



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Occupational Therapy Section
November 13, 2007
10:00 a.m.

Members Present

Rebecca LeBron, OTR/L
Nanette Shoemaker, COTA/L, Acting Chairperson
Mary Stover, OTR/L

Non Voting Member

Gary Weiss, Public Member

Legal Counsel

Yvonne Tertel, AAG

Staff

Christine Bass, Investigator
Lisa Foor, Enforcement Division Supervisor
Diane Moore, Certification Licensing Examiner
Jeffrey Rosa, Executive Director
Andrew Snouffer, Investigator

Guests

Jacqueline Chamberlain

Call to Order

Nanette Shoemaker, Acting Chairperson, called the meeting to order at 10:00 a.m.

The Section began the meeting by reading the vision statement.

The Occupational Therapy Section is committed to proactively:

- Provide Education to the Consumers of Occupational Therapy Services;
- Enforce Practice Standards for the Protection of the Consumer of Occupational Therapy Services;
- Regulate the Profession of Occupational Therapy in an Ever-Changing Environment;
- Regulate Ethical and Multicultural Competency in the Practice of Occupational Therapy;
- Regulate the Practice of Occupational Therapy in all Current and Emerging Areas of Service Delivery.

Approval of Minutes

Action: Mary Stover moved to approve the September 20, 2007 minutes as submitted. Rebecca LeBron seconded the motion. The motion carried.

Executive Director's Report

- The Executive Director informed the Section that the Governor's Office received one application to become a member of the Occupational Therapy Section; however the applicant was not eligible to serve. In addition, the Governor's Office did not receive Lois Borin's application for reappointment early enough to process the appointment prior to the meeting.
 - Jackie Chamberlain with OOTA stated that she knew of three persons that wanted to apply to serve as board member.
- Mr. Rosa reported that payroll was finally posted in the new OAKS system, which is reflected in the fiscal information included in Mr. Rosa's written report.
- Mr. Rosa informed the Section that the office move probably will not take place until late January or early February. The Ohio Building Authority (OBA) construction schedule is full and the earliest that OBA can start construction is mid-January.
- Board staffing update: The Executive Director is in the process of screening applicants for the clerk 2 position and interviews will begin next week with the goal of selecting the new employee by December 2007. The Executive Director also informed the Section that Investigator Christy Bass's last day was

November 13. The open Investigator position has been posted and over one hundred applicants have already applied.

- Mr. Rosa gave a legislative update on HB104 dealing with criminal records check. A third hearing is scheduled this Thursday.
- The formal Executive Director's report is attached to the minutes for reference.

Special Orders

Action: Nanette Shoemaker moved to authorize the Executive Director to accept or reject consent agreements on the Section's behalf for the period beginning January 1, 2008 and ending December 31, 2008. Rebecca LeBron seconded the motion. The motion carried.

Action: Nanette Shoemaker moved to authorize the use of signature stamps or electronic signatures by the Section Chairperson, Section Secretary, and the Executive Director for the period beginning January 1, 2008 and ending December 31, 2008. Mary Stover seconded the motion. The motion carried.

Action: Nanette Shoemaker moved to authorize the Executive Director to make editorial changes to motions for the period beginning January 1, 2008 and ending December 31, 2008. Rebecca LeBron seconded the motion. The motion carried.

Action: Nanette Shoemaker moved to authorize the use of hearing officers for the period beginning January 1, 2008 and ending December 31, 2008. Rebecca LeBron seconded the motion. The motion carried.

Discussion of Rule Changes

The Section was pleased to get feedback from licensees on the proposed rules. The Executive Director stated that this was the first time the Section requested comments through the listserv. The comments, where appropriate, were incorporated in the drafted rules. Mr. Rosa told the Section that the rules will be filed with the goal of holding the public rules hearing at the Section's March meeting.

Jackie Chamberlain stated that she will submit a summary of the rule changes for the December OOTA Newsbreak.

Action:

Rebecca Lebron moved to file the rules 4755-1-03, 4755-3-01, 4755-3-03, 4755-3-05, 4755-3-06, 4755-3-07, 4755-3-08, 4755-3-09, 4755-3-10, 4755-3-11, 4755-3-12, 4755-5-05, 4755-7-01, 4755-7-08, 4755-7-09, and 4755-9-01 as revised. Mary Stover seconded the motion. The motion carried.

