







OT Section Ethics/Updates  
Ohio Occupational Therapy  
Association  
September 25, 2021

Ohio Occupational Therapy, Physical  
Therapy, and Athletic Trainers Board



1

# Topics

-  OTPTAT Board Overview
-  Telehealth/Teletherapy
-  Duty to Report and boundary violations
-  Occupational Therapy licensure compact
-  Board updates
  - Enforcement cases
  - Frequently Asked Questions

September 2021

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2

## OTPTAT Board Overview – Occupational Therapy Section

The OT Section is committed to proactively:

- Provide education to the consumers of OT services;
- Enforce practice standards for the protection of the consumer of OT services;
- Regulate the profession of OT in an ever-changing environment;
- Regulate ethical and multicultural competency in the practice of OT;
- Regulate the practice of OT in all current and emerging areas of service delivery.

### OT Section Vision Statement

September 2021

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3

3

## Mission of the OT Section

The mission of the OT  
Section is to protect the  
public, **NOT** the licensee

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4

4

## Purpose of Regulatory Boards

### Establishing and checking

- Establishing and checking requirements for entry into the profession

### Adopting

- Adopting administrative rules

### Enforcing

- Enforcing laws related to licensure

### Assuring

- Assuring continued competence of licensees

September 2021
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5

5

## Composition of the Board

### Joint Board consisting of an:

- Occupational Therapy Section (4 OT, 1 OTA)
- Physical Therapy Section (9 PT, 5 on joint board)
- Athletic Trainers Section (4 AT, 1 physician)
- One public member

### Total of nine full-time staff

September 2021
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6

6

## OT Section Members

Member	City	Term Expires	Term
Beth Ann Ball, OTR/L,	Worthington	2021	3 <sup>rd</sup>
Joanne Phillips Estes, PhD, OTR/L,	Cincinnati	2022	2 <sup>nd</sup>
Anissa Siefert, MOT, OTR/L	New Washington	2022	2 <sup>nd</sup>
Melissa Van Allen, OTR/L, Section Secretary	Columbus	2023	2 <sup>nd</sup>
Vacant, OTA			

All terms expire on Aug. 27 of the designated year. Pursuant to ORC 4755.01, members shall not serve for more than three (3) consecutive terms

To seek appointment to the Board, contact the Governor's Office and download the application (<http://governor.ohio.gov>)

September 2021
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7

7

License Type	Number of Active Licensee (8/27/2021)
Athletic Trainer	3,090
Occupational Therapist	6,798
Occupational Therapy Assistant	5,002
Physical Therapist	11,355
Physical Therapist Assistant	8,705
Orthotics, Prosthetics, Pedorthics	344
3-D Printing of Prosthetics	2
<b>Total</b>	<b>35,296</b>

## Licensure Statistics

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
September 2021
8

8

## Telehealth

- You must have a license in Ohio to treat a patient/client located in Ohio.
- American Occupational Therapy Association's Position Paper: Telerehabilitation (AOTA, 2018) for additional guidance on occupational therapy practice via telehealth.  
<https://www.aota.org/Practice/Manage/telehealth.aspx>  
<https://www.aota.org/~media/Corporate/Files/Practice/Ethics/Advisory/telehealth-advisory.pdf>
- If you have an Ohio license and want to treat a patient/client located in another state, you must check with that other jurisdiction. Laws vary from state to state.

September 2021

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9

9

## Telehealth

- Considerations
  - Client preference
  - Client appropriateness
  - Technology availability
  - Standards of care
  - OTA supervision/delegation
  - Privacy/HIPAA
- OT remains responsible for all aspects of OT care provided, including the technological proficiency.
- Informed consent should be obtained and identities verified.

September 2021

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10

10

## Televisits/ Teleassist

Televisits/teleassist is the use of technology to provide treatment from a distance, but while at the same location.

Can another discipline assist with the performance of audio-visual skyping during evaluations, therapist progress notes, etc.?

