

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board



Fiscal Year 2005 Annual Report



Letter to the Governor and General Assembly

Dear Governor Taft and Members of the 126th General Assembly:

On behalf of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board), we are pleased to submit this annual report for Fiscal Year 2005 in accordance with section 4755.04 of the Revised Code. This report highlights the work of the three sections of the 20-member Board, supported by a staff of 9 employees.

This report reflects the efforts made by the three sections of the Board to ensure that all persons licensed by the Board are properly qualified to provide the appropriate care to the citizens of Ohio. In addition to providing information on the financial picture of the Board, this report summarizes licensure activities and enforcement activities undertaken during the previous year.

In the past year, the Board continued to meet all obligations imposed by Chapter 4755. of the Revised Code. Licenses were issued to qualified individuals and renewed according to the Board's schedule and disciplinary action was taken with licensees violated the law regulating the practice of physical therapy, occupational therapy, or athletic training, as appropriate. All activities were geared towards fulfillment of the Board's mission and are described more fully in the body of the report.

The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board is committed to continue providing quality service to its licensees and to all citizens of Ohio. We thank you for your on-going support of the Board's efforts to enforce Chapter 4755. of the Ohio Revised Code.

Respectfully submitted,

Rebecca LeBron, OTR/L
Joint Board President

Jeffrey M. Rosa
Executive Director

Mission of the Board

The mission of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board is to actively promote and protect the health of the citizens of Ohio through effective regulation of the professions of occupational therapy, physical therapy, and athletic training.

Goals to achieve this mission include:

- Ensuring that individuals practicing occupational therapy, physical therapy, and athletic training meet sufficient standards of education, training, competence, and ethics, as defined in the laws and rules governing the profession.
- Investigate and discipline licensees whose practice falls below the minimal standards of care.
- Define and advocate for standards of safe OT, PT, AT practice, and ensure that the laws and rules governing the practice accurately reflect current standards.
- Provide information about the licensees of the OT PT AT Board, the Board's functions and operations, and the laws governing the practice of OT, PT, and AT.
- Achieve and maintain the highest possible levels of organizational efficiency.

History of the Board

In 1976, the 111th General Assembly established the Ohio Occupational Therapy Board for the purpose of licensing and regulating occupational therapists and occupational therapy assistants within Ohio. Chapter 4755. of the Ohio Revised Code was amended in 1977 creating the Ohio Occupational Therapy and Physical Therapy Board. Prior to 1977, the Medical Board regulated physical therapists. Physical therapist assistants were also included in the 1977 legislation, which established the Physical Therapy Section.

With the enactment of Senate Bill 80 in 1990, Chapter 4755. of the Ohio Revised Code was again amended to include the Athletic Trainers Section, thus creating the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

Duties of the Board

The Ohio Revised Code authorizes the Board to license practitioners of physical therapy, occupational therapy, and athletic training, either through examination or reciprocity. The licensure process involves evaluating the applicant's credentials and formal education, implementing testing procedures, and conducting hearings, if needed. The Board is also empowered to investigate complaints and concerns relative to alleged violations of Chapter 4755. of the Ohio Revised Code, which can result in the suspension or revocation of a license, or the refusal to issue or renew a license. In addition, the Board is permitted to subpoena witnesses in connection with investigations, make applications to courts when appropriate, and issue injunctions, restraining orders, or other actions, as may be appropriate and granted by a court.

Board Members and Staff

The Board is comprised of three sections that enforce the practice act of their respective profession. The Occupational Therapy Section consists of five occupational therapists. Although not an official member of the Board, one occupational therapy assistant serves as a liaison to the Occupational Therapy Section. The Physical Therapy Section consists of nine physical therapists, while the Athletic Trainers Section has four athletic trainers and one physician. The three sections combine for the joint board to discuss budgetary and administrative matters of the state agency. At the joint board, all Athletic Trainer and Occupational Therapy Section members serve, as well as five Physical Therapy Section members and one public member. Appendix A lists the members of the Board. Members are paid an hourly rate for each hour employed in the discharge of official duties. In addition, all members are reimbursed according to state travel rules for travel expenses.

In FY 2005, the Board employed nine full-time employees. The Executive Director oversees day-to-day operations. The table of organization includes:

Position	# of Full-Time Equivalents
Executive Director	1
Executive Secretary	1
Administrative Assistant	1
Certification Licensing Examiner	3
Enforcement Division Supervisor	1
Investigator	2

Licensure Activities

The licensure responsibilities of the three sections of the Board ensure that only individuals who meet certain standards of education, training, and competency are licensed in Ohio.

