule. (a) A licensee shall recognize individual differences with patients and shall respect and be responsive to those differences. (b) A licensee shall be guided by concern for the physical, psychosocial, and socioeconomic welfare of patients. (B) Ethical conduct. Ethical conduct includes conforming to the minimal standards of acceptable and prevailing physical therapy practice. Conduct may be considered unethical regardless of whether or not actual injury to a patient occurred. Failure to comply with paragraphs (B)(1) to (B)(15) of this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code. (1) A licensee shall adhere to the standards of ethical practice by practicing in a manner that is moral and honorable. A licensee may be disciplined for violating any provision contained in division (A) of section 4755.47 of the Revised Code. (7) **A licensee shall not engage in any sexual relationship or conduct, including dating, with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a therapist-patient relationship exists.** The Enforcement Division of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board conducts investigations of complaints filed against physical therapists and physical therapist assistants. The Board requires that all complaints be submitted in writing. Upon receiving a written complaint, the Enforcement staff sends notification that the complaint has been received. After conducting the investigation, the Enforcement staff presents the information to the Physical Therapy Investigative Committee who then determines whether or not a violation of the laws and rules that govern the practice of physical therapy has occurred. If the individual is found to be in violation of the laws and rules, the Committee will determine whether or not disciplinary action is warranted. Please be advised that no specific information can be released regarding the outcome of the investigation unless disciplinary action is taken.
7. **Fave McNeerney, PT, DPT:** Dr. McNeerney asked the Section questions regarding whether a physical therapist would need to be onsite to supervise mobility staff based on described scenario. **Reply:** In the

situation you describe, the position would be that of an aide and as long as the procedures performed are not represented as physical therapy or billed as physical therapy, then this is not physical therapy and does not fall under the Ohio Physical Therapy Practice Act. The Section recommends that your position description for this position is distinctly different than that of a physical therapist assistant.

8. **Theresa Chambers, PT, DPT:** Dr. Chambers asked the Section questions regarding whether physical therapy practitioners can supervise a personal trainer. **Reply:** Under the Ohio Physical Therapy Practice Act, since they are not licensed by the state of Ohio, the personal trainer would be considered “unlicensed personnel.” Since athletic trainers are licensed in the state of Ohio, they are considered as “other licensed personnel” when providing services pursuant to a physical therapy plan of care. As an “other licensed personnel,” the supervision requirements are not the same as the supervision requirements for the personal trainer who is functioning as “unlicensed personnel.” In addition, the fact that a personal trainer has a degree in exercise science and/or the CSCS credential would not change the “unlicensed personnel” status. Rule 4755-27-01 of the Administrative Code defines unlicensed personnel as any person who is on the job trained and supports the delivery of physical therapy services. Rule 4755-27-03 of the Administrative Code describes the routine duties that assist in the delivery of physical therapy care and operations that may be assigned to unlicensed personnel. The rule on delegation to unlicensed personnel is intended to limit the involvement of unlicensed personnel in direct patient care to assisting the physical therapist or physical therapist assistant as “a second pair of hands on the same patient.” For example, the unlicensed aide may assist a physical therapist or physical therapist assistant in transferring a patient who requires the support of two people for a safe transfer, or the unlicensed aide may guard a patient while the therapist steps back to assess the patient’s gait pattern. It is NOT intended that unlicensed personnel provide a component of physical therapy treatment to patient A while the physical therapist or physical therapist assistant treats patient B or performs other activities, e.g. documentation. A physical therapist or physical therapist assistant may provide administrative oversight of an unlicensed aide who is providing restorative or maintenance care in a nursing home after the termination of a physical therapy plan of care. Third party payer policies and/or federal regulations may be more or less restrictive than the Ohio Physical Therapy Practice Act. In any situation, licensees should follow the more restrictive policies. Although Medicare regulations for skilled nursing Part A permit therapy aides to perform physical therapy services provided that a physical therapist provides “line of sight” supervision, that practice is illegal in Ohio. In Ohio, therapy aides (unlicensed personnel) are not permitted to perform physical therapy services, other than serving as the second pair of hands as described in the previous paragraph of this letter.
9. **Cheryl Burns, PTA:** Ms. Burns asked the Section questions regarding whether physical therapist assistants can write discharge summaries. **Reply:** Physical therapist assistants are not qualified to perform the discharge evaluation and complete the final discharge summary. Discharge planning and the completion of the discharge evaluation are the responsibility of the supervising physical therapist. The physical therapist assistant may provide care per that discharge assessment and plan and may document objective information about that care, but the physical therapist must then complete the final discharge summary. It is the position of the Physical Therapy Section that physical therapist assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the physical therapist to interpret and make recommendations for the purpose of discharge development. If there is collaboration between the physical therapist and the physical therapist assistant, the collaboration must be reflected in the patient documentation, but only the physical therapist may document the discharge evaluation and recommendations in the discharge summary. Even if the discharge evaluation and recommendations for follow-up care are included in the initial evaluation, a discharge summary must still be completed to document final discharge date and disposition. The discharge summary may refer to the last treatment note for patient status. The ultimate responsibility for care of the patient lies with the evaluating physical therapist. Relying solely on information gathered by the physical therapist assistant during treatment does not constitute a reassessment, and may not fulfill the physical therapist's obligation to provide the appropriate standard of care. Likewise, the physical therapist assistant has a legal obligation, in the overall care of the patient, to make sure the review and assessment is performed by the physical therapist to meet the same standard of care.
10. **Lucas VanEtten, PT:** Mr. VanEtten asked the Section questions regarding how long a referral for physical therapy is valid. **Reply:** There is nothing in the Ohio Physical Therapy Practice Act that dictates the length of time that a referral is valid. If you have a case or patient where a referral is required, the