- In this situation, other licensed professionals, such as a physical therapist assistant, would be considered "unlicensed personnel" by the OT Practice Act. Per Ohio Administrative Code 4755-7-01(G), "Unlicensed personnel" means any person who is on the job trained and supports the delivery of occupational therapy services by personally assisting the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant while the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant is concurrently providing services to the same client.

11

## Televisits/ Teleassist

- Pursuant to section 4755-7-03 (D) of the Ohio Administrative Code "unlicensed personnel may only perform specific tasks which are neither evaluative, task selective, nor recommending in nature." Additionally, the occupational therapist must not delegate the following to unlicensed personnel: performance of occupational therapy evaluative services; initiation, planning, adjustment, modification, or performance of occupational therapy services; or making occupational therapy entries directly in the client's official records.

- Documentation should identify that a treatment was provided via teleassist and identify the hands-on assistant.

12

## Telehealth FAQ

- Does the software have to be HIPAA compliant?
  - Follow US Department of Health and Human Services guidance - <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>
- Telehealth issues in schools
  - Informed consent
  - Parental consent
  - Ohio Department of Education - <http://education.ohio.gov/Topics/Reset-and-Restart/Students-with-Disabilities>
  - US Department of Education- <https://otptat.ohio.gov/Portals/o/Q%26A%20-%20IDEA%20Parental%20Consent%20and%20signatures%20in%20COVID%20Environment.pdf>
- Billing questions – Medicare/Medicaid
  - Check with OOTA
  - Ever evolving

September 2021

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13

13

## Duty to report – OT Practice Act requirement

- Licensees also have a responsibility, a duty, to report practitioners that are incompetent, unprofessional, or unlawful. When health care practitioners act outside of normal professional standards, the public loses trust in that person or potentially the profession as a whole.
- The state board's first priority is protecting the public and may use a variety of remedial and punitive sanctions to prevent future incidents. When OTs, OTAs, or employers report incidents to the Board, the complaint is investigated, and, if substantiated, appropriate action is taken. The Board will work to correct the practitioner's behavior and increase the understanding of the problem.
- If an issue is never reported, the practitioner can simply be fired or resign and seek employment at another facility with no consequence, potentially putting others at risk.

September 2021

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14

14

## Duty to report – OT Practice Act requirement

- It is your duty to report another practitioner when you have reasonable cause to believe that person is unable to practice safely, has engaged in unprofessional conduct, violated laws or rules, or committed unethical practices. OAC 4755-7-08 (A)(9)
- Failure to report could result in professional disciplinary action by the state Board.
- Complaint portal:  
[https://elicense.ohio.gov/oh\\_filecomplaint](https://elicense.ohio.gov/oh_filecomplaint)

15

### Ohio Administrative Code 4755-7-08 Code of Ethics

(9) A licensee shall not exploit a client, or the parent/guardian of a minor client, sexually, physically, emotionally, financially, socially, or in any other manner.

(10) A licensee shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, clients, the parent/guardian of a minor client, students, and/or colleagues.

(11) A licensee shall not engage in any sexual relationship or conduct, including dating, with any client, or engage in any conduct that may reasonably be interpreted by the client to be sexual, whether consensual or nonconsensual, while a practitioner-client relationship exists and for six months immediately following the termination of the practitioner-client relationship. In the case of minors, the practitioner-client relationship extends to the minor's parent or guardian.

(a) A licensee shall not intentionally expose or view a completely or partially disrobed client in the course of treatment if the exposure or viewing is not related to the client diagnosis or treatment under current practice standards.

(b) A licensee shall not engage in a conversation with a client that is sexually explicit and unrelated to the occupational therapy intervention plan.

## Boundary violations

16



**Ohio Administrative Code 4755-7-08 Code of Ethics**

(12) A licensee shall not engage in sexual harassment of clients, the parent/guardian of a minor client, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature that results in:

- (a) Withholding occupational therapy services to a client;
- (b) Creating an intimidating, hostile, or offensive environment; or
- (c) Interfering with the client's ability to recover.