Type of License	# of New Licenses Issued in FY 2005	Total Active Licensees as of 6/30/05
Occupational Therapist	207	4,077
Occupational Therapy Assistants	148	2,372
Physical Therapist	306	6,327
Physical Therapist Assistants	213	4,232
Athletic Trainers	173	1,652
TOTAL	1,047	18,660

Fiscal Report

In fiscal year 2005, Board revenues, the majority from licensure fees, totaled \$852,251.56. Total spending in the fiscal year, not including encumbered moneys disbursed after June 30, 2005 was just under \$655,000. All told, in FY 2005, Board revenues exceeded expenditures by almost

\$200,000. The largest component of Board spending is for staff payroll. Almost 80 percent of FY 2005 spending occurred in SAC 6091 (Staff Payroll Account). Total spending in this SAC also included almost \$7,000 associated with administrative hearings held in accordance with Chapter 119. of the Revised Code. The following table illustrates the Board's revenues and expenditures for FY 2005.

<i>Expenditures</i>	
SAC 6091 (Staff Payroll Account)	\$522,586.64
SAC 6092 (Maintenance Account)	\$96,256.41
SAC 6093 (Equipment Account)	\$0
SAC 6099 (Refund Account)	\$420
SAC 6001 (Board Member Payroll)	\$24,187.77
SAC 6232 (Member Travel & Maintenance)	\$10,961.20
TOTAL EXPENDITURES	\$654,412.02
<i>Revenues</i>	
Income from OT Section	\$271,284.36
Income from PT Section	\$506,950.00
Income from AT Section	\$73,785.00
Income from Warrant Cancellation	\$232.20
TOTAL REVENUE	\$852,251.56

The Board is self-sustained through fees generated from applications for initial licensure, renewal fees, and other miscellaneous sources. Fees are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K9), a joint fund in which the fees from 22 other licensing boards are deposited. Each agency in the fund is required to generate revenue sufficient to meet its operating expenses. Although Board revenues exceeded expenditures, the Board may only spend up to the amount appropriated by the legislature, unless the Controlling Board approves an increase in appropriation authority.

Investigations and Enforcement

To ensure compliance with Chapter 4755. of the Revised Code, the Board employs three investigators to investigate complaints and conduct investigations. All complaints made to the Board must be in writing. When the Board receives a complaint, a case number is assigned and an investigator will determine whether the facts in the case support the alleged violation.

The investigator provides all information and a recommendation to the investigative committee of the appropriate section upon completion of the investigation. The investigative committee then reviews the complaints to determine if any disciplinary action is needed.

The following table outlines the investigation and enforcement actions taken by the Board during calendar year 2004. Since not all investigations result in disciplinary action, the number of investigations undertaken in CY 2004 exceed the number of disciplinary actions taken by the Board. In addition, in certain cases where the licensee entered into a consent agreement with the

Board, the disciplinary action may be listed in more than one category in the table below (e.g.: suspension *and* on-going monitoring).

	Occupational Therapy	Physical Therapy	Athletic Trainers	Total
Investigations	29	38	26	93
Inspections	10	13	5	28
<i>Consent Agreements</i>				
Suspensions	2	12	1	15
Reprimands	21	1	0	22
On-going Monitoring	22	5	21	48
Probation	0	0	17	17
Disciplinary Surrender	0	0	5	5
<i>R.C. 119. Hearings</i>				
Revocation	0	0	0	0
Suspension	0	1	0	1
<i>Cease and Desist Orders</i>	1	3	1	5

Operational Efficiencies

In FY 2005, the Board undertook significant steps to contain program costs to meet the mission of the agency. The measure employed by the Board included the following:

The three sections of the Board reduced the frequency of meetings from every four weeks to every six weeks. In addition to reducing the frequency of the meetings, the starting time of meetings was changed to significantly reduce the number of Board members requiring a hotel room the night before a meeting.

Other cost containment strategies included placing a greater emphasis on electronic documents. Instead of incurring the cost of printing and mailing initial licensure applications, the application and instructions were placed on the Board's website, where an applicant can download the document. In addition, annual newsletters will now only be published electronically, which will save on printing and mailing expenses. As a result of the website, the only application that must be printed and mailed are licensure renewal applications. In FY 2006, the Board will study the process to utilize the on-line renewal functions of the new CAVU licensing system.

In addition to posting information to the website, the Board recently started collecting licensee email addresses to establish a listserv. Utilization of the listserv will enable the Board to rapidly inform licensees and interested parties in a cost-efficient manner of information affecting the practice of occupational therapy, physical therapy, and athletic training.