Physical Therapy Section recommends that, at a minimum, referrals be renewed annually. The Section recognizes that third party payers may require physical therapists to following more specific requirements. **In response to your second question**, you are correct that you would need to begin a new episode of care and follow direct access and or payer source rules and regulations. If you have evaluated the patient and are sending the physician plans of care for review and signature, these can be considered a new referral each time the plan of care is signed. If the patient brings in a referral that does not have a current date or there is a significant time lapse between the date the referral was written and the date the patient brings it in, it is the therapist's decision to accept the referral or request a current referral from the physician. If you have a case you are dealing with under direct access, you are not required to practice pursuant to a referral.

11. **Carol Bartsch, PT:** Ms. Bartsch asked the Section questions regarding the CPT code for kinesiotaping. **Reply:** Your question relates clarification/interpretation of payer policies and not to the Ohio Physical Therapy Practice Act. It is the position of the Physical Therapy Section that any service should be billed under the most descriptive intervention and diagnostic codes available. Please check with Medicare, third-party payers and, and insurance policies to address your specific questions. You may also get information from the Reimbursement Department or Ohio chapter of the American Physical Therapy Association (APTA).
12. **Nancy Osborn, PTA:** Ms. Osborn asked the Section questions regarding treating a client privately when the client has reached the insurance maximum. **Reply:** It is the position of the Ohio Physical Therapy Section that a facility may establish policies on whether the physical therapist or physical therapist assistant may continue physical therapy services after the patient has exhausted his/her insurance benefits. The Section recommends that you refer to Medicare or other payer policies for any specific requirements or policies in your setting for a patient or family to pay for maintenance services by a physical therapist. However, pursuant to section 4755.47 (A)(5) of the Ohio Revised Code, all licensed physical therapists must follow the code of ethical conduct for physical therapists and physical therapist assistants established in rule 4755-27-05 of the Ohio Administrative Code. Paragraph (B)(5)(e) of this rule states that "Providing treatment interventions that are not warranted by the patient's condition, or continuing treatment beyond the point of reasonable benefit to the patient" would be a "failure to adhere to minimal standards of practice, whether or not actual injury to a patient occurred." The Physical Therapy Section recommends that the primary physical therapist evaluate whether self-pay maintenance services are of "reasonable benefit to the patient."
13. **Tammie Mihaly:** Ms. Mihaly asked the Section questions regarding whether physical therapy practitioners can supervise and/or delegate to an ethical massage practitioner. **Reply:** Rule 4755-27-01 of the Administrative Code defines unlicensed personnel as any person who is on the job trained and supports the delivery of physical therapy services. Since an "ethical massage practitioner" is not licensed in the State of Ohio, they would be considered as "unlicensed personnel" under the Ohio Physical Therapy Practice Act. Rule 4755-27-03 of the Administrative Code describes the routine duties that assist in the delivery of physical therapy care and operations that may be assigned to unlicensed personnel. The rule on delegation to unlicensed personnel is intended to limit the involvement of unlicensed personnel in direct patient care to assisting the physical therapist or physical therapist assistant as "a second pair of hands on the same patient." For example, the unlicensed aide may assist a physical therapist