

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Occupational Therapy Section
November 15, 2005
East B
9:00 a.m.

Members Present

Lois Borin, OTR/L
Martha Cameron, OTR/L
Paul Hoffer, OTR/L
Hector Merced, OTR/L

Members Absent

Rebecca LeBron, OTR/L

Legal Counsel

Steven McGann, AAG

Staff

Joseph Kirk, Administrative Assistant
Gina Longstreth, Investigator
Jeffrey Rosa, Executive Director
Jason Schutte, Investigator
Stephanie Youst, Executive Secretary

Guests

Jackie Chamberlin, OOTA Liaison
Cindy Kief, OTA Advisor

Call to Order

Martha Cameron, Chairperson, called the meeting to order at 9:00 a.m.

Approval of Minutes

Action: Hector Merced moved to approve the September 22, 2005, minutes as corrected. Lois Borin seconded the motion. The motion carried.

Special Orders

Administration

Action: Martha Cameron moved to authorize the Executive Director to accept or reject consent agreements on the Section's behalf for the period beginning January 1, 2006 and ending December 31, 2006. Hector Merced seconded the motion. The motion carried.

Executive Director's Report

- Senate Bill 222, which would repeal the consolidation portion of the budget bill, was introduced in the Senate.
- The consolidation transition team met and voted to transfer all 20 boards and commissions to the Ohio Department of Commerce and create the Division of Professional Regulation.
 - The appointing authority would change from the members of each Board to the Superintendent of the Division of Professional Regulation. The transition team envisions the same hiring process that is currently in place for Board directors and the only structural change would be in who is signing the personnel action when someone is hired or fired.
- The listserv for all three Sections is up and running. The responses received from practitioners thus far have been favorable.
- The Athletic Trainers Section will be the first to implement online renewal via the CAVU licensing system. The renewal will begin in February 2006.
- The Speech Pathology and Audiology Board is in the process of developing online applications. The Executive Director wants to wait to develop online applications for the Board until the Speech Pathology and Audiology Board works out any problems.
- The Executive Director attended the National Board for Certification in Occupational Therapy, Inc. meeting in October. The focus of the meeting was on foreign educated healthcare professionals.
 - In 2007, the shift to a required Master's level entry degree for occupational therapists will affect the foreign educated therapists and NBCOT is currently looking at ways to assist them.
- Representative Fessler introduced the Joint Board legislation into the House of Representatives as House Bill 403.
 - Rebecca LeBron joined the Section via conference call to discuss the legislation.
 - The occupational therapy portion of the legislation has all of the provisions the Section requested.

- The Section made several changes to the version of the bill that was introduced and instructed the Executive Director to make the changes and forward them to Representative Fessler for inclusion in an amendment.
- A formal written report is attached to the minutes for reference.

Administrative Reports

Continuing Education Report

Action: Martha Cameron moved to approve 115 applications for contact hour approval. Lois Borin seconded the motion. The motion carried.

Action: Martha Cameron moved to deny 8 applications for contact hour approval for not meeting the requirements of rule 4755-9-01 of the Administrative Code. Lois Borin seconded the motion. The motion carried.

Licensure Report

Action: Paul Hoffer moved that the Occupational Therapy Section ratify, as submitted, the licenses and limited permits initially issued by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board September 23, 2005 through November 14, 2005 to occupational therapists and occupational therapy assistants, pending receipt of any outstanding items and passage of the laws and rules examination, taking into account those licenses subject to discipline, surrender, or non-renewal. Martha Cameron seconded the motion. The motion carried.

Occupational Therapist – Examination

Bakker, Jill	Cochran, Kristen	Stricker, Jessica
Campbell, Sims	Jennings, Kristy	
Cicigoj, Barbara	Rowland, Kelly	

Occupational Therapy Assistant – Examination

Barnes, Vivian	Diegel, Pamela	Prosser, Karisa
Bonifas, Susan	Foebar, Sarah	Scott, Amanda
Canter, Alison	Horner, Megan	Williams, Mary

Occupational Therapist – Endorsement

Amrhein, Valerie	Gamelin, Tia	Lebens, Susan
Aubuchon, Carolyn	Gregory, Carnitta	Preis, Rivka
Cantrell, Jessica	Huster, Christi	

Occupational Therapy Assistant – Endorsement

Mims, Tiffany

Occupational Therapist – Limited Permit

DeBlasi, Julieann

Occupational Therapy Assistant – Limited Permit

Asher, Nakina	Hail, Diane	Monroy-Cubie, Mirna
D'Angelo, Sarah	Haller, Lori	Weiss-Duchossois, Linda
Dill, Chelynn	Metcalfe, Stephanie	
Forster, Allison	Miller, Jill	