Boundary violations

September 2021 Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board 17

17

**Examples:**

1. An OT becomes friends with a client on social media. Conversations escalate and before you know it, inappropriate photos are exchanged.
2. An OTA in home health spends time with patients in their home and becomes very familiar and eventually confides in the patients about personal relationships and the status of their marriages.

**“Ethics violations have more to do with laws or rules, and boundary violations have more to do with relationships.”**

Boundary violations

September 2021 Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board 18

18

## Occupational Therapy Licensure Compact

### What is a licensure compact?

- Allows licensed occupational therapists and occupational therapy assistants to practice across state lines (e.g., telehealth)
- Improves consumer access to occupational therapy
- Enhances mobility of occupational therapy practitioners (e.g., spouses of relocating military families, staff of travel therapy companies)
- Improves continuity of care
- Preserves and strengthens the state licensure system
- Enhances the exchange of licensure, investigatory, and disciplinary information between member states.

Ohio has passed the OT Compact! Stay tuned for more information on when it will go live. Currently nine states have approved it. Ten are required to make the compact active.

19

## Board Updates

[Board@otptat.ohio.gov](mailto:Board@otptat.ohio.gov)

<https://otptat.ohio.gov/>

614-466-3774



20

## NO ESCROW

- With the requirements of reinstatement being so similar to restoration from escrow, this was oftentimes confusing to license holders.
- The Section came to the conclusion that very little benefit is achieved through the escrow option.
- Additionally, OT/OTA were the only license types with an escrow option at the OTPTAT Board.
- If your license is currently in escrow, you will be able to restore it.

September 2021
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
21

21

## Continuing Education

Basic requirement of 20 hours,  
including one hour of ethics,  
jurisprudence, or cultural  
competence

**UNCHANGED**

September 2021
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22

22

## Continuing Education

### Recent changes allow:

- Clarifies that completion of continuing education is not required for first time renewals.
- Establishes a maximum number of sixteen hours for which fieldwork may count toward continuing education requirements.
- States that proof of fieldwork as continuing education may either be the AOTA fieldwork performance evaluation tool or the school's designated evaluation tool.
- Expands the category of mentorship for a maximum of four hours.
- Implements Senate Bill 7, which allows the Ohio Occupational Therapy Association to conduct course approvals on behalf of the OT Section of the Board.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

23

23

## Continuing Education

- Twenty hours is a minimum. Not a maximum.
- Hours must be completed within the renewal period. July 1, 2020 – June 30, 2022 for OTAs. July 1, 2021-June 30-2023 for OTs
- Don't make the mistake of renewing and then immediately starting your CE for the next cycle and expect it to count. Must be after July 1.
- Many activities count. Must be able to show a nexus to the practice.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

24

24

## Continuing Education

- Basic Life Support, OSHA activities do not count.
- Approval numbers mean a course has been approved for CE credit. Approval is not required for CE hours that have a clear nexus to practice.
- **Retain your certificates at least two years post-renewal.** They do not need to be submitted as a part of renewal.
- Advise keeping them in multiple forms. Fires do happen.

September 2021

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25

25

## CE Audit

- After the renewal period has ended, but before the next renewal period begins, the OTPTAT Board will conduct a CE Audit of 5%-20% of the active license holders.
- If audited, you will receive multiple email notices from the Board.
- Sometimes notices go to junk mail, so the Board will also mail multiple notices.
- To respond, you will upload your certificates and credits into eLicense Ohio. Give staff time to review the submission. If there are questions, we will be in touch. Otherwise, you will receive notification that your audit is complete.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

26

26

## CE Audit

- Be aware of the renewal period timelines. You are responsible for 20 hours of CE over the two years prior to the renewal deadline (always June 30)
- Even if you are not working – retired, disabled, working outside the field, taking a break - you are still responsible for CE if you renewed your license.
- If you retire, simply allow your license to go inactive. You may reinstate it at a later time if you need it. Inactive/expired with no discipline is a status in good standing.

