Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Physical Therapy Section
May 18, 2017
10:00 a.m.

Members Present
Lynn Busdeker
Matthew Creed
Hofmeyer, Erin
Ronald Kleinman
James Lee, Chair
Timothy McIntire
Chad Miller, (arrived @ 11:23 am)
Jennifer Wissinger, Secretary, (arrived @ 10:09 am)
Trevor Vessels, Public Member (left @ 11:34 am)

Members Absent
Paul McGhee

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

Guests
Victoria Gresh, OPTA
Rory Callahan, OAG
Deborah Moseley
Sarah Mathis
Suzanne Nall
Alison Ottman

Legal Counsel
Melissa Wilburn, AAG

Call to Order
James Lee, Chair, called the meeting to order at 10:00 a.m.

Approval of Minutes
Action: Ronald Kleinman moved that the minutes from the March 9, 2017 meeting be approved as submitted. Lynn Busdeker seconded the motion. The motion carried.

Action: Ronald Kleinman moved that the minutes from the March 22, 2017 meeting be approved as submitted. Lynn Busdeker seconded the motion. The motion carried.

Action: Ronald Kleinman moved that the minutes from the April 6, 2017 retreat be approved as submitted. Lynn Busdeker seconded the motion. The motion carried.

Executive Director's Report
- The Executive Director reported that the occupational therapy renewal is running smoothly.
- The Executive Director informed the Section he is waiting on a response from the Legislative Service commission on obtaining an editable version of the laws and rules.
- The Executive Director informed the Section that the AT Section is working on an FAQ on Narcan.
- The Executive Director further reported that he is still working through applications for the vacant positions.
- The Executive Director provided a listing of upcoming meeting and events that he is scheduled to attend.
- The Executive Director reported to the Section that the majority of the Bi-Annual Audit is complete.
- The Executive Director informed the Section that he has budgeted for a new overhead projector and laptops.
- The Executive Director reported that there are no new changes to HB 49.
- The Executive Director informed the Section that he is working on putting the Minutes in Archives.

Discussion of Law and Rule Changes
The Executive Director addressed this in his Executive Director's report.
Administrative Reports
License Renewals

Action: Ronald Kleinman 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 March 9, 2017 through May 18, 2017, taking into account those individuals subject to discipline, surrender, or non-renewal. Mr. Kleinman 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. Matthew Creed seconded the motion. The motion carried.

Physical Therapist – Examination
Katelyn Marie Bachus
Sarah Genevieve Buhr
Elizabeth Richter Burnn
Katherine Leigh Carrico
Nathanial Franklin
Deanne Gauch
Gina Marie Graziosi
Elizabeth Ann Hanson
Jessica Imholz
Joshua Caleb LaPorte
Elizabeth Mellon
Jared Michael Niese
Scott Daniel Patchell
Lisa Marie Philippin
Mark Anthony Roser
Kelleen Lynne Scott
Samuel Jeffrey Thompson
Christina Lynne White

Christopher Robert Brandner
Nathan Philip Bundy
Colleen Byrne
Santiago Vicente Casanova
Emily Rose Freeman
Rosemary Giardina
Kristen Lee Groenke
Michael Hedrick
Katelyn Mariah Jones
Alicia Marie Lavelle
Daniel Meyer
Chelsea Marie Oswald
Kaitlin Susan Peters
Adria Lynn Pryor
Nicoie Lynn Scarfo
Margi Kirikumar Shah
Bethany Lou Trotter
Genie Marie Woodard

Kaitlyn Braunig
Allison Elizabeth Burgess
Joshua Calvelage
Jason Theodore Ewing
Emily Nicole Furl
Matthew David Gingras
Aaron Michael Hannigan
Ashley Hoeffner
Sean Kelly
Eden McDaniel
Rachel Elizabeth Mott
Katelyn Elizabeth Palkovic
Kevin George Peterson
Hayleigh Elizabeth Raiff
Lauren Elizabeth Schott
Logan John Siemer
Bryan Andrew Vranic
Charles Emmett Zepp

Physical Therapist Assistants – Examination
Zachary Andrew Ammons
Bryan Allen Brigadoi Jr
Heather Lynn Cameron
Shaun M Clauss
Stephanie Creager
Danniel crec Daniels
Jacqueline Rene Deicher
Katharne Freeman
Christina Green
Craig Michael Henman
Ashley Kathryn Helen Howard
Elizabeth Marie Karr
Brooke Mollenkamp
Bradley John Perry
Christopher Alan Reffitt
Elizabeth Joy Saunders
Loxi Rayne Siclair
Zachary Lewis Troisch
Logan Michael Winkler