or physical therapist assistant in transferring a patient who requires the support of two people for a safe transfer, or the unlicensed aide may guard a patient while the therapist steps back to assess the patient's gait pattern. It is NOT intended that unlicensed personnel provide a component of physical therapy treatment to patient A while the physical therapist or physical therapist assistant treats patient B or performs other activities, e.g. documentation. Third party payer policies and/or federal regulations may be more or less restrictive than the Ohio Physical Therapy Practice Act. In any situation, licensees should follow the more restrictive policies. In Ohio, therapy aides (unlicensed personnel) are not permitted to perform physical therapy services, other than serving as the second pair of hands as described in the previous paragraph of this letter.
14. **Megan Perlmutter, PT:** Ms. Perlmutter asked the Section questions regarding whether physical therapists can supervise and set-up a plan for a home health aide. **Reply:** It is the position of the Physical Therapy Section that when the physical therapist is serving as the case manager for the patient and there is no nurse involved in the patient's care, there is nothing in Ohio Physical Therapy Practice Act prohibiting the physical therapist from supervising the home health aide in provision of services external to physical therapy (e.g. ADLs – bathing/grooming, assisting the family in patient care). The physical therapist may

not delegate components of physical therapy services to the aide but may have an aide assist the physical therapist or physical therapist assistant while the physical therapist or physical therapist assistant is concurrently providing services to the same patient.

15. **Angela Pahl, PT:** Ms. Pahl asked the Section for clarification on orders for physical therapy services. **Reply:** In response to your question regarding if the physical therapist can continue to treat a patient with the frequency and duration stated in the evaluation, the answer is yes.

#### **Joint Correspondence**

**JB1. Jennifer Tama:** Ms. Tama asked the Occupational and Physical Therapy Sections questions regarding occupational therapy assistants and physical therapist assistants working in administrative roles. **Reply:** It is the position of the Occupational Therapy Section that the completion of Section O of the minimum data set (MDS) is not an evaluative task. Completion of Section O requires gathering objective data regarding the number of days and minutes of treatment provided. It does not require interpretation of the data or an assessment of the performance components impacting the client's performance level. Completion of the MDS may be delegated to an occupational therapy assistant since it is not interpretive, nor evaluative in nature. Co-signature of the occupational therapy assistant's documentation continues to be a requirement. It is the position of the Physical Therapy Section that when physical therapy personnel are involved in the gathering and documenting of MDS 3.0 data, the physical therapist has ultimate responsibility for the information submitted. The physical therapist must decide what MDS data requires the judgment or decision-making skills of the physical therapist. Other data, including the transfer of information already reported in the patient record, may be gathered by the physical therapist assistant. This would include Section O of the MDS. The physical therapist assistant must be able to identify from where in the patient record the data was transferred. Completion of the MDS in its entirety is interpretive and evaluative in nature and physical therapist assistants are unable to complete the MDS. All other sections of the MDS requiring any information from physical therapy would require the physical therapist to complete. This would include co-signature of the physical therapist assistant on Section O and a signature from the physical therapist on any other section.