27

## Changes of address, email, employer

- When registering in eLicense, do not use your email for your school or your employer as your log in. Many people forget to change this email if their circumstances change, and then the Board cannot reach you.
- You can update your profile at any time in eLicense, including your address, email, and employer.
- To change your name, you must submit a service request through eLicense to include documentation to demonstrate the name change.
- <http://elicense.ohio.gov>
- License number format = OTXXXXXX or OTAXXXXXX

28

## Enforcement cases – 2020

- OT supervised an occupational therapy assistant that engaged in the practice of occupational therapy when she did not hold a valid license in the State of Ohio to do so for she had placed her license in escrow from June 29, 2018 to July 1, 2020.
- Written reprimand; provide a copy of the Consent Agreement to any current and future employers during agreement term.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

29

29

## Enforcement cases – 2020

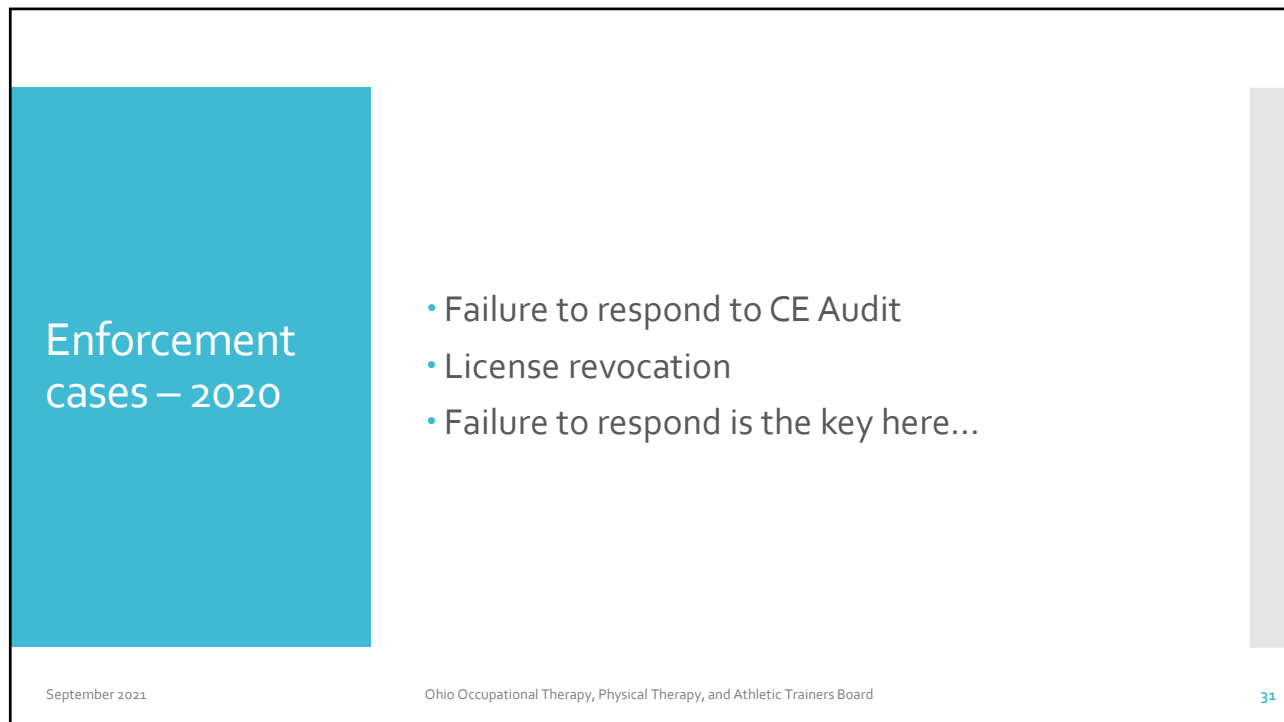
- On or about the months of July 2019 to January 2020, OT engaged in the practice of occupational therapy, when she did not hold a valid license to do so in the State of Ohio.
- Written reprimand; pay a fine of \$700.00; develop a personal plan of action ensuring future compliance; provide a copy of the Consent Agreement to any current and future employers during agreement term.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

