Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Occupational Therapy Section
March 28, 2006
East B
9:20 a.m.

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

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

Legal Counsel
Steven McGann, AAG

Guests
Cindy Kief, OTA Advisor

Call to Order
Lois Borin, Chairperson, called the meeting to order at 9:20 a.m.

Approval of Minutes
Action: Hector Merced moved to approve the February 14, 2006 minutes as submitted. Martha Cameron seconded the motion. Rebecca LeBron was absent for the vote. The motion carried.

Executive Directors Report
- The Executive Director informed the Section that the proposed consolidation of the boards and commissions was removed from the budget corrections bill.
- The Executive Director informed the Section that an occupational therapy assistant had not been appointed to the Section as of today's meeting. He did contact the Governor's office and is waiting on an estimated timeline the Governor had in mind to select a candidate for appointment.
- The Executive Director informed the Section that the occupational therapy renewal would be mailed by April 3, 2006. The 2006 renewal will be the first online renewal for licensed occupational therapy practitioners.
- The Executive Director informed the Section that there has been no movement on House Bill 403, which was introduced by Representative Fessler.
  - At this time, the Executive Director does not believe that there will be any movement on the proposed legislation because of the upcoming legislative session breaks and the May primary elections.
- The Executive Director informed the Section that he plans to place language in the next budget bill to clean up some of the weak areas of the current practice acts for all three Sections of the Board.
- The Executive Director informed the Section that he will be speaking to the Dayton OOTA District on April 8, 2006 about the online renewal process and any rule changes that will be effective May 1, 2006.
- The Executive Director informed the Section that he attended and presented at the Cincinnati State Clinical Educators Meeting.
  - Mr. Rosa commended the student body at Cincinnati State for being professional and wanted to inform Cindy Kief that he was impressed with the students.
- The Executive Director's written report is attached to the minutes for reference.

Administrative Reports
Continuing Education Report
Action: Martha Cameron moved to approve 90 applications for contact hour approval. Hector Merced seconded the motion. The motion carried.

Action: Martha Cameron moved to deny 1 application for contact hour approval for failure to meet the requirements specified in rule 4755-9-01 of the Ohio Administrative Code. Hector Merced seconded the motion. The motion carried.

- The Section discussed an application from the Institute for Natural Resources requesting an additional review of the information presented for "Eating for Peak Performance" which was originally denied at the February 14, 2006 meeting. The Section upheld its initial denial of the course.
- The Section thanked the staff for their diligence in reviewing the continuing education documents.

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 February 14, 2006 through March 27, 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. Martha Cameron seconded the motion. The motion carried.

Occupational Therapist – Examination

Shear, Richard	Wightman, Emily

Occupational Therapy Assistant – Examination

Lundquist, Jean	Rust, Tammy

Occupational Therapist – Endorsement

Anspaugh, Christopher	Foulks, Karen	May, Jaime
Bates, Amber	Griswold, Dwayne	Trotz, James
Chovan, Christopher	Keyser, Janelle	
Evans, Heidi	Kulakowski, Susan	

Occupational Therapy Assistant – Endorsement

Clark, Heather	Shear, Richard
Orendi, Machelle	Smith, James

Occupational Therapist – Limited Permit

Garrison, Russell	Mizen, Ann	Warnken, Elizabeth
Italiano, Carrie	Randall, Heidi	

Occupational Therapy Assistant – Limited Permit

Blake, Ashley	Ludwig, Rebecca	Sterling, Lisa
Faust, Kristin	Magyari, Claudia	Stewart, Erin

Occupational Therapist – Reinstatement

Isenburg, Blythe	Lessig, Jill	Peterson, Brett

Occupational Therapist – Restoration

Deininger, Alisa	Levey, Heidi	Mills, Lori
Gardner, Maria	McClintock, Denise	Sloan, Christa

Occupational Therapy Assistant – Restoration

Clay, Wendy	Parke, Brenda

Action: Hector Merced moved to offer a conditional grant of licensure agreement to Paul Large. Mr. Large's occupational therapy assistant license will be reinstated pending ratification of the conditional grant of licensure agreement and receipt of all outstanding items. Martha Cameron seconded the motion. The motion carried.

- The Section discussed the application for Leigh Sauliner, who applied for an Ohio occupational therapy license via endorsement. The Section instructed the Executive Director to send Ms. Sauliner a letter recommending that she complete additional continuing education, a professional development plan, or look into finding a mentor once she reenters the practice of occupational therapy since she has not practiced since 1994. The letter will specify that these are only recommendations, not requirements, since the Section

may not impose additional requirements on endorsement applicants who have been out of practice for more than five years.

