



Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
Bob Taft
Executive Director
Jeffrey M. Rosa

Occupational Therapy Section

June 13, 2006
East B
9 a.m.

Members Present

Martha Cameron, OTR/L
Lois Borin, OTR/L (1:00 to 1:15pm)
Hector Merced, OTR/L
Rebecca LeBron, OTR/L

Legal Counsel

P.R. Casey IV, AAG (Absent)

Staff

Lisa Foor, Enforcement Division Supervisor
Joseph Kirk, Administrative Assistant
Gina Longstreth, Investigator
Jeffrey Rosa, Executive Director
Jason Schutte, Investigator
Stephanie Youst, Executive Secretary

Guests

Jackie Chamberlin, OOTA Liaison
Tracy Intihar

Call to Order

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

Approval of Minutes

Action: Hector Merced moved to approve the May 11, 2006 minutes as submitted. Rebecca LeBron seconded the motion. Lois Borin was absent. The motion carried.

Executive Session

Martha Cameron moved that the Section go into executive session to discuss personnel matters.

Roll Call Vote:

Lois Borin	Absent
Martha Cameron	Yes
Hector Merced	Yes
Rebecca LeBron	Yes

The Section went into executive session at 9:15 a.m. and came out at 9:30 a.m. No action was taken.

Executive Directors Report

- The Executive Director informed the Section that the occupational therapy license renewal would be wrapping up at the end of the month and that second renewal notices were sent to about 1,400 licensees on June 12, 2006.
- The Executive Director informed the Section members that he had been attending meetings on pandemic flu preparation.
 - The assumption is that licensing and renewal of licenses for the Board are not going to be viewed as essential in the case of a pandemic flu outbreak. The only reason work would need to be done would be if there is a public protection emergency while the outbreak is ongoing.
- The Executive Director updated the Section on the end of the fiscal year plans for encumbrances and purchases.

- The Enforcement Division informed the Section members that Stacy Winger complied with all terms and conditions and will be released from her consent agreement.

Action: Rebecca LeBron moved to issue a Notice of Opportunity for Hearing for case number OT06-006 for being convicted of offenses involving moral turpitude. Martha Cameron seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Correspondence

1. **Sue Bortz-Sonnenberg:** Ms. Bortz-Sonnenberg asked the Section if it is illegal to transfer the documentation written by her supervising occupational therapist into the computer system and then print out the notes for the supervising occupational therapy to sign and date. **Action:** There is nothing in the Ohio Occupational Therapy Practice Act that would prohibit an occupational therapy assistant from transferring the supervising occupational therapists notes from paper to computer and then printing them for the occupational therapy assistant to sign. The Section recommends that Ms. Bortz-Sonnenberg review rule 4755-7-03 of the Ohio Administrative Code in its entirety to discern what is appropriate for an occupational therapist to delegate to an occupational therapy assistant.
2. **William Miller:** Mr. Miller asked the Section if an occupational therapy practitioner must be certified to teach a drivers education course to clients utilizing adaptive controls. **Action:** There is nothing in the Ohio Occupational Therapy Practice act that requires a driving instructor to obtain certification in order to teach a client to drive with adaptive controls. However, third party payors or insurance providers may have additional requirements for reimbursement purposes.
3. **Natalie Koester:** Ms. Koester asked the Section how to bill for services rendered to clients at an MRDD school facility in her community. **Action:** The Section does not determine policy regarding how children qualify for occupational therapy services in a school setting. The Section recommends contacting the Ohio Department of Education, Office for Exceptional Children at www.ode.state.oh.us. It is also not within the jurisdiction of the Occupational Therapy Section to render billing and reimbursement advice. The Section recommends that Ms. Koester contact the Ohio Occupational Therapy Association's pediatrics member support group chair who may be able to assist her with many of her questions regarding school based IEP issues, as well as questions regarding funding. In addition, the ratio establishing the number of occupational therapy assistants that an occupational therapist may supervise is established by the Occupational Therapy Section in rule and is not setting specific. The Ohio Occupational Therapy Practice Act remains the same in all practice settings where occupational therapy is provided.
4. **Nancy Hutchinson:** Ms. Hutchinson asked the Section if a person assisting a licensed occupational therapist needs to be licensed as an occupational therapy assistant. **Action:** Rule 4755-7-03 of the Ohio Administrative Code, states in part, that occupational therapy assistants scope of practice includes: "The supervising occupational therapist shall determine the occupational therapy treatment/intervention plan that the occupational therapy assistants may implement. In making this determination, the supervising occupational therapist shall consider the following: the clinical complexity of the patient/client, competency of the occupational therapy assistant, the occupational assistant's level of training in the treatment/intervention technique, and whether continual reassessment of the patient/client's status is needed during treatment/intervention. This rule shall not preclude the occupational therapy assistant from responding to acute changes in the patient/client's condition that warrant immediate action. (B) 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. (C) The occupational therapy assistant may independently: (1) Select the daily modality of choice according to the established treatment/intervention plan. (2) Document the progress and outcomes summary. (D)The occupational therapy assistant may not evaluate independently or initiate treatment/intervention before the supervising occupational therapist performs an evaluation/assessment." In regard to unlicensed persons, 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 therapy assistants, speech language pathologists, etc. 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.