30

30



Enforcement cases – 2020

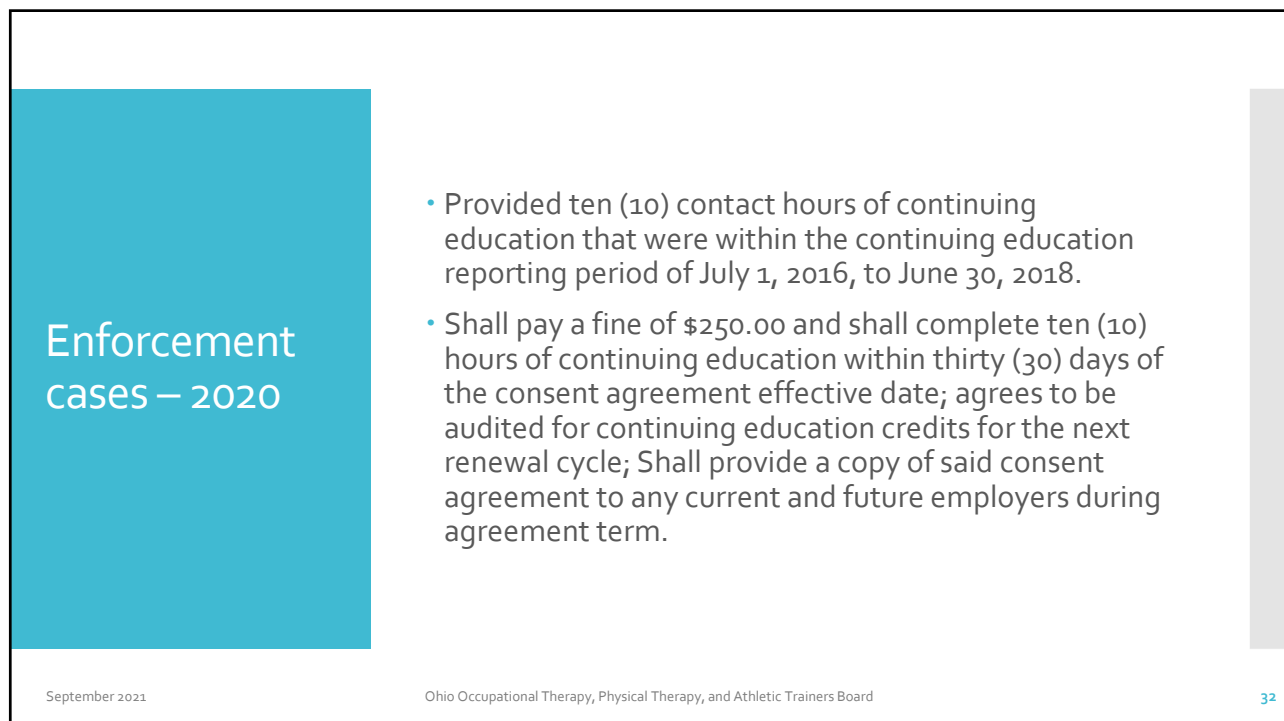
- Failure to respond to CE Audit
- License revocation
- Failure to respond is the key here...