**JB2. Sarah King, PT:** Ms. King asked the Occupational and Physical Therapy Sections questions regarding the use of electronic signatures in occupational and physical therapy practice. **Reply:** Yes, the therapist would be able to sign the evaluation as described, as long as the evaluating therapist's signature is on file.

**JB3. Bethany Dugan, PT, DPT:** Dr. Dugan asked the Occupational and Physical Therapy Sections questions regarding occupational therapy assistants and physical therapist assistants performing modalities. **Reply:** The occupational therapist must document in the plan of care (POC) what modalities are to be included in the treatment of the client. However, parameters of the modalities to be used, may or may not be included in the POC. The parameters of the requested modality such as US/E-stim may not be included in the POC, provided that the occupational therapy assistant has documented training and demonstrated competency in delivery of the procedure. The parameters used, must be documented in the occupational therapy assistant daily treatment note. The Ohio Administrative Code allows the occupational therapist to delegate treatment procedures or services beyond the entry level scope of occupational therapy assistant practice, provided that the supervising occupational therapist and the occupational therapy assistant both demonstrate and document competency in the procedure. The physical therapist must document in the plan of care (POC) what modalities are to be included in the treatment of the patient. However, parameters of the modalities to be used, may or may not be included in the POC. The parameters of the requested modality such as US/E-stim may not be included in the POC, provided that the physical therapist assistant has documented training and demonstrated competency in delivery of the procedure. The parameters used, must be documented in the physical therapist assistant daily treatment note. The Ohio Administrative Code allows the physical therapist to delegate treatment procedures or services beyond the entry level scope of physical therapist assistant practice, provided that the physical therapist assistant has documented training and demonstrated competency in delivery of the procedure. The supervising physical therapist must also be able to demonstrate competency in any procedure or services that has been delegated to the physical therapist assistant.

**JB4. Debra Wolfe, COTA/L:** Ms. Wolfe asked the Occupational and Physical Therapy Sections questions requesting clarification on which discipline can perform the home visit in the scenario described. **Reply:** In the course of the practice of occupational therapy, a home assessment is an assessment typically performed

prior to discharge home from an inpatient or skilled nursing rehabilitation setting. It is primarily performed to determine equipment and environmental needs for the client's safety at home. It is not an evaluation performed within home health services. A home assessment may be performed by an occupational therapy assistant with a current client under an established occupational therapy treatment/intervention plan. 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 the course of the practice of physical therapy, 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.

- JB5. Patricia Trela, OTA/L:** Ms. Trela asked the Occupational Therapy and Athletic Trainers Sections questions regarding whether athletic trainers are allowed to work under the supervision of an occupational therapist/occupational therapy assistants. **Reply:** According to the Ohio Athletic Training Practice Act, athletic trainers must practice upon the referral of an individual licensed in Ohio to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, chiropractic, dentistry, or physical therapy. As a result, an occupational therapist cannot legally refer a client to an athletic trainer. Professionals holding a license other than an occupational therapy license are considered unlicensed personnel in the provision of occupational therapy services. There is nothing in the Ohio Occupational Therapy Practice Act that states that a private practitioner cannot employ "other licensed personnel." It is acceptable for a private practice occupational therapist to employ other licensed personnel if those individuals are practicing and billing in accordance with the rules and regulations governing their professional license. In accordance with rule 4755-7-03 (D) of the Ohio Administrative Code, licensed occupational therapy practitioners may delegate non-treatment tasks to unlicensed personnel. Occupational therapy practitioners may not delegate tasks listed in paragraph (2) below to these individuals, who may include licensed nurses, physical therapists, physical therapist assistants, athletic trainers, etc. Some examples of allowable delegation include department maintenance, transport of clients, and preparation of work area, assisting with client's personal needs during treatment, assisting in the construction of adaptive equipment and splints, and other clerical or administrative functions. (1) Unlicensed personnel may only perform specific tasks which are neither evaluative, task selective, nor recommending in nature. The occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant may delegate such tasks only after ensuring that the unlicensed personnel has been appropriately trained for the performance of the tasks. (2) The occupational therapist, occupational therapy assistant, student occupational therapist, and student occupational therapy assistant shall not delegate the following to unlicensed personnel: (a) Performance of occupational therapy evaluative services; (b) Initiation, planning, adjustment, modification, or performance of occupational therapy services; (c) Making occupational therapy entries directly in the client's official records; and (d) Acting on behalf of the occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant in any matter related to occupational therapy treatment that requires decision making. Pursuant to section 4755.11 (A)(11) of the Revised Code, a licensed occupational therapist may face disciplinary action if he/she delegates the tasks indicated in rule 4755-7-03 (D)(2) of the Ohio Administrative Code to unlicensed personnel.

