



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Physical Therapy Section
September 26, 2019
9:00 AM

Members Present via Telephone

Anthony Ganim
Erin Hofmeyer, Chair
Ron Kleinman
Tim McIntire
Chad Miller
Linda Pax Lowes

Legal Counsel

LaTawnda Moore, AAG
Emily Pelphrey, AAG

Staff Present

Jennifer Adams, Investigator
Melissa Anthony, Executive Director
Jeffrey Duvall, Enforcement Division Supervisor
Jaklyn Shucofsky, Paralegal

Members Absent

Lynn Busdeker
Karen McIntyre
Jennifer Wissinger, Secretary

Call to Order

Erin Hofmeyer, Chair, called the meeting to order at 9:03 AM.

Enforcement Actions

The Board considered the matter of Shane Becker (case# PT-19-095), for whom a hearing was held before Hearing Officer Linda Mosbacher on July 16, 2019.

In accordance with Board procedures, the members who reviewed the case information for this individual and made a recommendation to the Board regarding the case information, shall not participate in further adjudication of the case and must abstain from further participation in the adjudication of these matters. No members were present to identify themselves.

Hearing Officer Mosbacher served a Report and Recommendation to the Board office on September 5, 2019. Mr. Becker received a copy of the Report and Recommendation via certified mail on September 11, 2019. Mr. Becker did file written objections to the Report and Recommendation, but he declined to orally address the Board on September 26, 2019. Assistant Attorney General LaTawnda Moore responded to Mr. Becker's written objections.

Erin Hofmeyer recommended to adjourn the meeting in order to go into private session for quasi-judicial deliberation on the case. Tim McIntire moved that the Board go into private session for quasi-judicial deliberation on the case. Tony Ganim seconded the motion. AAG Emily Pelphrey and Executive Director Missy Anthony were asked to stay.

The Executive Director called the roll.

Erin Hofmeyer	yes
Ronald Kleinman	yes
Timothy McIntire	yes
Anthony Ganim	yes
Karen McIntyre	absent
Linda Pax-Lowes	yes
Chad Miller	yes
Lynn Busdeker	absent
Jennifer Wissinger	absent

The Section came out of private session and the meeting resumed at 1:12 PM/

The Chair asked each member of the Board participating in this decision to answer “yes” or “no” to the following question:

Have you received, read and considered the entire record in this matter including the transcript of proceedings, exhibits, oral testimony, the hearing officer’s Report and Recommendation, and the written objections to the hearing officer’s Report and Recommendation in the matter of Shane Becker, case # PT-19-095, and at this time are you prepared to adjudicate this matter? Executive Director would you please call the roll:

Roll Call

Erin Hofmeyer	yes
Ronald Kleinman	yes
Timothy McIntire	yes
Anthony Ganim	yes
Karen McIntyre	absent
Linda Pax-Lowes	yes
Chad Miller	yes
Lynn Busdeker	absent
Jennifer Wissinger	absent

The Chair reminded the Section that Pursuant to Section 4755.47(A) of the Ohio Revised Code, the Section may dismiss the charges against Mr. Shane Becker if you find they were not supported by reliable, probative and substantial evidence, or if they found the charges are supported by the evidence, they may impose the following on Mr. Becker’s physical therapist assistant license:

- Limit
- Suspend
- Revoke
- Reprimand
- Fine
- Place on probation
- Require corrective action courses

The Chair asked if there were any questions concerning the range of possible actions available to the Board. There were none.

Erin Hofmeyer asked for a motion to accept the hearing officer’s findings of fact in the Matter of Shane Becker, case # PT-19-095. **Action:** Ron Kleinman moved to accept the hearing officer’s findings of fact as stated in the hearing officers report and recommendation. Tim McIntire seconded the motion. It has been moved and seconded to accept the hearing officer’s findings of fact.

Erin Hofmeyer asked for a motion to accept the hearing officer’s conclusions of law in the matter of Shane Becker, case # PT-19-095? **Action:** Ron Kleinman moved to accept the hearing officer’s conclusions of law. Tim McIntire seconded the motion. It has been moved and seconded to accept the hearing officer’s conclusions of law.

Erin Hofmeyer asked for a motion to accept the hearing officer’s recommendation. **Action:** Ron Kleinman moved to accept the hearing officer’s recommendation to revoke Mr. Becker’s license. Tim McIntire seconded the motion
Chair: It has been moved and seconded to accept the hearing officer’s recommendation to revoke Mr. Becker’s license.

The Chair asked if there was any discussion. Hearing none, the Executive Director called the roll on the aforementioned motions.

Erin Hofmeyer	yes
Ronald Kleinman	yes
Timothy McIntire	yes
Anthony Ganim	yes
Karen McIntyre	absent
Linda Pax-Lowes	yes

Chad Miller yes
Lynn Busdeker absent
Jennifer Wissinger absent

The motion carries.

Ron Kleinman moved that, pursuant to section 4755.031 of the Ohio Revised Code, fees be assessed against Mr. Shane Becker. Tony Ganim seconded the motion. The motion carried. Missy Anthony reported that the costs required under section 4755.031 of the Ohio Revised Code covered a total of two invoices: (1) hearing officer (\$1,445.00) and (2) court reporter with a transcript (\$627.25). The total cost for the two vendors is \$2072.25.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandate of this Board and serve the order on Mr. Shane Becker in the manner prescribed by law.

This concludes the matter of Shane Becker, case # PT-19-095.

Laws and Rules

The Section discussed a change to 4755-23-12, Requirements for foreign educated applicants. Ron Kleinman recommended that the Section remove the exceptions in (H)(2) for the TOEFL requirement. Tim McIntire moved the Section make the rule change. Linda Pax Lowes seconded the motion. The motion carried.

Licensure

Ron Kleinman recommended that the Section accept the findings from the FCPT credential evaluation that the individuals' education is substantially equivalent to the first professional degree in physical therapy in the United States based on the documentation provided for physical therapist assistant endorsement application file APP-000285757. Tim McIntire made the motion and it was seconded by Tony Ganim. The motion carried. Ron Kleinman abstained.

Next Meeting Date

The next regular meeting date of the Physical Therapy Section is scheduled for Thursday, November 21, 2019.

Adjournment

There being no further business and no objections, Erin Hofmeyer adjourned the meeting at 1:28 PM.

Respectfully submitted,
Missy Anthony

Erin Hofmeyer, PT, Chair
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

Tim McIntire, PT, Secretary
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board, PT Section

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

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