Investigative Report

The Enforcement Division opened one new case and closed two cases since the February 14, 2006 meeting. There are currently five cases open and two active consent agreements. The Enforcement Division staff conducted five inspections since the last meeting and a total of 10 inspections in 2006.

Correspondence

1. Kelly DeVries: Ms. DeVries asked the Section to accept passage of the Maryland jurisprudence examination as proof of completion of the mandatory ethics requirement. **Action:** The intent of the ethics requirement is to ensure that all Ohio licensed occupational therapy practitioners are aware of the current Ohio laws and rules governing the practice of occupational therapy. There are several ways for practitioners to earn the mandatory one hour of ethics continuing education, including passage of the Ohio laws and rules examination, which is available on the Board website. Therefore, it is the decision of the Section to deny Ms. DeVries petition for acceptance of the Maryland occupational therapy jurisprudence examination because that examination deals specifically with the laws and regulations pertaining to the practice of occupational therapy in the state of Maryland, not Ohio.

2. Susan Morit: Ms. Morit asked the Section if there is any type of prohibition on the use of tennis balls on walkers. **Action:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits the use of tennis balls on walkers. The Section recommends that Ms. Morit contact the Joint Commission on Accreditation of Healthcare Organizations (www.jcaho.org) and the American Occupational Therapy Association (www.aota.org) for additional information on the issue.

3. Juan Gamero: Mr. Gamero asked the Section if wound care is within the scope of occupational therapy practice. **Action:** It is the position of the Occupational Therapy Section that occupational therapy practitioners may perform wound care, dressing treatment, and/or suture removal as long as it is performed in the provision of occupational therapy services. At this time, there are no regulations regarding the type or amount of training needed for these procedures, but the therapist must document the appropriate knowledge, skills and ability in the treatment(s) they are performing and make certain they are practicing within the occupational therapy scope of practice. The Section also recommends that Mr. Gamero review the Medicare part B occupational therapy billing guide, which deals with active wound care procedures.

4. Tara Prater: Ms. Prater asked the Section to clarify if occupational therapy practitioners can use modalities on lower extremities in the provision of occupational therapy services. **Action:** It is the position of the Occupational Therapy Section that occupational therapy practitioners may use physical agent modalities, regardless of the part of the body being serviced, 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. However, please keep in mind that occupational and physical therapy treatments on lower extremities are not interchangeable. If the lower extremity problem was addressed in the occupational therapy evaluation and plan of care, the occupational therapist can address those issues. However, if the physical therapist documented the lower extremity problems when completing the physical therapy evaluation, the rehabilitation would fall under the responsibility of the physical therapy practitioner.

5. Cheryl VanHoose: Ms. VanHoose, on behalf of the Miami Valley Regional Center OT/PT Cooperative, asked the Section to review the groups concerns and comment on the issues raised regarding school based therapy practitioners. **Action:** Rule 4755-7-08(A)(1)(c) of the Ohio Revised Code states, "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: "Occupational therapy practitioner shall demonstrate a concern for the well-being of the recipients of their services." Occupational therapy practitioners shall make every effort to advocate for recipients to obtain needed services through available means." Therefore, it is the responsibility of the occupational therapy practitioner to advocate for the patient/client and act, both professionally and ethically, in the best interest of the client. 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 Ohio Occupational Therapy Association's pediatrics member support group chair may be able to assist Ms. VanHoose with many of her questions regarding school based IEP issues, as well as questions regarding funding. The web address for the Ohio Occupational Therapy Association is www.oota.org.

6. Anne Humphrey: Ms. Humphrey asked the Section if an occupational therapy and physical therapy practitioner can operate from the same evaluation to establish a plan of care and administer treatment. Ms. Humphrey also asked the Section to clarify the role of developmental therapists in the provision of occupational therapy services. **Action:** A collaborative evaluation would consist of occupational therapy and physical therapy professionals completing their own individual assessment as part of an overall evaluation. The Section informed Ms. Humphrey that she may work under an evaluation and treatment plan performed in conjunction with another discipline; however, she may not work under an evaluation or treatment plan performed by another discipline. A developmental therapist is an unlicensed person in the provision of occupational therapy services. 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; (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.

7. Laurie Murphy: Ms. Murphy asked the Section if it is within the scope of occupational therapy practice to serve special education students when there is no other identified area of need. **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 Ohio Occupational Therapy Association's pediatrics member support group chair may be able to assist you with many of your questions regarding school based IEP issues, as well as questions regarding funding. The web address for the Ohio Occupational Therapy Association is www.oota.org.

8. Michelle Geer: Ms. Geer asked the Section to comment on the statement they plan to add to daily patient progress notes. **Action:** The statement Ms. Trebus provided in her email is sufficient as long as a space is added to allow both therapists to record the date they signed the documentation and that there is room to write and date any changes to the plan of care. Please keep in mind that the purpose of a supervision log is to show that collaboration on the patient caseload and documentation of the results between the occupational therapist and occupational therapy assistant has taken place.

