

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Occupational Therapy Section
January 5, 2006
East B
8:40 a.m.

Members Present

Lois Borin, OTR/L
Martha Cameron, OTR/L
Hector Merced, OTR/L
Rebecca LeBron, OTR/L

Legal Counsel

Shakeba DuBose, AAG

Staff

Jeffrey Rosa, Executive Director
Jason Schutte, Investigator
Stephanie Youst, Executive Secretary

Guests

Jackie Chamberlin, OOTA Liaison
Carrie Kuruc Ellsworth
Cindy Kief, OTA Advisor
Kimberly Payne

Call to Order

Martha Cameron, Chairperson, called the meeting to order at 8:40 a.m.

Executive Session

Lois Borin moved that the Section go into executive session to discuss personnel matters.

Roll Call Vote:

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

The Section invited the Executive Director and Executive Secretary to stay for the executive session.

The Section went into executive session at 8:45 a.m. and came out at 9:05 a.m. No action was taken.

- Martha Cameron announced that Paul Hoffer resigned his position on the Section effective December 31, 2005. An occupational therapy assistant will be appointed to fill the remainder of his term.

Executive Session

Lois Borin moved that the Section go into executive session to discuss pending and imminent court action.

Roll Call Vote:

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

The Section invited the Executive Director and Executive Secretary to stay for the executive session.

The Section went into executive session at 9:05 a.m. and came out at 9:15 a.m. No action was taken.

Approval of Minutes

Action: Rebecca LeBron moved to approve the November 15, 2005 minutes as submitted. Hector Merced seconded the motion. The motion carried.

Special Orders

Election of Officers

Action: Rebecca LeBron nominated Lois Borin to be Section Chairperson for the period beginning January 6, 2006 and ending immediately following the January 2007 Section meeting. Hector Merced seconded the nomination. All members present voted to elect Lois Borin Section Chairperson.

Action: Martha Cameron nominated Hector Merced to be Section Secretary for the period beginning January 6, 2006 and ending immediately following the January 2007 Section meeting. Lois Borin seconded the nomination. All members present voted to elect Hector Merced Section Secretary.

- The Section decided that Lois Borin would represent them on the Executive Committee since she is the Chairperson for the Occupational Therapy Section.
- Cindy Kief agreed to remain as the occupational therapy assistant advisor until an occupational therapy assistant is appointed to the Section.

Public Rules Hearing

The Section held a public rules hearing at 1 p.m. There were no witnesses or testimony given during the hearing regarding the proposed revisions.

Administrative Reports

Continuing Education Report

Action: Martha Cameron moved to approve 51 applications for contact hour approval. Lois Borin seconded the motion. The motion carried.

Licensure Report

Action: Hector Merced 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 November 15, 2005 through January 4, 2006 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. Rebecca LeBron seconded the motion. The motion carried.

Occupational Therapist – Examination

Buschling, Cinnamon

Dixon, Allison

Sissel, Melinda

Occupational Therapy Assistant – Examination

Blevins, Michelle

Perry, Rachelle

Lombardo, Steven

Snyder, Shawna

Occupational Therapist – Endorsement

Bihari, Nicole

Mach, Melissa

Terey, Melissa

Gay, Cynthia

Petrella, Angela

Occupational Therapy Assistant – Endorsement

Bell, Margaret

Bynum, Malcolm

Occupational Therapy Assistant – Limited Permit

Brannan, Rebecca

Fossaluzza, Lisa

Sicking, Frances

Breimaier, Jo

Kabel, Sharon

Tracy, Patrick

Deaver-Bauwens, Camie

Renner, Sara

Dill, Crystal

Schulte, Sarah

Occupational Therapist – Reinstatement

Shah, Kanan

Slagel, Shawn

Occupational Therapy Assistant – Restoration

Stout, Penelope

Occupational Therapy – Reinstatement

Action: Hector Merced moved to approve the occupational therapy reinstatement application for Mary Darling pending receipt of any outstanding items and passage of the laws and rules examination. Rebecca LeBron seconded the motion. The motion carried.