5. **Lori Ringley:** Ms. Ringley asked the Section to clarify the scope of occupational therapy practice including referrals, gait training, and back/intervention treatments. **Action:** Referrals are not required for occupational therapy services to be provided, as occupational therapists in Ohio have direct access. However, third party payors or other entities may have different requirements for reimbursement purposes. Gait training is not within the scope of occupational therapy practice. Occupational therapy educational programs do teach spinal anatomy and acute back interventions; however, the Ohio Occupational Therapy Practice Act does not specify what is or is not included in occupational therapy education programs. In order to determine if specific courses are taught as part of the occupational therapy curriculum, the Section recommends that Ms. Ringley contact the programs directly or contact the Accreditation Council for Occupational Therapy Education (ACOTE) to determine if specific mandates for occupational therapy curriculums. (<http://www.aota.org> and select the ACOTE Accreditation link) The Occupational Therapy Practice Act allows flexibility in the treatments each licensed occupational therapy practitioner can perform based on the individual's knowledge, skills, and ability. The practice act does not specifically name the body parts that occupational therapy practitioners may or may not treat. Please keep in mind that occupational and physical therapy treatments are not interchangeable. If the problem was addressed in the occupational therapy evaluation and plan of care, the occupational therapist can address those issues. Each discipline may work on the same problems, but may use different treatment methods to address the specific problems based on their individual plan of care.
6. **Karen Waid:** Ms. Waid asked the Section if an occupational therapy practitioner can be involved in the set up of medications for patients. **Action:** The set up of medications is not within the jurisdiction of the Section. The Section directed Ms. Waid to contact the Ohio State Board of Pharmacy at 77 South High Street, Room 1702, Columbus, Ohio 43215-6126 or (614) 466-4143.
7. **Tara Grigsby:** Ms. Grigsby asked the Section if occupational therapists are able to use modalities in the treatment of pressure areas. **Action:** 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 this 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 function 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 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 his potential or actual impairment; 4) Analyzing, selecting, and adapting activities to maintain the individual's optimal performance of tasks and to prevent further disability; and 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 position of the Occupational Therapy Section that occupational therapy practitioners may use physical agent modalities in the provision of occupational therapy services provided that the therapist documents competency in the modality and is practicing within the occupational therapy scope of practice.
8. **Pamela Braley:** Ms. Braley asked the Section if direct evaluations would need to be provided if direct therapy was not going to be provided in group classes for children with special needs/disabilities. **Action:** If Ms. Braley is not billing or providing occupational therapy services, and the patients are aware that they are not receiving occupational therapy services, an evaluation would not be required. However, if the program

becomes insurance funded, evaluations will then be required because she will be billing and being reimbursed for providing occupational therapy services.

Old Business

Use of Aides

This was covered while the Section was completing the rule review portion. However, the survey, which was modified from its original version, was redrafted. The survey will be 10 questions long and will have one open ended question at the end. If the survey is distributed at the end of the Board's presentation at the OOTA Annual Meeting, people will be given 5 minutes for the 10 questions plus 5 minutes for the open ended question. The list of which tasks OT aides currently perform will be as follows:

- Prepares work area and clean up
- Stands by while the client finishes a task
- Covers for the occupational therapist when they need to leave the client for a few moments
- Transports the client to/from the occupational therapy work area
- Restocks and orders supplies
- Assists the client in treatment
- Reports client observations to the supervising occupational therapist
- Assists in group therapy situations
- Takes care of the client's personal needs during treatment sessions
- Assists in the construction of adaptive equipment/splints
- The open ended question will be: Do you feel that aides could be used as "service extenders" to provide better/more inclusive treatment for your clients. If so, how do you see aides being used and what type of regulation should be in place for safety?