9. Dawn Toliver: Ms. Toliver asked the Section to clarify who can write and sign physician's orders for occupational therapy services. **Action:** There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapist from initiating an order for occupational therapy services over the phone. The Section recommends that if an occupational therapist initiates an order via the telephone, the occupational therapist should clearly indicate on the order that they are an occupational therapist not a nurse, and clearly print and sign their name and Ohio license number. It is the position of the Occupational Therapy Section that occupational therapy services may be initiated by a telephone referral, electronic mail, or verbal order. Individuals other than occupational therapists are not prohibited from receiving verbal orders for occupational therapy. All verbal or telephone orders, prescriptions, or referrals must be followed

up in writing with the referring practitioner's signature for inclusion in the patient's official record. A directive or order is initiated by one party and is given directly to a second party. Although other individuals may assist in the transmission of the information from the first party to the second party, ultimately the occupational therapist is the individual responsible for receiving and accepting the directive or order.

Old Business

Rule Changes

Action: Martha Cameron moved to final file rules 4755-5-10, 4755-7-02, 4755-9-01 of the Ohio Administrative Code to be effective May 1, 2006. Hector Merced seconded the motion. The motion carried.

Use of Aides

- The Section discussed the pros and cons from the March meeting and decided that there were many more cons when discussing the use of aides.
- Rebecca LeBron informed the Section that, in her opinion, the law does not match what is being done in current occupational therapy practice. She believes that people are using aides to perform services that are exceeding what is currently allowed by the Occupational Therapy Practice Act.
- Hector Merced informed the Section that many students who are completing the clinical portion of their education report to him that the facilities where they work are using aides improperly and allowing them to provide services beyond what is allowed in the Ohio Occupational Therapy Practice Act.
- The Section reviewed AOTA's Model State Regulation for Supervision, Roles, and Responsibilities During the Delivery of Occupational Therapy Services.
- Cindy Kief suggested that the Section use a service like Zoomerang or Survey Monkey to see how aides are currently being utilized.
    - The Section wants to be sure that they are posing the questions correctly to obtain the information that they are looking for. What the Section wants to find out is how aides are currently being used and functioning in occupational therapy settings and determine if licensees feel that delegating certain tasks to unlicensed aides to function as service extenders would negatively impact the ability for a consumer to receive safe occupational therapy services.

New Business

Enforcement Division Inspection Report

- The Enforcement Division presented a written report to the Section with the five main issues they face when conducting facility inspections.
    - The five issues are:
        - The Board's ability to review and copy patient records
        - The Section's expectations of inspections and the availability of therapists at facilities
        - The purpose of inspections
        - The questions posed when conducting inspections
        - What is "adequate supervision"?
- The Section discussed the handout and asked the Enforcement Division and the Executive Director to present solutions to the issues raised at the May 11, 2006 meeting.
    - One alternative that was discussed was using inspections as a way to educate the therapists at particular facilities by making presentations discussing issues faced by the enforcement staff, ethics, and other practice related information.
    - The supervision logs were also discussed. The Section asked the enforcement staff and the Executive Director to revise the logs so that they demonstrate collaboration, not just supervision. The Section asked for a draft for the May 11, 2006 meeting.

Draft Standard Response Review

- The Section reviewed new draft standard responses for wound care and transfer of patient care and patient abandonment.
    - The Section approved the wound care standard response.

- The Section revised the transfer of patient care and patient abandonment and would like to review the draft at the May 11, 2006 meeting.

Cleveland District OOTA Presentation

- Hector Merced informed the Section members that he presented at the Cleveland OOTA District Meeting on ethics.
  - A copy of his presentation is attached to the minutes for reference.

Assistant Attorney General's Report

- Steven McGann had no report for the Section.

OOTA Report

- There was no report submitted by the Ohio Occupational Therapy Association.

Preparation for the Next Meeting

- Review the enforcement staff recommendations on inspections and supervision logs.
- Review the questions each Board member submitted for the survey on the use of aides.
- Review the rules that will be reviewed for 2007.
- Section accomplishments for fiscal year 2006.
- Section goals for fiscal year 2007.

Next Meeting Date

The next meeting date of the Occupational Therapy Section will be Thursday, May 11, 2006.

Action: Rebecca LeBron moved to adjourn the meeting. Martha Cameron seconded the motion. The motion carried. The meeting adjourned at 2:45 p.m.

Respectfully submitted
Stephanie K. Youst

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Lois Borin, OTR/L, Chairperson

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Hector Merced, OTR/L, Secretary

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Jeffrey M. Rosa, Executive Director

HM:jmr:sky