Administrative Reports

Continuing Education Report

Action: Nanette Shoemaker moved to approve 73 applications for contact hour approval and deny 1 continuing education application. Rebecca LeBron seconded the motion. The motion carried.

Licensure Report

Action: Mary Stover 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 20, 2007 through November 13, 2007 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

Bauerschmidt, Bree	Heistand, Brandy	Lane, Alison
Pasilan, Jurden	Robinson, Shawna	

Occupational Therapy Assistant – Examination

Beem, Angel	Bragg, Sophia	Burns, Erin
Capozzolo, Teri	Flanagan, Kim	Frazier, Owen
Langham, Tiffany	Lewis, Megan	Michel, Matthew
Montavon, Stacy	Moyar, Tammy	Nelson, Mackenzie

Schroeder, Corissa
Shaver, David
Tschuor, Roberta

Scott, Kari
Smith, Wendi
Tucker, Danielle

Shane, Anna
Talpas, Mary
Varhola, Angela

Occupational Therapist – Endorsement

Brannon, Cheryl
Dietrich, Michelle
Kay, Mark
Nehilla, Amanda
Skrzypek, Melanie

Brown, Merrin
Fuhrwerk, Karen
Koreny, Rebecca
Patterson, Sarah
Spirito, Catherine

Davis, Colleen
Hanson, Kathleen
Lorenz, Brock
Schneider, Chad
Vergamini, Laura

Occupational Therapy Assistant – Endorsement

Dionne, Kelly
Mckoy, Blake
Ray, Felicia
Young, Christine

Harris, Brad
Moore, Katherine
Westbrook, Melodi

Klopfenstein, Richard
Pfenning, Antoinette
White, Patricia

Occupational Therapist – Limited Permit

Chadwick, Megan

Occupational Therapy Assistant – Limited Permit

Abbott, Lynn
Broucek, Tina
Denigris, Gabriel
Hancock, Christina
Knick, Cami
Miller, Kelley
Reinstetle, Amanda
Soller, Cammi

Alberini, Kristen
Canter, Sherry
Green, Torika
Johnson, Angela
Kritharakis, Esther
Penn, Johanna
Romans, Jaime
Tymoszczuk, Tina

Bailey, Tacy
Deiningner, Megan
Halenaar, Katie
Jones, Shannon
Lantz, Lori
Reed, Danielle
Rouan, Rochelle

Occupational Therapist – Reinstatement

Lenczyk, Jennifer

Roof, Joelana

Occupational Therapy Assistant – Reinstatement

Cummings, Beverly

Onderko, Nicole

Occupational Therapist – Escrow Restoration

Mason, Kathleen
Zimmerman, Michael

Retzinger, Deborah

Testa, Susan

Occupational Therapist Assistant – Escrow Restoration

Schulten, Jason

Conditional Grant of Licensure Agreements

Action: Nanette Shoemaker moved to offer a conditional grant of licensure agreement to occupational therapist reinstatement applicant Kimberly Clement. Rebecca LeBron seconded the motion. The motion carried.

Investigative Report

The Enforcement Division opened four new cases and closed two cases since the September 20, 2007 meeting. There are currently twenty-two cases open. There are two disciplinary consent agreements and one non-disciplinary consent agreement being monitored.

Correspondence

1 Emily Wothe: Ms. Wothe asked the Section to clarify the evaluation and treatment of patients and the use of unlicensed other assistive physical therapy personnel. **Reply:** The Occupational and Physical Therapy Section will schedule a conference call to address the issues stated in the letter.

2 Larry Adolph: Mr. Adolph asked the Section to clarify the evaluation and treatment of patients and the use of unlicensed other assistive physical therapy personnel. **Reply:** The Occupational and Physical Therapy Section will schedule a conference call to address the issues stated in the letter.

3 Sarah Grau: Ms. Grau asked the Section if instructing and or taking yoga classes are eligible for continuing education credit. **Reply:** The Section reviewed the additional documentation for the course titled “Yoga based treatment approach in Occupational Therapy” and determined that this course is an acceptable continuing education activity. However, the Section reminded Ms. Grau that she is still required to meet the continuing education ethics requirement.