Occupational Therapist – Reinstatement

Artis, Barry

Keckler, Amanda

Occupational Therapy Assistant – Reinstatement

Bunch, Laura

Robbins, Craig

Occupational Therapist – Restoration

France, Lynda

Marsh, Charliss

Paskoff, Tracy

Gueli, Dawn

Obringer, Meg

Occupational Therapy Assistant – Restoration

Ferguson, Jennifer

Action: Martha Cameron moved that the Occupational Therapy Section approve, pending receipt of any outstanding items and passage of the laws and rules examination, the following reinstatement applicant. Lois Borin seconded the motion. The motion carried.

Occupational Therapy – Reinstatement

Jill Anderson

Action: Paul Hoffer proposed to deny the reinstatement application for Kenneth J. Peisecki for not meeting the requirements specified in section 4755.01 (A) of the Ohio Revised Code, which requires all licensees to be able to evaluate and analyze situations and clients to perform tasks that are considered occupational therapy.

Rationale Statement:

The neuropsychological assessment performed by Denise Rabold, Ph.D., MA, CCC-SP indicated that Mr. Peisecki exhibits deficits in the area of information processing, displays weaknesses in processing speed, mental management of information, sustained (nonverbal) auditory attention, and auditory delayed memory, and is distractible and at times has difficulty attending to essential detail.

Hector Merced seconded the motion. The motion carried by unanimous vote.

Investigative Report

The Enforcement Division opened one new case and closed one case since the September 22, 2005 meeting. There are currently three cases open and two active consent agreements. There were no inspections conducted since the last meeting.

Correspondence

1. Janine Telischak: Ms. Telischak asked the Section to clarify the need and length of a physician's prescription for occupational therapy services. **Action:** Occupational therapists are not required to have a physician's prescription to evaluate or treat patients in the State of Ohio. However, accrediting bodies and reimbursement agencies may have other requirements and guidelines that need to be met for reimbursement of occupational therapy services. In regard to the continuation of services once a prescription expires, rule 4755-7-08 (A)(1)(c) states, "Occupational therapy practitioners shall make every effort to advocate for recipients to obtain needed services through available means." There is nothing in the Ohio Occupational Therapy Practice Act that requires an occupational therapy practitioner to obtain additional doctor's orders to extend a patient/client's treatment.
2. Monica Robinson: Ms. Robinson asked the Section to clarify the supervision requirement for occupational therapists. **Action:** A full-time occupational therapist, when maintaining a separate caseload, may supervise no more than four full-time limited permit holders and/or occupational therapy assistants. If the occupational

therapist is only providing client evaluations and supervision and does not have a separate caseload, the occupational therapist may supervise six full-time limited permit holders and/or occupational therapy assistants. The number of limited permit holders and/or occupational therapy assistants that a part-time occupational therapist may supervise is proportionate to the number of hours worked by that occupational therapist. As far as blending treatment with the evaluation, the definition of occupational therapy, per section 4755.01(A) of the Ohio Revised Code, states: "Occupational therapy" means the evaluation of learning and performance skills and the analysis, selection, and adaptation of activities for an individual whose abilities to cope with daily living, perform tasks normally performed at the individual's stage of development, and perform vocational tasks are threatened or impaired by developmental deficiencies, the aging process, environmental deprivation, or physical, psychological, or social injury or illness, through specific techniques which include:

- (1) Planning and implementing activities and programs to improve sensory and motor functioning at the level of performance normal for the individual's stage of development;
- (2) Teaching skills, behaviors, and attitudes crucial to the individual's independent, productive, and satisfying social functioning;
- (3) Designing, fabricating, applying, recommending, and instructing in the use of selected orthotic or prosthetic devices and other equipment which assists the individual to adapt to the individual's potential or actual impairment;
- (4) Analyzing, selecting, and adapting activities to maintain the individual's optimal performance of tasks and to prevent further disability;
- (5) Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

Therefore, it is the opinion of the Section that if a supervising occupational therapist is evaluating a patient and sees a need for treatment to be interspersed with the evaluation, that would not be a violation of the Ohio Occupational Therapy Practice Act.