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

31

31



Enforcement cases – 2020

- Provided ten (10) contact hours of continuing education that were within the continuing education reporting period of July 1, 2016, to June 30, 2018.
- Shall pay a fine of \$250.00 and shall complete ten (10) hours of continuing education within thirty (30) days of the consent agreement effective date; agrees to be audited for continuing education credits for the next renewal cycle; Shall provide a copy of said consent agreement to any current and future employers during agreement term.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

32

32



## Enforcement cases – 2021

- On July 9, 2019, the court granted OTA's request for intervention in lieu of conviction and established an intervention plan. On August 9, 2019 OTA tested positive for THC (Marijuana) and Cocaine. On August 16, 2019 OTA tested positive for THC (Marijuana). On November 6, 2019 OTA again tested positive for THC (Marijuana).
- OTA's license to practice as an occupational therapy assistant in the State of Ohio shall be placed on probation for a period of one (1) year; written reprimand; subject to drug and alcohol screenings during entire course of probation; abide by all treatment programs designated by the court; complete an AOTA approved Ethics course; OTA shall provide a copy of the consent agreement to any current and future employers during the term of this agreement

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

33

33

## Enforcement cases – 2021

- On January 14, 2020, OTA abandoned her job and failed to provide occupational therapy services to four of the five patients that were scheduled to be seen by OTA.
- OTA's license to practice as an occupational therapist assistant in the State of Ohio shall be suspended for a period of thirty (30) days; complete an AOTA approved Ethics course; OTA shall provide a copy of the consent agreement to any current and future employers during the term of this agreement.

September 2021

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34

34

## Enforcement cases – 2021

- OT failed to conduct a full evaluation on three patients, however billed for a full evaluation on all three occasions. OT therefore billed for services not rendered and failed to provide adequate standard of care.
- OT's license to practice as an occupational therapist in the State of Ohio shall be placed on probation for a period of one (1) year; complete an AOTA approved Ethics course; OT shall provide a copy of the consent agreement to any current and future employers during the term of this agreement.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

35

35

## Enforcement cases – 2021

- Between September 2019 to February 2020, OT failed to accurately document dates and times for 2,400 minutes of occupational therapy services to 32 students. Additionally, OT failed to accurately document the dates and times for providing occupational therapy services on 19 occasions when the students were absent from school that affected 10 students. Said conduct constitutes a violation of Ohio Rev. Code 4755.11 (A)(3), (A)(5) &/or, (A)(16), Ohio Administrative code 4755-7-08 (B)(4), (B)(9), (B)(15)(a), &/or (B)(15)(c).
- OT's license shall be suspended for a period of 30 days; pay a fine of \$830.00; successfully complete an AOTA approved Ethics course; provide a copy of the consent agreement to any current and future employers during agreement term.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

36

36

## Enforcement cases – 2021

- In the month of May 2020 while employed as an occupational therapist assistant, OTA engaged in a racial conversation with a patient and used an offensive racial slur; while explaining how it had been said to the OTA in a complimentary manner. Said conduct constitutes a violation of the Ohio Rev. Code § 4755.11 (A)(3), (A)(5), & (A)(16) and Ohio Administrative Code § 4755-7-08 (B)(9), (B)(16) & (C)(12)(b), (C)(17)(a).
- OTA shall successfully complete an AOTA approved Ethics course within thirty (30) days of the ratification of this Agreement; provide a copy of the consent agreement to any current and future employers during the term of this agreement.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

37

37

## Enforcement cases – 2020

- Discipline is reported to NPDB, NBCOT, and other states, as well as posted publicly on the OTPAT Board website and newsletter.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

38

38

## Frequently Asked Questions

### Can I perform (fill in the blank) modality?

- In accordance with section [4755.04](#) (A)(3) of the Ohio Revised Code, it is the position of the Occupational Therapy Section that occupational therapy practitioners may use therapeutic modalities in the provision of occupational therapy services provided that the occupational therapy practitioner demonstrates and documents competency in the modality, in accordance with rule [4755-7-08](#) of the Administrative Code. Additionally, occupational therapy practitioners must be practicing within the occupational therapy scope of practice when using their modalities in the provision of services. If the modality will be administered by an occupational therapy assistant both the supervising occupational therapist and occupational therapy assistant must document and demonstrate competency in the techniques or modality.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

