



**Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board**

*Occupational Therapy Section
January 14, 2021
9:30 AM*

Virtual Meeting via Microsoft Teams

Members Present

Beth Ann Ball, OTR/L
Joanne Estes, PhD, OTR/L
Mary Beth Lavey, COTA/L, Chair
Anissa Siefert, MOT, OTR/L
Melissa Van Allen, OTR/L, Secretary

Staff

Missy Anthony, Executive Director
Jeffery Duvall, Enforcement Division Supervisor
Jaklyn Shucofsky, Paralegal
Debbie Fulk, Licensure
Jan Hills, Executive Assistant
Mai Vo, Licensure

Legal Counsel

Emily Pelphrey, AAG
Cheryl Hawkinson, AAG

Guests

Jackie Chamberlain

Call to Order

Mary Beth Lavey, Chair, called the meeting to order at 9:32 AM.

The Section began by reading the vision statement:

The Occupational Therapy Section is committed to proactively:

- Provide Education to the Consumers of Occupational Therapy Service
- 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

Mary Beth Lavey moved that the minutes from the November 12, 2020 meeting be approved. Beth Ann Ball seconded the motion. Motion carried.

Executive Director's Report

- Active licenses as of 1/7/2021 total is 35,789, number is high due to extension of registration deadlines.
- Several tickets are pending in eLicense.
- The Enforcement Investigator position has been filled by Jaklyn Shucofsky. The paralegal position will be posted shortly.
- The board is finishing up the OTA/AT 2018 and PTA 2019 audits. The OT audit was run in December and is well underway. The PT 2020 audit will be next.
- There is a mandatory yearly ethics training for each board member. If there is any additional state stipulated training, the office will be contacting you. The office keeps tracking records of all training. The financial disclosure filing is due by May 17, 2021.
- All board positions have been filled except for the appointment of the public member of the Board.
- Staff still working remotely.

- OTPTAT is getting questions related to when certain employees are qualified to get the vaccine. Those questions are referred to the local health department. Additionally discussion was held on who is qualified to administer the vaccine.

Law and Rule Changes

- Continuing Education Rule
 - Discussion held.
- Military Licensure changes
 - Mary Beth Lavey moved that the Executive Director file and final file rule 4755-3-15 and rescind rule 4755-3-11 with the Joint Committee on Agency Rule Review. Melissa Van Allen seconded the motion. Motion passed.
- Concussion Rules
 - Mary Beth Lavey moved that the Executive Director file rule 4755-7-11 with the Common Sense Initiative. Joann Estes seconded the motion. Motion passed.
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- Supervision rule and collaboration log requirement
 - Discussion held.

Licensure Applications

Occupational Therapist/Occupational Therapist Assistant Examination Applications

Joanne Estes made a motion that the Occupational Therapy Section ratify, as submitted, the occupational therapist and the occupational therapy assistant licenses issued by examination, endorsement, reinstatement, and restoration by the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board from November 13, 2020 to January 14, 2021, taking into account those licenses subject to discipline, surrender, or non-renewal. Melissa Van Allen seconded the motion. Motion passed.

Occupational Therapist by Examination- 7

Jenna Blausey

Kathleen Van Khanh Dang

Meagan Taylor Burkholder

Joshua Grahl

Erin Marjorie Clark

Emily Ann Rodziewicz

Hailey Clouse

Occupational Therapist by Endorsement- 7

Elizabeth Marie Allen

Frances Appel

Abigail Baurley Avery

Kim Brocius

Monica Chadia

Emily Kaye Doggette

Rachel Egger

Occupational Therapy Assistant by Examination- 6

Sierra Mae Blackmore

Haley Hunter

Maryssa Bouvet-Varela

Maggie Guy

Grace Nicole Carroll

Kathleen Anne Rogers

Occupational Therapy Assistant by Endorsement- 1

Carleigh Nicole Cousino

Withdrawals

Joanne Estes recommended that the section grant the application withdrawal requests for OT/OTA examination, endorsement, and reinstatement applications on file with the Board on January 14, 2021 based on the documentation provided. Motion made by Beth Ann Ball, second by Anissa Siefert. Motion carried.

Maryssa Bouvet-Varela APP-000401905 (OTA)

Corin Finklea APP-000413727 (OTA)

Katelyn McKinney APP-000417050 (OTA)

CE Requests

Beth Ann Ball moved that the section approve 26 applications for contact hour approval, and send 3 back for further information. Joanne Estes seconded. Motion passed.

CE Waiver requests

Anissa Siefert moved that the Section grant an extension until July 1, 2021 deadline for all OTAs, for the completion of continuing education requirements for all OTA CE Waiver requests on file with the Board on January 13, 2021 due to the COVID-19 emergency, with the exception of OTA001603 who the Board needs to have further discussion with. There will be a reminder that any CE taken and counted for the delayed renewal cannot count toward the June 30, 2022 renewal. Second by Beth Ann Ball. Motion passed.