3. Ahsa Asher: Ms. Asher asked the Section if the Ohio Occupational Therapy Practice Act specifies a retention schedule for patient/client documentation in various settings. **Action:** There is nothing in the Ohio Occupational Therapy Practice Act that regulates the length of time a therapist and/or facility must retain patient/client data. The Section recommends consulting with legal counsel, facility management, and the Ohio Department of Education regarding a record retention schedule that will be suitable for the situations described in Ms. Asher's correspondence.
4. Pat Collins: Ms. Collins asked the Section if an occupational therapy assistant can document recommendations in a patient/client medical record. **Action:** Rule 4755-7-03(B) of the Ohio Administrative Code states, "The occupational therapy assistant may contribute to and collaborate in: (1)The evaluation process by gathering data, administering standardized tests and/or objective measurement tools, and reporting observations. (2) The preparation, implementation and documentation of the treatment/intervention plan and the discharge plan. (3)Choosing the appropriate treatment interventions." An occupational therapy assistant may document recommendations in a patient/client medical record, but all documentation must be signed by the supervising occupational therapist indicating that the supervising occupational therapist reviewed and agreed with the recommendations made by the occupational therapy assistant.
5. Ryan Alley: Mr. Alley asked the Section if it is legal for occupational and physical therapy practitioners to perform a screen to identify and refer to the disciplines for professional services. **Action:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits healthcare practitioners from completing screens and making referrals. Rule 4755-7-08(A)(1)(c) of the Ohio Administrative Code states, "Occupational therapy practitioners shall make every effort to advocate for recipients to obtain needed services through available means." In addition, rule 4755-7-08(A)(4)(e) states, "Occupational therapy practitioners shall refer to or consult with other service providers whenever such a referral or consultation would be helpful to the care of the recipient of service. The referral or consultation process should be done in collaboration with the recipient of service."
6. Stacey Biddle: Ms. Biddle asked the Section several questions regarding appropriate guidelines for medical documentation. **Action:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits a

therapist from making late entries into patient/client records. However, the items added to the record may only be information that is an accurate statement of the facts. The Section recommends that when making a late entry into a patient/client record, only include information that was initially omitted or that was originally forgotten to be entered about a portion of the treatment. When making late entries into the patient/client record, it is imperative that the therapist date the late entry with the current date the therapist entered the new information. One example may be, "Late Entry: 10-20-2005: Ms. Smith received....."

7. John Yachanin: Mr. Yachanin asked the Section to clarify how an injury is designated as needing occupational therapy. **Action:** The Section recommends that Mr. Yachanin and an occupational therapist from the Cleveland Clinic contact his current healthcare provider, North American Administrators. The Section recommends that the occupational therapist provide the insurance company with the information on the specifics and relevancy of the treatment based on the physician prescription for treatment.
8. Ellen Winney: Ms. Winney asked the Section to clarify how she should sign her client documentation. **Action:** It is the opinion of the Occupational Therapy Section that Ms. Winney sign the documentation referred to in her letter as "Ellen D. (Lisy) Winney, OTR/L". This will provide anyone auditing the documentation with her maiden name, which is the name she provided the treatment under, and her married name, which is currently on file with the Board.
9. Diane Crecelius: Ms. Crecelius asked the Section if it is legal for a billing department to add codes for billing when the therapist has documented that the service was provided in the treatment note. **Action:** Billing and reimbursement issues are not within the jurisdiction of the Occupational Therapy Section. The Section recommends that Ms. Crecelius contact the third party payors regarding billing and reimbursement issues. Rule 4755-7-08(A)(1)(b) of the Ohio Revised Code states, "(A) Pursuant to section 4755.05(E) of the Revised Code, the standard of ethical conduct in the practice of occupational therapy will be as follows: (1) Occupational therapy practitioner shall demonstrate a concern for the well-being of the recipients of their services. (b) Occupational therapy practitioners shall strive to ensure that fees are fair, reasonable, and commensurate with services performed." Therefore, it is the occupational therapy practitioner's responsibility to note the treatment type and the time spent on each treatment with each client in the client's record. Many departments or offices have billing/service logs that can be utilized by the practitioner to mark the appropriate billing codes and the length of time spent on each type of service provided. The Section recommends that you consult with other occupational therapy departments in similar settings to assist you with developing a successful system for recording/reporting services for billing purposes.
10. Jan Brecht: Ms. Brecht asked the Section if a therapy aide can provide exercises and do standing programs under the supervision of an occupational therapy assistant. **Action:** As stated in rule 4755-7-02 of the Ohio Administrative Code, licensed occupational therapy practitioners may delegate non-treatment tasks to unlicensed personnel. Some examples of allowable delegation include department maintenance, transport of patients, preparation of work area, assisting with patient's personal needs during treatment, assisting in the construction of adaptive equipment and splints, and other clerical or administrative functions. The following all violate the Ohio Occupational Therapy Practice Act: (1) Delegating evaluative procedures; (2) Delegating treatment procedures; (3) Documenting in the client's official record; and (4) Acting on behalf of the occupational therapist in any matter related to occupational therapy that requires decision making. Professionals holding a license other than an occupational therapy license are considered unlicensed personnel in the provision of occupational therapy services. Therefore, the occupational therapy practitioner may not delegate the above tasks to professionals such as licensed nurses, physical therapists, physical therapist assistants, speech language pathologists, etc. A therapy aide is considered unlicensed personnel and cannot carry out treatment and services to be billed as occupational therapy. Pursuant to section 4755.10 (A)(11) of the Revised Code, a licensed occupational therapist may face disciplinary action if he/she delegates the tasks indicated in rule 4755-7-02 (B) of the Ohio Administrative Code to unlicensed personnel. Occupational therapists are trained and can assess and/or recommend feeding programs for patients/clients. The Section recommends that for further clarification, refer to the position statement on dysphagia under publications on the Board website.