39

39

## Frequently Asked Questions

### Can OT/OTA licensees handle medication management?

- There is nothing in the Ohio Occupational Therapy Practice Act prohibiting occupational therapists from assisting clients to organize medications in their homes. Because ADLs include this activity, it is within the scope of practice of OTs as defined:
- As used in sections 4755.04 to 4755.13 and section 4755.99 of the Revised Code: (A) "Occupational therapy" means the **therapeutic use of everyday life activities or occupations with individuals or groups for the purpose of participation in roles and situations in the home, school, workplace, community, and other settings.**

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

40

40

## Frequently Asked Questions

### School based resources

- **MSP:**  
<http://education.ohio.gov/Topics/Finance-and-Funding/Programs/The-Ohio-Medicaid-Schools-Program>
- Office of Exceptional Needs:  
<http://education.ohio.gov/Topics/Special-Education>
- Responsibilities of OT Practitioners in schools:  
<https://otptat.ohio.gov/Portals/0/Pdfs/Comparison%20of%20Responsibilities%20of%20Occupational%20Therapy%20Practitioners%20in%20School%20March%202011-reviewed%20August%202019.pdf?ver=2019-10-21-171202-770>

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

41

41

## Frequently Asked Questions

- RTI
- If an occupational therapist (OT) is providing services within a consultative model for a group of students and not direct treatment to an individual, an individual treatment/intervention plan is not needed. However, if direct services are provided to an individual, whether it is as an identified student under special education or as an individual student who is being served under RTI, the requirements for rules 4755-7-02 (A) and 4755-7-08 (C)(1)(a) apply. As a result, direct service requires an occupational therapy evaluation, interpretation of the results, and development of a treatment/intervention plan by the OT.
- It is the position of the OT Section, if an occupational therapist is working under RTI Tier 1, the provision of services, i.e., conducting a workshop for educators for professional development, conducting handwriting screenings for all kindergarten students, making recommendations associated with classroom management, or providing teachers with support when developing their classrooms' routines, is compliant with 4755.04 of the revised code.
- Under Tier 2, Recommending seating modifications to benefit small groups of struggling students in general education to promote better student outcomes or collaborating with a teacher to develop an intervention to support a small group of students or other collaborative interventions for groups of children are within sections 4755.04 to 4755.13 and section 4755.99 of the Revised Code. This can include monitoring the outcomes and modifying the processes.
- Under Tier 3, It is the position of the Occupational Therapist Section that 4755-7-02 Roles and responsibilities, explains that individual evaluations and determination of need for services for an individual are necessary as in any area of occupational therapy practice. An occupational therapist participating in Tier 3 RTI process would perform assessments, plan and implement interventions, and collect data on outcomes with appropriate documentation. Observing a child on an individual basis and making recommendations in any setting, requires parental permission, completing an occupational therapy evaluation and establishing an occupational therapy treatment/intervention plan if needed.

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

42

42

## Board Communications

- “Like” the Board on Facebook at <https://www.facebook.com/OhioOTPTATBoard>
- Follow the Board’s Twitter feed at <http://twitter.com/OhioOTPTATBd>
- Each Section has its own listserv
  - To join, go to Board’s website and select “Join a Board Listserv” link on the homepage

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

43

43

## Contacting the Board

- You may contact the Board by any of the following methods:
  - Internet: <http://otptat.ohio.gov>
  - Email: [board@otptat.ohio.gov](mailto:board@otptat.ohio.gov)
  - Phone: 614-466-3774
  - Fax: 614-995-0816
  - Mail:
    - Ohio OTPTAT Board
    - 77 S. High Street, 16<sup>th</sup> Floor
    - Columbus, OH 43215-6108

September 2021

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

44

44