Kristin Canfield OTA006654

Blanca Schwendeman OTA001397

Kimberly Miller OTA004596

Amy Protos OTA001947

Jillian Martin OTA006936

Cynthia Clark OTA000792

Patricia Adams OTA001603

Vicki Mallory OTA001657

Joyce Green OTA000963

Jillian Foltz OTA006069

Jennifer Walker OTA001758

Shannon Dukles OTA007026

Enforcement Division

Statistics

“New” cases opened since the last meeting: 1

Cases “closed” since the last meeting: 15

Cases “currently open”: 18

Active consent agreements: 6

Adjudication orders being monitored: 1

Releases from Consent Agreement

Anissa Siefert informed the Board that **Teresa Sprayberry, OT**, has complied with all terms and conditions and will be released from her consent agreement.

Anissa Siefert informed the Board that **Catherine Burke, OT** has complied with all terms and conditions and will be released from her consent agreement.

Proposed Consent Agreements

Anissa Siefert recommended that a motion be made accepting the consent agreement for **case # OT-19-012** in lieu of going to hearing. Melissa Van Allen made the motion, second by Joanne Estes. Anissa Siefert abstained. Motion passed. The Board has accepted the consent agreement for **Kaye Wiswell, OTA**.

Anissa Siefert recommended that a motion be made accepting the consent agreement for **case # OT-20-114** in lieu of going to hearing. Beth Ann Ball made the motion, second by Joanne Estes. Anissa Siefert abstained. Motion passed. The Board has accepted the consent agreement for **Kenya Lewis, OTA**.

Anissa Siefert recommended that a motion be made accepting the consent agreement for **case # OT-20-131** in lieu of going to hearing. Melissa Van Allen made the motion, second by Beth Ann Ball. Anissa Siefert abstained. Motion passed. The Board has accepted the consent agreement for **Valerie Bush, OT**.

Notice of Hearing -Rescind

Anissa Siefert recommended that a motion be made to rescind the notice of opportunity for hearing issued for **case # OT-19-12** as this individual entered into a consent agreement in lieu of going to hearing. Joanne Estes made a motion, second by Beth Ann Ball. Anissa Siefert abstained. Motion passed.

Anissa Siefert recommended that a motion be made to rescind the notice of opportunity for hearing issued for **case # OT-20-114** as this individual entered into a consent agreement in lieu of going to hearing. Beth Ann Ball made a motion, second by Joanne Estes. Anissa Siefert abstained. Motion passed.

Goldman Hearings

Mary Beth Lavey, Chairperson of the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board called the proceedings to order at 11:07 AM on January 14, 2021, in an online board meeting held on Microsoft TEAMS.

Executive Director Missy Anthony called the roll:

Beth Ann Ball
Joanne Estes
Mary Beth Lavey
Anissa Siefert
Melissa Van Allen

It is noted for the record that a majority of the members of the Board are present for the two adjudication proceedings. The proceedings are in the matters of **Rosemary Franks, case # OT-102 and Terri Baldwin, case # OT-20-105**.

These proceedings shall be affidavit-based adjudications relative to the Notice of Opportunity for Hearing mailed to the respondent in the aforementioned cases and believed to have been properly served according to the Administrative Procedures Act (Chapter 119. of the Ohio Revised Code).

As the respondents declined to have a hearing in the case, these proceedings will be held before the Board pursuant to *Goldman v. State Medical Board of Ohio*. The individuals named do not have the ability to present written or oral testimony today but may be present to hear the proceeding and outcome.

You have already received a sworn affidavit from the Board's Enforcement Division Paralegal, and the accompanying exhibits for the Goldman Proceedings in your Board packet. The affidavit contains the evidence and testimony upon which you will deliberate. Please take a few moments to review the evidence and testimony.

In lieu of a stenographic record being made, let the minutes reflect that the original sworn affidavit and exhibits shall be kept as the official record of the proceeding in the aforementioned matters in the Board office.

Assistant Attorney General, Emily Pelphrey provided a synopsis of the cases. With the two cases being similar, Jaklyn Shucofsky, Investigator, provided an affidavit on each case. These hearings are the result of the Occupational Therapist Assistant continuing education audit, and each case failed to provide evidence of CE completion.

Melissa Van Allen made the motion to admit the facts and exhibits outlined in the sworn affidavits in the aforementioned cases into evidence. Beth Ann Ball made a motion, seconded by Joanne Estes. Motion passed. Anissa Siefert abstained.

With no further evidence to come before the Board the proceedings were closed at 11:22 AM. The procedural and jurisdictional matters having been satisfied, we will now continue with the proceedings by deliberation on the sworn affidavit and exhibits. Melissa Van Allen made a motion to recess the meeting in order to go into private session for the purpose of quasi-judicial deliberation on **Rosemary Franks, Case # OT-20-102** and **Terri Baldwin, Case # OT-20-105** and to reconvene the meeting after deliberations are complete. Second made by Beth Ann Ball. Motion passed. Anissa Siefert abstained.