11. Andrea Dexter: Ms. Dexter asked the Section to clarify the role of developmental therapists. **Action:** The Section had no written response for Ms. Dexter. The Executive Director spoke with Ms. Dexter via the phone and clarified her situation verbally.
12. Mary Michener: Ms. Michener asked the Section if her supervising occupational therapist can still supervise her while the supervising occupational therapist is on maternity leave. **Action:** Supervision must ensure consumer protection. The supervising occupational therapist must determine that the occupational therapy assistant possesses a current license to practice occupational therapy prior to allowing him or her to practice. Supervision requires initial directions and periodic inspection of the service delivery and relevant in-service training. The supervising licensed occupational therapist need not be on-site, but must be available for consultation with the occupational therapy assistant at all times. The supervising occupational therapist must provide supervision at least once per week for all occupational therapy assistants who are in their first year of practice. Occupational therapy assistants beyond their first year of practice must be supervised at least once per month. Evidence must be established, either in the client records or in a separate document, that the supervision took place. The primary concern would be the employment status of the occupational therapist. Will her ability to supervise and be available for supervisory/evaluative duties jeopardize her maternity leave status? The supervising occupational therapist must be available, even while she is on leave, to personally complete MFE's, evaluate new students, and supervise the occupational therapy assistant. The occupational therapist must also complete the treatment plan and make changes to the plan. The occupational therapy assistant can perform treatment and attend the IEP meetings to report progress. However, if changes to the treatment plan occur, it is the responsibility of the assistant to collaborate with the occupational therapist to incorporate those changes. One way to ensure appropriate supervision by the occupational therapist is to keep a supervision log that the therapist can review and co-sign.

Old Business

Report on School Based Therapy Issues, OOTA, and ODE

- The Executive Director, Lois Borin, and Brenda George Brodbeck met with representatives from the Ohio Department of Education (ODE) to discuss the use of occupational therapy practitioners in school based settings.
- The Executive Director and Ms. Borin wanted to impress upon the ODE representatives the importance of communicating with the Board when updating or revising their rules dealing with occupational therapy practitioners in school based settings to allow the Board a chance to comment.
- Mike Armstrong, the director of ODE's Office for Exceptional Children, informed the Executive Director that in the future the Department will consult with the Board prior to making changes to their rules and regulations.
 - Mr. Armstrong suggested that Ms. Brodbeck or Ms. Borin present to the Ohio Principal's Association to discuss the importance of the relationship occupational therapists and occupational therapy assistants have, particularly in a school based occupational therapy setting.
- The Section instructed the Executive Director to send Mr. Armstrong a thank you note for meeting with them and the willingness of ODE to discuss the issues relating to occupational therapy practice in school based settings.
- The Executive Director mentioned that ODE will no longer allow occupational therapy assistants to practice in school based settings unless they have an Associates degree. It is believed this change, which occurred approximately five years ago, is a result of mandates contained in the federal No Child Left Behind law.

Discussion Regarding Aides

- This discussion was tabled until the January 5, 2006 meeting.