Action: Lois Borin moved to extend the expiration date of the occupational therapy assistant limited permit for Elzbieta Szablicki until February 15, 2006. Rebecca LeBron seconded the motion. The motion carried.

Action: Lois Borin moved to extend the expiration date of the occupational therapy assistant limited permit for Tonya Greene until February 15, 2006. Hector Merced seconded the motion. Rebecca LeBron abstained from voting. The motion carried.

Investigative Report

The Enforcement Division opened one new case and closed no cases since the November 15, 2005 meeting. There are currently five cases open and two active consent agreements. The Enforcement Division staff conducted one inspection since the last meeting and a total of 20 inspections in 2005.

- The Occupational Therapy Section informed the Executive Director that they would like to see at least 4 inspections conducted per month in 2006.

Correspondence

1. Darlene Patton: Ms. Patton asked the Section to clarify the signature requirements for occupational therapy students. **Action:** When one is functioning as an occupational therapy student performing evaluations and reporting the results of the evaluation and treatment plans on an MFE and/or IEP, it would be a violation of the Ohio Occupational Therapy Practice Act to use one's occupational therapy assistant credential. Using the occupational therapy assistant credential would be a misrepresentation of one's role in the patient/client evaluation and treatment. Occupational therapy assistants cannot complete or interpret evaluations and document their occupational therapy assistant credentials for billing purposes. Occupational therapy assistants may complete portions of the standard evaluations, but ultimately the occupational therapist is responsible for the documentation and interpretative results of the evaluation and treatment plans. Rule 4755-7-01 (D)(2) and (3) of the Administrative Code states, "Supervision must ensure consumer protection. The supervising occupational therapy practitioner shall only assign duties or functions to the occupational therapy student that are commensurate with his/her education and training. An occupational therapy student shall be supervised by an occupational therapist. An occupational therapy assistant student shall be supervised by an occupational therapist or an occupational therapy assistant." All work completed by the student must be co-signed by the supervising occupational therapist documenting that the supervision occurred. Rule 4755-7-02 (C) of the Ohio Administrative Code states, in part, "The occupational therapy student is an unlicensed person, however, in accordance with section 4755.12 of the Revised Code, persons enrolled in an accredited occupational therapy education program when participating in supervised clinical education experiences may, at the discretion of the supervising occupational therapist, be assigned duties or functions commensurate with their education and training." Therefore, the Section can only address the above as it relates to the assignments and supervision of an occupational therapy student. Although it is not within the jurisdiction of the Section to render billing and reimbursement advice, the members of the Section agree that the change in Medicaid policy described in the letter does impact the educational process for entry-level occupational therapy students. The Board staff and the OOTA liaison will investigate the policy change and follow-up with information.
2. Chalee Engelhard: Ms. Engelhard asked the Section to clarify the co-signature requirements for occupational therapy assistants. **Action:** According to rule 4755-7-01(A)(3) of the Ohio Administrative

Code, “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 client documentation includes a treatment grid of some type, a single co-signature on the form is sufficient. Co-signature verifies that the supervisor reviewed the document and agrees with its content.