Occupational Therapy Section

The Occupational Therapy Section completed many accomplishments in FY 2005. Some of these activities including increasing communications with the licensees and consumers through

increased use of the Board's website and newsletters and the adoption of a mandatory ethics requirement for license renewal.

The Section made many improvements in procedures during FY 2005 to improve efficiencies and effectiveness of the services provided to licensees and the general public. The Section delegated several administrative tasks to Board staff, including approval of licensure applications, review and approval of requests for continuing education activities, and drafting initial responses to Section correspondence.

To educate the public and licensees and the role of the Board and the occupational therapy practice act, the Board director and various Section members conducted presentations to graduating students, to licensees at a large hospital system, and at various meetings of the professional association.

The Section also worked on further defining appropriate practice areas for occupational therapy practitioners. For example, the Section drafted a written position statement on dysphagia and the role of the occupational therapy provider.

In FY 2005, long time OT Section member Sally Oberbeck resigned her appointment. In October 2004, Governor Taft appointed Paul Hoffer, the director of occupational therapy at Summit Behavioral Healthcare in Cincinnati, to complete the remainder of her term, which lasts until August 28, 2006. In addition, two current OT Section members were reappointed to new terms that last until August 28, 2007.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of occupational therapy. In FY 2005, the Section amended 10 rules and adopted three new rules. An additional 7 rules were reviewed as part of the five-year review process, after which the Section determined that no changes were necessary.

As part of its goals for FY 2006, the Section plans to increase the number of inspections conducted at non-traditional occupational therapy settings and at school-based settings. The Section also plans to continue its educational efforts by speaking to students, licensees, and the public at events sponsored by the state association, educational institutions, and large facilities. The Section also plans to enhance its jurisprudence examination to ensure the questions accurately reflect any changes made to the practice act. The Section also plans on working with the Ohio Occupational Therapy Association and the Ohio Department of Education to investigate issues impacting occupational therapy providers in school based settings.

In addition, the three sections of the Board collaboratively worked on suggested changes to Chapter 4755. of the Revised Code to clean up existing language and improve enforcement abilities for all three sections. Therefore, an additional goal of the three sections is to find a legislative sponsor who will reintroduce this proposed legislation.

Physical Therapy Section

As a result of these efficiencies, the number of outstanding open applications was reduced to one in this fiscal year. In FY 2005, the Section entered into an updated Memorandum of

Understanding with the Ohio Physical Therapy Association (OPTA) regarding the continuing education approval process. The Section also streamlined the activities of its Education Oversight Committee, the body that meets with applicants who either failed the National Physical Therapy Examination at least three times or those who have been out of active practice for more than three years.

In addition, the Section improved its procedures for reviewing the licensure applications for foreign trained physical therapists. After a year long review, the Section decided to only accept credential evaluations performed by the Foreign Credentialing Committee on Physical Therapy (FCCPT). The Section also voted to accept the Federation of State Boards of Physical Therapy's Coursework Evaluation Tool in lieu of the tool developed by the Section a few years ago.

To maintain communication with licensees in FY 2005, the Section presented at the Ohio Physical Therapy Association annual meeting and electronically published a newsletter.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of physical therapy. In FY 2005, the Section amended 12 rules and adopted one new rule. An additional 3 rules were reviewed as part of the five-year review process, after which the Section determined that no changes were necessary.

In FY 2005, the term of Board member Jim Hull ended. Beth Gustafson, the director of the physical therapist assistant program at Clark State Community College, replaced him. In addition to Beth, four current PT Section members were reappointed to new terms. The terms for these five individuals last until August 28, 2007.

Goals for FY 2006 include improvements to the Section's jurisprudence examination, which is required for all licensure applicants. The Section also plans to continue discussions about the activities of the Federation of State Boards of Physical Therapy and to increase awareness about the failure and re-take rate on the National Physical Therapy Examination.

To assist applicants seeking to reenter the profession, the Section plans to work with the physical therapy education programs in Ohio to develop a refresher course for individuals who have been out of practice for at least three years.

The Section also plans to examine a potential move towards continuing competency. In addition, the three sections of the Board collaboratively worked on suggested changes to Chapter 4755. of the Revised Code to clean up existing language and improve enforcement abilities for all three sections. Therefore, an additional goal of the three sections is to find a legislative sponsor who will reintroduce this proposed legislation.

Athletic Trainers Section

During FY 2005, the Athletic Trainers Section continued its enforcement of the athletic training practice act. The Section accomplished this by increasing their communication with licensees and members of the public through increased use of the Board's website. As a result of the website, the Section electronically published two newsletters in FY 2005.