Jordan Amspaugh
Allison Marie Brill
Steven Lee Campbell
Hayley Roxanne Corso
Colin Andrew Cummings
Mary Brooke Daughtery
Ryan Strother Dundon
Kyle Alexandra Gonzalez
Rachel Helen Greenlee
Andrew David Hobbs
Lakeitra Humphrey
Elizabeth Ann McConnell
Sandra Renee Owen
Stephanie Danyel Ramon
Johnathon Carter Robinson
Sarah KathyGr Scartz
Rachel Linn Slovecne
Matthew William Vreeland

Mary Beth Barry
Tyler Michael Brunetti
Paula Lynne Canup
Alexandra Jade Craft
Bridget Fawn Czompol
Courtney Deeb
Dana Eleanor Engle
Melissa Goodall
LeAnna Christine Harris
Miriam Leah Hoepfner
Samantha Jarrait
Valerie Lynn McNulty
Benjamin Allen Parker
Matthew S. Randazzo
Karina Beth Sauder
Brandon Michael Schlaegel
Danielle Lynn Stumpf
Sheldon Kelly Welch
Daniel Bailey York

Action: Ronald Kleinman 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 March 9, 2017 through May 18, 2017, taking into account those licenses subject to discipline, surrender, or non-renewal. Lynn Buddeker seconded the motion. The motion carried.

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Physical Therapist – Endorsement
Gunilla Adonteng-Boateng
Kyla Leigh Asbury
Alexander Jordan Contner
Christine Fiori
Megan Christine Lynskey
Stephanie Ann McElfresh
Gaston Richard Pleiman
Manpreet Kaur Sheabat
Zaki Afzal
Noella Lipura Canlas
Meghan Barbara Costa
Rachel Anne Heraghty
Samantha Mahaffey
Dustin Menetrey
Joseph David Rosi II
Ashley Ann Aikman
Vanessa VictoriaCarlson
Tiffany Ferguson
Alisa Haley Korn
Jillian Mai Markus
Michelle Sheena Peters
Kara Jin Schneider

Physical Therapist Assistant – Endorsement
Kurtis Lee Baller
Arindar Kaur Kanwal
Colleen Ann Pickens
Deana Aply Rosales
Derrick Lane Snyder
Emily Patricia Fosnaugh
Thomas Joseph Martuscello
Lori Ann Raber
Kaitlyn Marie Shiderly
Jennifer Lee Willing
Rodolfo James Garcia
Joanna Lea-Ellen Patterson
Dena Marie Rodriguez-Castillo
Travis Austin Sisty

Physical Therapist Reinstatement
Danielle Marcia Bowers
Andrea Suzanne Reed
Shane W Florence
Meagen Malloy Springer
Maighdlin Ann Ponder
Dennis Velazquez

Physical Therapist Assistant Reinstatement
Mark William Eckhart
Gabriel Jon Debord
Rachel Elizabeth Gourley
Dianne Plummer Majeroni

Ronald Kleinman reported to the Section that he reviewed the completed coursework for physical therapist endorsement file# APP00002026 and determined that the applicant is lacking proof completion of differential diagnosis. Ronald Kleinman will continue to work the applicant and approve a more appropriate course on differential diagnosis.

Ronald Kleinman recommended that the Section return the NPTE Appeal form #20170518 without board license attestation to take the NPTE for an 8th attempt. Action: Timothy McIntire moved that the Section return the NPTE Appeal form #20170518 without board license attestation to take the NPTE for an 8th attempt. Lynn Busdeker seconded the motion. Ronald Kleinman abstained from voting. The motion carried.

Testing Accommodations Requests
Ronald Kleinman recommended that the Section grant a testing accommodation for additional time: time and a half for physical therapist examination file# APP000076211 based on the documentation provided. Action: Timothy McIntire moved that the Section grant the testing accommodation for additional time: time and a half for physical therapist examination file# APP000076211. Lynn Busdeker seconded the motion. Ronald Kleinman abstained from voting. The motion carried.

Ronald Kleinman recommended that the Section grant a testing accommodation for additional time: double time and separate room for physical therapist assistant examination file# APP000095214 based on the documentation provided. Action: Erin Hofmeyer moved that the Section grant the testing accommodation for additional time: double time and separate room for physical therapist assistant examination file# APP000095214. Lynn Busdeker seconded the motion. Ronald Kleinman abstained from voting. The motion carried.