3. Lynn Bradley: Ms. Bradley asked the Section if occupational therapy practitioners can recommend nutritional supplements in the provision of occupational therapy services. **Action:** There is nothing in the Ohio Occupational Therapy Practice Act prohibiting an occupational therapy practitioner from recommending nutritional supplements to a patient/client provided that the therapist: 1) Possesses the knowledge and skills, and documents competency and/or training in nutritional supplements and is practicing within the occupational therapy scope of practice; and 2) Only recommends nutritional supplements when the recommendation is directly related to the application of occupational therapy services provided to the patient/client. The Section also recommends contacting the Ohio Board of Dietetics in writing at 77 South High Street, 18th Floor, Columbus, Ohio 43215-6119, via telephone at 614-466-3291, via fax at 614-728-0723, or via e-mail at kay.mavko@exchange.state.oh.us.
4. Bonny Reed-Bell: Ms. Reed-Bell asked the Section to clarify what job duties an occupational therapy assistant in an administrative role can perform. **Action:** It is the position of the Occupational Therapy Section that occupational therapy assistants may hold administrative positions within occupational therapy departments; however, there are some duties that the occupational therapy assistant may not perform. Occupational therapy assistants must be supervised by an occupational therapist in the provision of occupational therapy services. Any documentation written by an occupational therapy assistant for inclusion in the patient/client’s medical record must be co-signed by the supervising occupational therapist. The occupational therapy assistant may not make determinations regarding the provision of occupational therapy services, regardless of the position they hold in the department. Rule 4755-7-03 of the Ohio Administrative Code states: “(A) The occupational therapist shall assume professional responsibility for the following activities, which shall not be wholly delegated, regardless of the setting in which the services are provided: (1) Interpretation of referrals or prescriptions for occupational therapy services;(2) Interpretation and analysis for evaluation purposes; (3) Development, interpretation, and modification of the treatment/intervention plan and the discharge plan. (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.”

Old Business

Standard Response Review

- The Section reviewed the draft standard response on co-signatures and, after making several revisions, approved the updated response.

New Business

American Occupational Therapy Model Practice Act

- The Section reviewed the document and asked the Executive Director to provide their feedback to AOTA.
- The Section would like to review this document again when it is time to update their laws to determine if there is any beneficial information that would be able to strengthen the Ohio Occupational Therapy Practice Act.

Assistant Attorney General’s Report

- Steven McGann was absent and Shakeba DuBose filled in for him. Ms. DuBose provided information on the use of unlicensed aides and the use of a licensee’s credentials when not performing occupational therapy services.

Use of Unlicensed Aides

- Ms. DuBose informed the Section that there was not any available case law that discussed the use of aides as an extension of a licensed therapist.

- The Section asked Ms. DuBose and Mr. McGann to research and present benchmarks for how other Ohio licensure boards regulate the use of aides in the provision of services.
- Ms. DuBose also indicated that the Section could amend rule 4755-7-02 to allow unlicensed aides to legally serve as an extension of the licensed therapist.

Use of Credentials

- Ms. DuBose informed the Section that every licensed occupational therapy practitioner has property rights over their credentials. Therefore, it is the practitioners right to use those credentials when they see fit.
- The Section stated that concerns arise when practitioners misrepresent themselves and mislead the public into thinking that the services being rendered are occupational therapy services.
- Ms. DuBose suggested that the Section address the issue on a case by case basis.

OTA Report

- Jackie Chamberlin informed the Section that there had been several inquiries into the occupational therapy assistant position that is available on the Section.
- OOTA has been advising the interested persons to contact the Governor's office for an application.
- Ms. Chamberlin informed the Section that, should Cindy Kief apply for the position, OOTA will write a letter of support for Ms. Kief's appointment to the Section.
- OOTA hired a new lobbyist firm, Capital Consulting Group, to replace Daryl Dever.
- Ms. Chamberlin informed the Section that OOTA would support the Joint Board Legislation in the form it was originally introduced. If there were any amendments offered to the bill, the OOTA Board would have to meet to decide if they would support each change.

Preparation for the Next Meeting

- The staff will review and revise the laws and rules examination for the Section to review at the March 28, 2006 meeting.
- The Executive Director will write an article for OT Newsbreak, the OOTA newsletter, introducing online renewal.
- Steven McGann will present benchmark information on the use of aides in the provision of occupational therapy services.

Next Meeting Date

The next meeting date of the Occupational Therapy Section will be Tuesday, February 14, 2006.

Action: Hector Merced moved to adjourn the meeting. Rebecca LeBron seconded the motion. The motion carried. The meeting adjourned at 2:15 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