4 Melaine Hjort: Ms. Hjort asked the Section a question regarding occupational therapists serving as the second opinion in the assessment to determine if a client is eligible for Part C services **Reply:** Occupational Therapists can identify developmental delays in their assessment. The occupational therapist can assess for all areas that fall within the scope of occupational therapy practice, including gross motor delays. Assessing a speech delay is not in the scope of practice for occupational therapy.

5 Stacy Oldt: Ms. Oldt asked the Section a question regarding occupational therapy assistants performing evaluations for wheelchair certifications when completing the FME and RESNA evaluation forms. **Reply:** Individuals holding an Assistive Technology Practitioner (ATP) credential from the Rehabilitation Engineering & Assistive Technology Society of North America (RESNA) are still bound by any applicable licensure laws. Therefore, the evaluation must be conducted within the scope of practice of the healthcare provider as defined by the state practice laws. Independent evaluations are not within the scope of practice for occupational therapy assistants in the State of Ohio. This restriction is even supported by RESNA’s Standards of Practice for ATPs, which can be accessed at <http://www.resna.org/PracInAT/CertifiedPractice/Standards.html>.

6 Kristal Tracey: Ms. Tracey asked the Section a question regarding co-signature of occupational therapy assistants’ notes. **Reply:** 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. The occupational therapist may make a separate entry, referencing the date of the note(s) that are being reviewed with documentation referencing the review, noting agreement, and/or changes needed in the treatment plan.

7 Danna Claybrook: Ms. Claybrook asked the Section a question regarding the maximum number of students an occupational therapist may treat in one week or a day period in a school setting. **Reply:** The Ohio Occupational Therapy Practice Act only establishes ratios for the number of occupational therapy assistants and/or limited permit holders an occupational therapist may supervise and does not regulate caseload levels. Ratios establishing the number of students that an occupational therapist may serve are located in administrative rules adopted by the Ohio Department of Education. Rule 3301-51-09(G) of the Ohio Administrative Code states: (4) Related service providers for preschool and school-age children with disabilities shall provide direct services in accordance with the following ratios. Additionally, consideration shall be given to paragraph (G)(1) of this rule. Indirect and direct services shall be provided in accordance with each child’s Individualized Education Program (IEP). (c) An occupational therapist shall provide services to no more than fifty school-age children with disabilities or no more than forty preschool children with disabilities. This rule only specifies ratios for occupational therapists and is silent on caseload maximums for occupational therapy assistants. The Section recommended that Ms. Claybrook contact the Ohio Department of Education with her questions or review the Ohio Department of Education laws and regulations to discern the maximum number of students an occupational therapist in a school based setting may have on their caseload. The Section is currently working with the Ohio Occupational Therapy Association to address this issue as many professionals are raising similar concerns. If an individual feels that a school district is not in compliance with the Ohio Department of Education regulations, that person should file a complaint with the Ohio Department of Education Office for Exception Children against the school district.

8 Leslie Shook: Ms. Shook asked the Section a question regarding evaluation and treatment of patients and the use of unlicensed other assistive physical therapy personnel. **Reply:** The Occupational and Physical Therapy Section will schedule a conference call to address the issues stated in the letter.

9 Jason Hayes: Mr. Hayes asked the Section a question regarding occupational therapy assistants doing discharge notes. **Reply:** It is the position of the Occupational Therapy Section that occupational therapy assistants may gather and summarize objective information; however, they may not interpret this data. It is the responsibility of the occupational therapist to interpret and make recommendations for the purpose of discharge plan development, as indicated in rule 4755-7-03 of the Ohio Administrative Code. If there is collaboration between the occupational therapy assistant and the occupational therapist, the collaboration must be reflected in the patient documentation.

10 Kristal Tracey: Ms. Tracey asked the Section a question regarding co-signature of occupational therapy assistants' notes. **Reply:** 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. The occupational therapist may make a separate entry, referencing the date of the note(s) that are being reviewed with documentation referencing the review, noting agreement, and/or changes needed in the treatment plan.