Ronald Kleinman recommended that the Section grant a testing accommodation for additional time: time and a half and separate room for physical therapist examination file# APP000095549 based on the documentation provided. Action: Timothy McIntire moved that the Section grant the testing accommodation for additional time: time and a half and separate room for physical therapist examination file# APP000095549. Erin Hofmeyer seconded the motion. Ronald Kleinman abstained from voting. The motion carried.

Ronald Kleinman recommended that the Section grant a testing accommodation for additional time: double time for physical therapist assistant examination file# APP000075879 based on the documentation provided. Action: Erin
Hofmeyer moved that the Section grant the testing accommodation for additional time: double time for physical therapist assistant examination file# APP000075879. Matthew Creed seconded the motion. Ronald Kleinman abstained from voting. The motion carried.

**Continuing Education Liaison Report**
Matthew Creed had no formal report for the Section.

**Assistant Attorney General's Report**
Melissa L. Wilburn, AAG, informed the Section that HB290 will go into effect on August 6th which will allow healthcare professionals earn continuing education credit for volunteer work. The board will need to adopt rules for this provision. Ms. Wilburn further reported that there is proposed language in HB49 which would track licensees arrest records between renewals. The proposed language will not change our licensure laws. The Board can only take disciplinary action on convictions not arrest records.

**Case Review Liaison Report**
Chad Miller reported that the Enforcement Division closed thirteen and opened twenty-one new cases since the May 18, 2017, meeting. There are twenty-three cases currently open. There are seven disciplinary consent agreements and one adjudication order being monitored.

James Lee informed the Section that Katrina Rum, PT, complied with all the terms and conditions and was released from her disciplinary consent agreement.

**Enforcement Actions**
James Lee recommended that the Section accept the consent agreement for case number PT-FY17-069 in lieu of going to hearing. **Action:** Lynn Busdeker moved that the Section accept the consent agreement for case number PT-FY17-069 in lieu of going to hearing. Ronald Kleinman seconded the motion. James Lee and Chad Miller abstained from voting. The motion carried.

James Lee recommended that the Section issue a notice of opportunity for hearing for case number PT-FY17-095 for practicing as a physical therapist assistant with an expired license. **Action:** Lynn Busdeker moved that the Section issue a notice of opportunity for hearing for case number PT-FY17-095 for practicing as a physical therapist assistant with an expired license. Matthew Creed seconded the motion. James Lee and Chad Miller abstained from voting. The motion carried.

James Lee recommended that the Section issue a notice of opportunity for hearing for case number LD-PT17-001 for the individual does not meet the educational requirements for physical therapist assistant licensure. **Action:** Timothy McIntire moved that the Section issue a notice of opportunity for hearing for case number LD-PT17-001 for the individual does not meet the educational requirements for physical therapist assistant licensure. Erin Hofmeyer seconded the motion. James Lee, Chad Miller, and Ronald Kleinman abstained from voting. The motion carried.

James Lee recommended that the Section issue a notice of opportunity for hearing for case number PT-FY17-092 for due to an immediate temporary suspension of their physical therapy assistant license in another state. **Action:** Timothy McIntire moved that the Section issue a notice of opportunity for hearing for case number PT-FY17-092 for due to an immediate temporary suspension of their physical therapy assistant license in another state. Matthew Creed seconded the motion. James Lee and Chad Miller abstained from voting. The motion carried.

**Affidavit Hearing**
Good afternoon. My name is James Lee, Chairperson of the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board. Let the record show that these proceedings were called to order at 10:31 am on May 18, 2017, at the Vern Riffe Center, 77 South High Street, Columbus, Ohio, 43215. Members of the Board present for the proceedings are:

The Executive Director called roll:

Lynn Busdeker  Present
Matthew Creed  Present
Erin Hofmeyer Present
Ronald Kleinman Present
James Lee Present
Paul McGhee Absent
Timothy McIntire Present
Chad Miller Absent
Jennifer Wissinge Present

It will be noted for the record that a majority of the members of the Board are present. There will be three adjudication proceedings today. The proceeding is in the matter of case number PT-17-057, Nathan Kinnaird, case number PT-17-008 Curtis Wilson, and case number PT-17-068, Barrett Dorko.

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

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

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

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

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

Ms. Wilburn reviewed the case for the Board.

**Action:** Lynn Busdeker moved to admit the facts and exhibits outlined in the sworn affidavit for case number PT-17-057, Nathan Kinnaird, case number PT-17-008 Curtis Wilson, and case number PT-17-068, Barrett Dorko into evidence. Ronald Kleinman seconded the motion. James Lee abstained from voting. Chad Miller was absent for the vote. The motion carried.

There being no further evidence to come before the board, this proceeding is now closed at 10:53 am.