### **Old Business**

#### **Review Other Jurisdictions Regulations regarding the Use of Credentials when Conducting Health/Wellness Programs**

The Board did not receive a lot of feedback on the use of credentials for health and wellness programs from other physical therapy boards.

#### **Review Other Jurisdictions Regulations regarding Offering Incentives for Referrals**

The Executive Director reported that few other physical therapy boards have discussed this issue.

## **New Business**

### **Public Rules Hearing**

The Section held a public rules hearing from 11:20 am to 11:26 am.

### **Other Board's Rules on Advertising**

The Executive Director reported that there were no other physical therapy boards that had information on advertising. The Board is still waiting on a response from the Ohio Dental Board on how their laws and rules address advertising for services. The Section reviewed the Ohio Chiropractic Board's proposed rule pertaining to advertising for services.

### **Discussion on Tennessee Attorney General's Decision on Dry Needling**

The Section reviewed the Tennessee Attorney General's Decision on Dry Needling.

## **Open Forum**

The Executive Director, Karen Holtgreffe, and the Enforcement Division Supervisor gave a presentation to the Ohio Chiropractic Board to discuss a collaborative approach on clarifying what chiropractors and aides can legally do under the Ohio Physical Therapy Practice Act and guidelines on advertising for physical therapy services. The Executive Director will work with the Chiropractic Board's Executive Director on drafting an educational resource document that would benefit both licensees.

The Board member positions that are term limited are Raymond Bilecky and Thomas Caldwell. Board Members who are up for re-appointment are Lynn Busdeker and Ronald Kleinman.

The Section discussed bringing on a new enforcement liaison prior to the September meeting since there is a Board Member that will be term limited. The Section will add Chad Miller to the Enforcement Review Panel for the September meeting to help mentor the new Enforcement Liaison.

## **Ohio Physical Therapy Association (OPTA) Report**

Victoria Gresh reported that the 2014 Advocacy Day held in May was very successful. OPTA is wrapping up the schedule for celebrating 10 years of direct access. The OPTA Scientific Symposium will be held in October 2014. OPTA has a new staff member Megan Cardaman.

## **Federation of State Boards for Physical Therapy (FSBPT) Report**

Ronald Kleinman, Chad Miller, and Jeffrey Rosa attended the 2014 FSBPT Jurisdiction Board Member & Administrator Training on June 6-8, 2014. Ohio was used as an example for other Boards to follow in a positive way. Lynn Busdeker, Ronald Kleinman, Raymond Bilecky, Thomas Caldwell, and Jeffrey Rosa are attending the FSBPT Annual Meeting and Delegate Assembly in September 2014.

## **Items for Next Meeting**

- Review Other Jurisdictions' Regulations regarding the Use of Credentials when Conducting Health/Wellness Programs
- Review Other Jurisdictions' Regulations regarding Offering Incentives for Referrals
- Other Boards' Rules on Advertising
- Elections
- FSBPT Motions

## **Next Meeting Date**

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, September 11, 2014.

**Adjournment**

Lynn Busdeker moved that the meeting be adjourned. James Lee seconded the motion. The motion carried. The meeting adjourned at 12:09 p.m.

Respectfully submitted,  
*Diane Moore*

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Ronald Kleinman, PT, Chair  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, PT Section

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Karen Holtgreffe, PT, Secretary  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, PT Section

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

**KH:jmr:dm**