Discussion of the Section's Ability to Regulate Students

- Currently ACOTE governs student regulations. The Section is comfortable with allowing ACOTE and the educational programs to be responsible for governing students who are completing their fieldwork.
- The Executive Director suggested several changes to rules 4755-7-01 and 4755-7-02 to clarify that the Section is regulating the licensed supervisors of students and is not attempting to regulate students.
- The Section agreed with the Executive Director and he will present those changes for review at a later date.

New Business

2006 Rule Changes:

The Section reviewed the following rules:

- 4755-5-10 Waiver of Fees
- 4755-7-02 Delegation of tasks to unlicensed persons.

The Section decided to only make the proposed change in paragraph (A) of the document prepared by the staff, which deletes the word “assessive” and changes “insuring” to “ensuring.” The Section decided not to file the proposed new language outlining performance of occupational therapy treatment procedures performed by unlicensed individuals.

Action: Lois Borin moved to file rule 4755-5-10 as a new rule. Hector Merced seconded the motion. The motion carried.

Action: Lois Borin moved to file amended rule 4755-7-02. Hector Merced seconded the motion. The motion carried.

Standard Response Review

- The Section reviewed the draft standard response on co-signatures and tabled it until the January 5, 2006 meeting.

Continuing Education Requirements for First Time Renewing Licensees

- The office staff requested clarification from the Section on their interpretation of the timeframe during which a licensee who was renewing for the first time could complete their continuing education requirements.
- The Section informed the Executive Director that licensees required to complete continuing education who are renewing for the first time have the full two year period prior to their initial date of licensure to complete their continuing education.

Supervision Required for an Occupational Therapy Assistant Serving as an Educator

- The Section discussed if an occupational therapy assistant serving as an educator at a college or university requires supervision.
- After much discussion, the Section determined that the ACOTE standards may change in 2007 allowing occupational therapy assistants to become educators, but will require that an occupational therapist be on staff to supervise them. Therefore, this is not an issue at this time.

Use of Credentials

- The Section discussed practitioners using their credentials when they are not providing occupational therapy services.
- The Section asked the Assistant Attorney General to research the topic and present his findings at the January 5, 2006 meeting.
- The topic was tabled until the January 5, 2006 meeting.

Continuing Education: AOTA and the Board

- The Section discussed several continuing education topics that have been approved by AOTA Approved Provider but were denied by the Board.
- Section members will look for courses they receive and submit them to the Executive Director to present to Karen Smith with AOTA.
- The Executive Director and Ms. Smith will discuss the reasons the courses were denied by the Section but approved by the AOTA Approved Provider.

NBCOT Black Out Period

- Ann Harper from Ohio State University contacted the Executive Director regarding the December 17, 2005 through January 2, 2006 black out period for NBCOT examination registration and its impact on issuing limited permits for graduates of the OSU occupational therapy program.

- The Section discussed issuing limited permits during that period, but decided that they will not issue limited permits without proper proof of examination registration, which will be available after January 2, 2006.

Developmental Therapists

- The Section discussed the use of developmental therapists in the provision of occupational therapy services because of a correspondence received from an occupational therapist working for the Miami County Board of MRDD. They are in the process of changing the titles of early intervention specialists to developmental therapists.
- The Executive Director is trying to locate a job description for a developmental therapist, but at this time, the issue does not seem to fall within the jurisdiction of the Section.

Assistant Attorney General's Report

- Steven McGann had no report for the Section.
- The Section asked Mr. McGann to research the following:
 - The use of practitioners' credentials when they are not providing occupational therapy services.
 - If an unlicensed person can serve as an extension of a licensed therapist.

OTA Report

- Jackie Chamberlin informed the Section that the association has been active in opposing the proposed Board consolidation. They have been meeting with various Senators and Representatives to express their concerns about what would happen if consolidation goes through.

Preparation for the Next Meeting

- The Section will hold a rules hearing at 1 p.m.
- The Section will discuss the use of aides in the provision of occupational therapy services and Mr. McGann will present his findings on the use of aides as well.
- The Section will discuss the use of practitioners' credentials when they are not providing occupational therapy services and Mr. McGann will present his findings on the use of credentials as well.
- The Section will review the updated draft of the co-signature standard response.

Next Meeting Date

The next meeting date of the Occupational Therapy Section will be Thursday, January 5, 2006.

Action: Lois Borin moved to adjourn the meeting. Paul Hoffer seconded the motion. The motion carried. The meeting adjourned at 3:10 p.m.

Respectfully submitted
Stephanie K. Youst

Martha Cameron, OTR/L, Chairperson

Lois Borin, OTR/L, Secretary

Jeffrey M. Rosa, Executive Director

LB:jmr:sky