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

At this time, is there a motion to recess the meeting in order to go into private session for the purpose of quasijudicial deliberation on case number PT-17-057, Nathan Kinnaird, case number PT-17-008 Curtis Wilson, and case number PT-17-068, Barrett Dorko, and to reconvene the meeting after deliberations are complete?

**Action:** Ronald Kleinman moved to recess the meeting to go into private session for the purpose of quasi-judicial deliberation on these matters. Timothy McIntire seconded the motion.

The Executive Director called roll:

Lynn Busdeker Yes
Matthew Creed Yes
Erin Hofmeyer Yes
Ronald Kleinman Yes
The motion carried.

The Section went into private session at 10:55 a.m. and came out at 11:23 a.m. James Lee left the room during private session and did not participate in the deliberations.

In the matter of case number PT-16-057, Nathan Kinnaird, after review of the evidence the Board makes the following findings of fact:

1. The Board had jurisdiction to conduct a hearing in this matter pursuant to Goldman v. State Medical Board of Ohio, 110 Ohio App. 3d 124, 673 N.E. 2d 677 (1996).

2. On or about October 16, 2016, the West Virginia Board of Physical Therapy disciplined Kinnaird’s physical therapy assistant license for engaging in unprofessional and/or unethical conduct in the practice of physical therapy by taking cash from a patient’s residence while treating the patient.


In the matter of case number PT-17-057, Nathan Kinnaird, after review of the evidence the Board makes the following conclusions of law,

1. Kinnaird was properly served with the Notice of Opportunity for Hearing pursuant to R.C. 119.07.

2. R.C. 119.07 required Kinnaird to request a hearing within thirty (30) days of the mailing of the Notice.

3. Kinnaird’s engaged in unprofessional and/or unethical conduct while practicing physical therapy in the state of West Virginia, in violation of R.C. 4755.47 (A)(6) & (9).

Action: Timothy McIntire moved to that the physical therapist assistant license of Kinnaird should be placed on probation for a period of two (2) years. During said probationary period, Kinnaird shall complete the following:

a. Kinnaird must submit proof of completion of the six (6) hours of in person continuing education in the subject matter of ethics required by the West Virginia Board of Physical Therapy’s Consent Agreement and Order of October 16, 2016.

b. Kinnaird shall provide a copy of this adjudication order to any and all employers during his probationary period. The copy shall be given to Kinnaird’s supervisor(s), or whoever is responsible for evaluating his work performance. Kinnaird’s employer(s) must send written notification on company letterhead to the Enforcement Division indicating that they were provided with a copy of this adjudication order. Kinnaird shall ensure that this notification by his employer(s) is received within ten (10) days of his start date or effective date of this order.

c. Kinnaird agrees to be audited for continuing education credits for the 2019 renewal cycle. Upon receiving the audit notice, Kinnaird shall submit certificates of completion with Ohio approval numbers to the board office within the specified timeframe.

d. In addition to the twelve (12) hours of continuing education required for license renewal in 2019, Kinnaird must complete an additional six (6) hours in ethics training, for a total of eighteen (18) hours of continuing education required for his 2019 renewal.

Lynn Busdeker seconded the motion.
The Executive Director called roll:

Lynn Busdeker  Yes
Matthew Creed  Yes
Erin Hofmeyer  Yes
Ronald Kleinman  Yes
James Lee  Abstained
Paul McGhee  Absent
Timothy McIntire  Yes
Chad Miller  Abstained
Jennifer Wissinger  Yes

The motion carried.

The physical therapist assistant license of Nathan Kinnaird, is hereby placed on probation, effective May 18, 2017.

In the matter of case number PT-17-008, Curtis Wilson, after review of the evidence the Board makes the following findings of fact:

1. The Board had jurisdiction to conduct a hearing in this matter pursuant to Goldman v. State Medical Board of Ohio, 110 Ohio App. 3d 124, 673 N.E.2d 677 (1996).

2. Wilson did not apply for Ohio approval of the courses he completed in Florida. Wilson completed zero (0) contact hours of continuing education within the appropriate time period.

3. Wilson did not request a hearing on the aforementioned charge.

In the matter of case number PT-17-008, Curtis Wilson, after review of the evidence the Board makes the following conclusions of law:

1. Wilson was properly served with the Notice of Opportunity for Hearing pursuant to R.C. 119.07.

2. R.C. 119.07 required Wilson to request a hearing within thirty (30) days of the mailing of the Notice.


Action: Timothy McIntire moved to revoke the physical therapist assistant license of Curtis Wilson. Ronald Kleinman seconded the motion.