Executive Director called the roll:

Beth Ann Ball	yes
Joanne Estes	yes
Mary Beth Lavey	yes
Anissa Siefert	yes
Melissa Van Allen	yes

Anissa Siefert abstained from attending the executive session.

Mary Beth Lavey requested the Executive Director and AAG Cheryl Hawkins participate in the executive session phone call.

The Section came out of executive session at 12:18 PM.

Joanne Estes made a motion to have a member of the section read the Section's decisions regarding findings of fact, conclusions of law, and order of the Section. Beth Ann Ball seconded the motion. Motion passed. Anissa Siefert abstained.

Terri Baldwin, case number OT-20-105

Based on a thorough review of the evidence, the Board found that the following Findings of Fact were proved by a preponderance of the evidence:

The Board had jurisdiction to conduct a hearing in this matter pursuant to Goldman v. State Medical Board of Ohio, 110 Ohio App. 3d 124; 673 N.E.2d 677 (1996).

Finding of Facts:

Ms. Baldwin is a licensed OTA.

Ms. Baldwin received the request for the CE audit.

During the CE audit of OTAs for the 2016-2018 licensed renewal period Ms. Baldwin failed to provide evidence of the CE completion. Ms. Baldwin acknowledged that she did not have the documented proof of her CE completion.

Ms. Baldwin failed to respond to the notice of opportunity for hearing.

The board has jurisdiction based on chapter 4755 of the ORC.

The board has considered the licensee's mitigation.

Beth Ann Ball made a motion, second by Joanne Estes to accept the finding of facts. Motion passed. Anissa Siefert abstained.

Conclusion of law:

The licensee failed to comply with 4755-9-01.

Beth Ann Ball made a motion, second by Joanne Estes to accept the conclusion of law. Motion passed. Anissa Siefert abstained.

Board Action:

Beth Ann Ball made a motion, second by Joanne Estes to accept the evidence, finding of fact and conclusion of law. Motion passed. Anissa Siefert abstained.

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law stated above, it is the conclusion of the Board that **the occupational therapy assistant license of Terri Baldwin is hereby REVOKED.**

Rosemary Franks, case number OT-20-102

The Board had jurisdiction to conduct a hearing in this matter pursuant to Goldman v. **State Medical Board of Ohio**, 110 Ohio App. 3d 124; 673 N.E.2d 677 (1996).

Finding of Facts:

Ms. Franks is a licensed OTA.

Ms. Franks received the request for the CE audit.

During the CE audit of OTAs for the 2016-2018 licensed renewal period Ms. Baldwin failed to provide evidence of the CE completion. Ms. Franks acknowledged that she did not have the documented proof of her CE completion.

Ms. Baldwin failed to respond to the notice of opportunity for hearing.

The board has jurisdiction based on chapter 4755 of the ORC.

The board has considered the licensee's mitigation.

Beth Ann Ball made a motion, second by Joanne Este to accept the finding of facts. Motion passed. Anissa Siefert abstained.

Conclusion of law:

The licensee failed to comply with 4755-9-01.

Beth Ann Ball made a motion, second by Joanne Estes to accept the conclusion of law. Motion passed. Anissa Siefert abstained.

Board Action:

Beth Ann Ball made a motion, second by Joanne Estes to accept the evidence, finding of fact and conclusion of law. Motion passed. Anissa Siefert abstained

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law stated above, it is the conclusion of the Board that **the occupational therapy assistant license of Rosemary Franks, OTA is hereby REVOKED.**

The Board has instructed the Executive Director to prepare an adjudication order to carry out the mandate of this Board and serve the order on **Terri Baldwin, case # OT-20-105** and **Rosemary Franks, case # OT-20-102** in the matter prescribed by law.

The concludes the matters of **Terri Baldwin, case # OT-20-105** and **Rosemary Franks, case # OT-20-102**.

Correspondence

Correspondence was reviewed by board.

OTA Report

No report

Open Forum

None

Old Business

None

New Business

- Jurisprudence exam review
- Definition of Occupational Therapy Practice

The next meeting will be held as a TEAMS meeting on March 11, 2021.

Adjournment

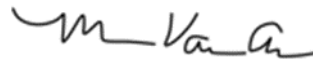
There being no further business and no objections, the meeting was adjourned at 1:19 PM

Respectfully submitted,

Jan Hills



Mary Beth Lavey, COTA, Chair
Ohio Occupational Therapy, Physical Therapy,
And Athletic Trainers Board, OT Section



Melissa Van Allen, OTR/L, Secretary
Ohio Occupational Therapy, Physical Therapy,
And Athletic Trainers Board, OT Section



Missy Anthony, Executive Director
Ohio Occupational Therapy, Physical Therapy,
And Athletic Trainers Board