11 Betsy Bott: Ms. Bott asked the Section a question regarding occupational therapy assistants conducting recreational activity program. **Reply:** Occupational Therapy Assistant education provides for the skills and knowledge necessary to function in the role of a Resident Activities Coordinator. When running an activities program the occupational therapy assistant may not represent him/her self an occupational therapy assistant and/or using those credentials. However, in regard to an occupational therapy assistant being recognized by Medicare to function in the role of a Resident Activities Coordinator, it is our recommendation that clarification be sought with Medicare.

12 Bonny Reed-Bell: Ms. Reed-Bell asked the Section a question regarding occupational therapy assistants working in an administrative position and performing occupational therapy services without using their credentials. **Reply:** The Occupational Therapy Section is still researching the issues raised in your letter. Ms. Reed-Bell will receive a written reply once the Section finishes studying the situation.

13 Kwangme Park: Mr. Park asked the Section a question regarding the maximum number of patients an occupational therapist can treat under Medicare A in a skilled nursing home setting. **Reply:** The Ohio Occupational Therapy Practice Act only establishes ratios for the number of occupational therapy assistants an occupational therapist may supervise and does not regulate caseload levels. The Section recommended that Mr. Park contact the Medicare Department with his questions regarding the maximum number of patients an occupational therapist can treat under Medicare A in a skilled nursing home setting.

14 Cindy Schneider: Ms. Schneider asked the Section a question regarding whether the chiropractic board's use of unlicensed supportive personnel would impact for occupational therapy practitioners. **Reply:** The Occupational Therapy Section thanked Ms. Schneider for her concerns. In the best interest to protect the public, the members of the Chiropractic Board have created this rule to ensure that unlicensed supportive personnel are qualified to practice in the chiropractic setting. The Occupational Therapy Section has reviewed this chiropractic rule and has determined that it did not impact the scope of practice of occupational therapy services. Therefore, it was not appropriate for the Occupational Therapy Section to take any stand against this chiropractic rule.

15 Patty Crosby: Ms. Crosby asked the Section a question regarding occupational therapy assistants writing initial and long and short term goals from an evaluation performed by an occupational therapist in a pediatric setting. **Reply:** It is the position of the Occupational Therapy Section that the initial plan and long-term goals must be written by the occupational therapist in collaboration with the occupational therapy assistant. Screens, or identification of candidates for therapy, may be performed by an occupational therapy assistant. The Section interprets a screen to be data gathering and non-evaluative in nature. The occupational therapist interprets the data

and makes necessary recommendations. All screens must be cosigned by the occupational therapist, and collaboration with the occupational therapist must be documented. Once the initial plan of care and long-term goals are established, the occupational therapy assistant may establish and modify short-term goals. The Section directed Ms. Crosby to review rule 4755-7-03 (B) of the Administrative Code for additional information on the roles and responsibilities of the occupational therapist and occupational therapy assistant.

16 Denise Claybrook: Ms. Claybrook asked the Section a question regarding the maximum number of assistants an occupational therapist can supervise in a school based setting. **Reply:** The Ohio Occupational Therapy Practice Act only establishes ratios for the number of occupational therapy assistants and/or limited permit holders an occupational therapist may supervise and does not regulate caseload levels. In addition this rule is not specific to the school setting. When maintaining a separate caseload, a full-time occupational therapist may supervise no more than four full-time 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 occupational therapy assistants. The number of occupational therapy assistants that a part-time occupational therapist may supervise is proportionate to the number of hours worked by the part-time occupational therapist. This ratio may not be acceptable to the school setting. In accordance with rule 4755-7-08 (A)(4)(d) of the Administrative Code, "Occupational therapy practitioners shall provide appropriate supervision to individual for whom the practitioners have supervisory responsibility." The Section recommended that Ms. Claybrook contact the Ohio Department of Education with her questions or review the Ohio Department of Education laws and regulations to discern the maximum number of assistants an occupational therapist can supervise in a school based setting.