Enforcement Division Collaboration Log Draft

- The Section members reviewed the draft of the collaboration log and made several changes.
- The Section members discussed the usefulness of the log and the problems that practitioners may encounter when trying to use the log in various practice settings. The Section discussed that in the ideal world, the collaboration would be documented in the patient record.
- The Section discussed using patient names on the log and decided that the log is useless unless the patient names are available. It is the practitioner's responsibility to ensure that the log is kept confidential, which is their responsibility under HIPAA.
- The Section also determined that the logs should not be removed from the facility where they originated and that each occupational therapy assistant should be responsible for the log.
- Each log would be designed for one per occupational therapy assistant and one per facility.

Rule Changes for 2007

- The Section reviewed rules 4755-3-05, 4755-5-07, and 4755-3-13. Those rules were fine without any changes.
- Rule 4755-7-02, which deals with the delegation of tasks to unlicensed persons, is not going to be changed during the upcoming rule review. However, since the Section is currently looking at the use of aides in occupational therapy practice, it may be changed in 2008.
 - Jackie Chamberlin informed the Section that OOTA is concerned that aides will decrease the necessity for occupational therapy assistants, but have not decided to support or oppose the proposed change by the Section at this time.
 - Rebecca LeBron informed the Section that aides are just used as another pair of eyes/hands to assist the occupational therapy practitioner and that they would not take away from the occupational therapy assistant's job because they would not be able to perform treatments or manage caseloads.
 - To gather public input, the Section is working on a survey to pass out at the OOTA conference in the fall and will also plan to make a poster regarding the use of aides in the provision of occupational therapy services.
 - The Executive Director will put together a list of what aides can/can not do, language clarifying that an aide may not perform the same duties a licensed person can perform and will define what an aide is. He will also rewrite the proposed rule to make the current (D) its own rule.

- The Section reviewed the proposed changes to rule 4755-3-01 and made one change. They are changing the word licensure in (E)(2) to credentialing.

OOTA Conference/Licensure Forum

- The Board members discussed their presentation at the OOTA conference in September. They will be presenting from 3:30 p.m. to 5 p.m. on September 29. The assignments for the presentation are as follows:
 - Jeff Rosa will present an overview of the recently implemented and proposed rule changes (leading into discussion on use of aides), an overview of the online renewal process, and the status of the proposed Joint Board legislation.
 - Lois Borin will review the Section's accomplishments for 2006 and discuss the 2007 goals.
 - Rebecca LeBron will discuss the use of aides, the investigative process, the use of collaboration logs, and the collaborative process. Hector Merced will assist her with this portion.

New Business

Co-Signatures in School Based Settings

- Brenda George-Brodbeck contacted the Executive Director for information on co-signature requirements in school based settings for progress notes.
- Rule 4755-7-01(A)(3) of the Ohio Administrative Code states, "any documentation written by an occupational therapy assistant or limited permit holder for inclusion in the client's official record shall be co-signed by the supervising occupational therapist." It is the position of the Occupational Therapy Section that if patient/client documentation includes any type of treatment grid, a single co-signature and date of review on the form is sufficient. Co-signature verifies that the supervisor reviewed the document and agrees with its content. It is the position of the Section that for any hand written documentation, the supervising occupational therapist must co-sign each entry into the patient/client medical record with their name, credential, and date. It is the position of the Section that for any electronic documentation, the supervising occupational therapist must co-sign and reference the dates of the entries into the patient/client medical record that they are reviewing with their electronic signature and date.

Assistant Attorney General's Report

- P.R. Casey IV had no report for the Section.

OOTA Report

- Jackie Chamberlin informed the Section that OOTA will be submitting additional names for the occupational therapy assistant Section member to the Governor's office for consideration.
 - Ms. Chamberlin informed the Section that Cindy Kief, who was the OTA advisor to the Section, would not be appointed.
- OOTA will be submitting the names of Nan Shoemaker and Jeanine Telischak for consideration.

Preparation for the Next Meeting

- The Executive Director will prepare a list of items to be included in any law changes the Section wishes to make in the near future.
- The Section members will give updates on the presentation preparation for the OOTA conference.
- The Section members will review the questionnaire drafted by the Executive Director dealing with the use of aides for presentation and distribution at the OOTA conference.
- The Section members will review the most recent draft of the collaboration log.

Next Meeting Date

The next meeting date of the Occupational Therapy Section will be August 1, 2006.

Action: Hector Merced moved to adjourn the meeting. Rebecca LeBron seconded the motion. The motion carried. The meeting adjourned at 1:20 p.m.

Respectfully submitted
Stephanie K. Youst

Lois Borin, OTR/L, Chairperson

Hector Merced, OTR/L, Secretary

Jeffrey M. Rosa, Executive Director

HM:jmr:sky