The Section was also successful at efficiently regulating the profession by delegating several administrative tasks to Board staff. These delegated activities included approval of licensure applications for graduates of CAAHEP approved athletic training programs, review and approval of requests for approval of continuing education activities, and drafting initial responses to Section correspondence.

Another major responsibility of the Section is on-going review of the administrative rules governing the practice of athletic training. In FY 2005, the Section amended eight rules and adopted three new rules. An additional 5 rules were reviewed as part of the five-year review process, after which the Section determined that no changes were necessary. One major rule change was the adoption of a requirement that all licensees complete at least one hour of continuing education in professional ethics as part of the license renewal requirement.

In FY 2005, the term of Board member Dr. Randell Wexler ended. Dr. John Lombardo, the medical director of Max Sports Center in Columbus, replaced him. In addition, one current member of the AT Section was reappointed to a new term. The terms of both of these members last until August 28, 2007.

As part of its goals for FY 2006, the Section plans to continue increasing its interaction with its licensees and the citizens of Ohio and educating the public on the requirement for licensure to practice as an athletic trainer in Ohio. The Section also plans to increase the number of inspections performed to help ensure compliance with the athletic training practice act. The Section also plans to open dialogue with the Ohio Department of Education on issues related to the Pupil Activity Validation (PAV)/coaching certification program and the role of athletic trainers in school based settings.

In addition to continued review of administrative rules, all three sections of the Board collaboratively worked on suggested changes to Chapter 4755. of the Revised Code to clean up existing language and improve enforcement abilities for all three sections. Therefore, an additional goal of the three sections is to find a legislative sponsor who will reintroduce this proposed legislation.

APPENDIX A

ATHLETIC TRAINERS SECTION MEMBERS

Jody Benda, AT
AT Section Secretary
Ada, OH
Appointed term expires August 27, 2008

Kurt McClurg, AT
AT Section Chair
Joint Board Secretary
Bowling Green, OH
Appointed term expires August 27, 2007

Paul Miller, AT
Lewis Center, OH
Appointed term expires August 27, 2008

Vince O'Brien, AT
Columbus, OH
Appointed term expires August 27, 2006

John Lombardo, MD
Columbus, OH
Appointed term expires August 27, 2007

Randell Wexler, MD
Gahanna, OH
Appointed term expired August 27, 2004

OCCUPATIONAL THERAPY SECTION MEMBERS

Lois Borin, OT
OT Section Secretary
Powell, OH
Appointed term expires August 27, 2007

Martha Cameron, OT
OT Section Chair
Columbus, OH
Appointed term expires August 27, 2006

Paul Hoffer, OT
Cincinnati, OH
Appointed term expires August 27, 2006

Rebecca LeBron, OT
Joint Board President
Niles, OH
Appointed term expires August 27, 2008

Hector Merced, OT
Cleveland, OH
Appointed term expires August 27, 2007

Sally C. Oberbeck, OT
Dayton, OH
Resigned appointment on October 1, 2004

PUBLIC MEMBER

Gary Weiss, Public Member
Brecksville, OH
Appointed term expires August 27, 2008

Thomas G. Vignos, Public Member
North Canton, OH
Appointed term expired August 27, 2005

APPENDIX A

PHYSICAL THERAPY SECTION MEMBERS

Donna F. Baker, PT
PT Section Secretary
Hamilton, OH
Appointed term expires August 27, 2006

Raymond Bilecki, PT
Columbia Station, OH
Appointed term expires August 27, 2008

Thomas Caldwell, PT, AT
Galena, OH
Appointed term expires August 27, 2008

Robert Frampton, PT
Findlay, OH
Appointed term expires August 27, 2006

Michael P. Herbert, PT
Tiffin, OH
Appointed term expires August 27, 2007

Beth Gustafson, PT
Urbana, OH
Appointed term expires August 27, 2007

Janet Howells, PT
Gahanna, OH
Appointed term expires August 27, 2007

Barb Kraynik, PT
PT Section Chair
Canton, OH
Appointed term expires August 27, 2007

Averell R. Overby, PT
Athens, OH
Appointed term expires August 27, 2007

Sandra Pomeroy, PT
Franklin, OH
Appointed term expires August 27, 2005

James L. Hull, PT
Mansfield, OH
Appointed term expired August 27, 2004

Amy S. Heilmann-Rocco, PT
Columbus, OH
Appointed term expired August 27, 2005

Sandra Pomeroy, PT
Franklin, OH
Appointed term expired August 27, 2005