17 Claire Heffron: Ms. Heffron asked the Section a question regarding the regarding the maximum number of students an occupational therapist may treat in a school setting. **Reply:** The Ohio Occupational Therapy Practice Act only establishes ratios for the number of occupational therapy assistants and/or limited permit holders an occupational therapist may supervise and does not regulate caseload levels. Ratios establishing the number of students that an occupational therapist may serve are located in administrative rules adopted by the Ohio Department of Education. Rule 3301-51-09(G) of the Ohio Administrative Code states: (4) Related service providers for preschool and school-age children with disabilities shall provide direct services in accordance with the following ratios. Additionally, consideration shall be given to paragraph (G)(1) of this rule. Indirect and direct services shall be provided in accordance with each child's Individualized Education Program (IEP). (c) An occupational therapist shall provide services to no more than fifty school-age children with disabilities or no more than forty preschool children with disabilities. This rule only specifies ratios for occupational therapists and is silent on caseload maximums for occupational therapy assistants. The Section recommended that Ms. Heffron contact the Ohio Department of Education with her questions or review the Ohio Department of Education laws and regulations to discern the maximum number of students an occupational therapist in a school based setting may have on their caseload. The Section is currently working with the Ohio Occupational Therapy Association to address this issue as many professionals are raising similar concerns. If an individual feels that a school district is not in compliance with the Ohio Department of Education regulations, that person should file a complaint with the Ohio Department of Education Office for Exception Children against the school district.

Old Business

Use of Aides

- The Section discussed the draft SurveyMonkey.com survey tool and informed the Executive Director to make changes to the survey for review by the Section members.
- Once the Section gives final approval to the survey, the Executive Director will send an email to the OT Section listserv and ask licensees to complete the survey.

School Based Survey Results

- Mary Stover reported that the Ohio Department of Education (ODE) is not looking to make changes to address the occupational therapy assistant to student caseload ratios. A guidance document by ODE will explain the new language. Mary Stover recommends the Section to get involved in the ODE workgroups for rule revisions to enable the Section to assist with interpreting the rules to help ODE understand the Section's concerns.
- Mary Stover will write a follow-up letter interpreting the draft rules and how they comply with the Ohio Occupational Therapy Practice Act. The letter will also remind ODE that the primary focus of the regulation of occupational therapy is consumer protection.

- Jackie Chamberlain pointed out that the survey responses indicate that the majority of occupational therapists who took the survey encountered situations where the student is ready to be released from occupational therapy services but other team members or family disagree with the occupational therapists' decision.
- The Section will review the survey results at the January Section meeting.

New Business

Discussion on Calculating Contact Hours for Academic Courses

- Rule 4755-9-01(B)(5) of the Administrative Code currently states "Undergraduate or graduate courses. A maximum of ten contact hours may be earned per completed course." The Executive Director asked the Section for clarification on how to calculate the amount of continuing education hours, up to the maximum of 10 hour per course, that should be awarded for undergraduate and/or graduate courses. The Section will calculate hours as follows:
 - If the course is greater than or equal to ten hours of lecture then award 10 contact hours per completed course.
 - If the course is less than 10 hours of lecture, then award one contact hour per hour of lecture for the completed course.

Special Meeting

Enforcement staff reported that there were a few adjudication matters that cannot wait until the next Section meeting scheduled in January 2008. A special meeting will be held to take action on the pending adjudication matters.

Open Forum

There were no topics discussed for open forum.

OOTA Report

- Jackie Chamberlain informed the Section that the Ohio Occupational Therapy Association (OOTA) knew of three individuals who expressed interest in serving on the Section.
- Jackie Chamberlain reported that she reviewed 100 surveys from the OT/PT School-based Institute. A report was given to the Section excluding the descriptive comments. Mary Stover volunteered to review the comments and give feedback to the Section at the next meeting.

Assistant Attorney General's Report

- Yvonne Tertel informed the Section that she has finished reviewing the majority of cases that she received as part of the transition from the previous assistant attorney general and is up to date on all new cases opened since she started representing the Section.

Items for Next Meeting

- Review results from the school-based survey
- Mary Stover will draft letter to ODE relating to caseloads
- Discuss potential rules changes to establish requirements for licensees restoring license from escrow who have not practiced for five or more years
- Elections

Next Meeting Date

The next meeting date of the Occupational Therapy Section is scheduled for Thursday, January 10, 2008.

Action: Rebecca LeBron moved to adjourn the meeting. Mary Stover seconded the motion. The motion carried. The meeting adjourned at 3:25 p.m.

Respectfully submitted,
Diane Moore

Nannette Shoemaker COTA/L, Acting Chairperson
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section

Vacant, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, OT Section

Jeffrey M. Rosa, Executive Director
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

NS:jmr:dm