The Executive Director called roll:

Lynn Busdeker  Yes
Matthew Creed  Yes
Erin Hofmeyer  Yes
Ronald Kleinman  Yes
James Lee  Abstained
Paul McGhee  Absent
Timothy McIntire  Yes
Chad Miller  Abstained
Jennifer Wissinger  Yes

The motion carried.

The physical therapist assistant license of Curtis Wilson, is hereby revoked, effective May 18, 2017.
In the matter of case number PT-17-068, Barrett Dorko after review of the evidence the Board makes the following findings of fact:

1. The Board had jurisdiction to conduct a hearing in this matter pursuant to Goldman v. State Medical Board o/(Ohio), 110 Ohio App. 3d 124; 673 N.E.2d 677 (1996).

2. Dorko did not apply for or receive Ohio approval of the "San Diego Pain Summit" course he completed February 22, 2015. Dorko only completed thirteen (13) of the required twenty-four (24) hours of Ohio approved continuing education for the reporting period February 1, 2014 to January 31, 2016.

3. Dorko did not request a hearing on the aforementioned charge.

In the matter of case number PT-17-068, Barrett Dorko, after review of the evidence the Board makes the following conclusions of law:

1. Dorko was properly served with the Notice of Opportunity for Hearing pursuant to R.C. 119.07.

2. R.C. 119.07 required Dorko to request a hearing within thirty (30) days of the mailing of the Notice.

3. Dorko violated R.C. §§ 4755.47(A)(6) & (22) and 4755.51, and Ohio Admin. Code § 4755-23-08(A)(1), (D), (E)(2), & (F).

Action: Timothy McIntire moved to revoke the physical therapist assistant license of Barrett Dorko. Matthew Creed seconded the motion.

The Executive Director called roll:

Lynn Busdeker   Yes
Matthew Creed   Yes
Erin Hofmeyer   Yes
Ronald Kleinman Yes
James Lee       Abstained
Paul McGhee     Absent
Timothy McIntire Yes
Chad Miller     Abstained
Jennifer Wissinger   Yes

The motion carried.

The physical therapist assistant license of Barrett Dorko, is hereby revoked, effective May 18, 2018.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandates of this Board and serve the orders on PT-16-057, Nathan Kinnaird, PT-17-008, Curtis Wilson and PT-17-068, Barrett Dorko, in the manner prescribed by law.

This concludes the Matters of PT-16-057, Nathan Kinnaird, PT-17-008, Curtis Wilson and PT-17-068, Barrett Dorko.

Correspondence
The Section reviewed the correspondence and provided feedback to the PT Correspondence Liaisons.

Old Business
Revised Standard Responses
The Section will continue to work on updating the standard responses.
Revised FAQ’s
The Section will continue to work on updating the FAQs.

Proposed Language for FSBPT JAM
The Section reviewed the information provided by Lynn Busdeker. Ms. Busdeker will work on getting additional information from the State of Texas.

New Business
Discussion on PTNM Treatment
The Section gave an opportunity for correspondents to explain what PTNM Treatment and how it could be use in physical therapy practice. The Section thanked the guest for clarifying their questions.

BWT Proposed Rules
The Section review the BWC proposed rules and made no recommendations.

Review Disciplinary Guidelines
The Section requested that the disciplinary guidelines to be available through the Board’s sharepoint site.

Open Forum
The Section welcomed guest to the meeting. The Section briefly discussed reappointments. Board members seeking to be re-appointed to the Section must submit a new application.

Ronald Kleinman discussed the reinstatement application requirements for continuing education. The Section will continue to review reinstatement applications on a case by case basis.

The Section discussed creating an internal policy to only speak with the applicant directly in all cases. The Section/Board Staff will be mindful any applicants with disabilities, etc. The Executive Director will communicate this policy to the Board Staff.

Ohio Physical Therapy Association (OPTA) Report
Victoria Gresh, reported that OPTA will give proponent testimony on OPTA legislation HB 131. Ms. Gresh will forward the bill language to the Board for reference. Ms. Gresh further reported that OPTA will have new topics for the podcast.

Federation of State Boards for Physical Therapy (FSBPT) Report
There was no formal report.

Items for Next Meeting
Standard Items
FSBPT Jam

Next Meeting Date
The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, July 20, 2017.
Adjournment
There being no further business and no objections, James Lee adjourned the meeting at 3:37 pm.

Respectfully submitted,
Diane Moore

James Lee, PT, DPT, Chair
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, PT Section

Jennifer Wissinger, PT, Secretary
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, PT Section

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

JW:dm