Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
Ted Strickland
Executive Director
Jeffrey M. Rosa

Before The Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Athletic Trainers Section

Brandy D. Moore
3624 Tamarack Ave.
Cincinnati, OH 45207

IN RE:
The eligibility of Brandy D. Moore AT-2653 to retain her license as an Athletic Trainer in the State of Ohio

Case No: 07-013 AT

Issue Date: 8-15-07

Notice of Opportunity for a Hearing

Introduction and Jurisdiction

Section 4755.64(A) of the Ohio Revised Code authorizes the Board to suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine or place a licensee on probation, for any of the following:

> (2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;
>
> (3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;
>
> (5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;

In accordance with Chapter 119 and section 4755.64 of the Ohio Revised Code, you are hereby notified that the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "Board") intends to determine whether or not to suspend or revoke your athletic trainers license, or reprimand, fine or place you on probation for the following reasons:

Count 1

On May 11, 2007, **Moore** submitted a renewal application for her athletic trainers license via the internet. In said application, **Moore** answered "Yes" to the question: "Did you complete the required amount of continuing education?" *Fifty (50) hours

of continuing education is required if your expiring license was valid from May 16, 2005 to May 15, 2007. A review of **Moore's** 2007 audit materials revealed that **Moore** had completed 6 hours of the required 50. Said conduct constitutes a violation of Ohio Revised Code section 4755.64(A)(3).

Count 2

On May 31, 2007, **Moore** was sent a random audit notice of her continuing education. On July 5, 2007, **Moore** responded to the 2007 continuing education audit by submitting verification of six (6) continuing education credits earned for the renewal period of May 16, 2005 through May 15, 2007. A review of the information submitted revealed that **Moore** accounted for 6 of the 50 hours of continuing education required for her 2007 license renewal. Said conducts constitutes a violation of Ohio Revised Code section 4755.64(A)(2) & (5) and Ohio Administrative Code rule 4755-41-01(D)(2) & 4755-45-01.

Ohio Administrative Code rule 4755-41-01 states in pertinent part:

(D) Athletic trainers shall maintain and promote high standards in the provision of services.

(2) Athletic trainers shall recognize the need for continuing education and participate in various types of educational activities that enhance their skills and knowledge.

Ohio Administrative Code rule 4755-45-01 states:

(A) Pursuant to section 4755.63 of the Revised Code, to renew an athletic trainers license, licensees shall complete:

(1) Not less than fifty hours of continuing education that meet the requirements of this rule; and

(2) At least one contact hour of ethics education per renewal cycle. The one hour ethics requirement shall be fulfilled by one of the following:

(a) Attendance at a professional workshop, seminar, and/or conference at which at least one hour is spent addressing professional ethics;

(b) Presentation at a professional workshop, seminar, and/or conference at which at least one hour is spent presenting professional ethics;

(c) Self-study;

(d) Attendance at a presentation by the athletic trainers section; or

(e) Passage of the Ohio athletic training laws and rules examination in compliance with paragraph (C)(8) of this rule.

(B) The athletic trainers section shall determine if a continuing education activity meets the requirements of this rule. Continuing education is defined as participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction. One contact hour equals

sixty minutes pursuant to section 4755.63 of the Revised Code, six units equals fifty contact hours.

(1) Applications for prior approval of workshop or conference content by the athletic trainers section may be obtained by the workshop or conference sponsor from the board office. For prior approval, completed applications must be received by the section no later than ninety days prior to the date of the workshop or conference.

(2) If no other form of verification is used, licensees shall obtain from the board office verification of participation form, which are to be signed by each presenter at the conclusion of each presentation. If a presentation is made by a panel of individuals, only one signature is required. Original continuing education certificates or other original documents indicating credits awarded may also be used as verification of participation.

(3) Continuing education hours shall exclude refreshment breaks, receptions and other social gatherings, and meals.

(C) A cceptable continuing education activities may include:

(1) Participation in professional workshops, seminars, and/or conferences.

(a) Credit is obtained by participating in presentations that have either been approved by the athletic trainers section, sponsored by the national athletic trainers association, the national athletic trainers association board of certification, the great lakes athletic trainers association, the Ohio athletic trainers association, or offered by a national athletic trainers association board of certification approved provider, or which otherwise meets all of the following criteria:

(i) Contributes directly to professional competency;

(ii) Relates directly to the clinical practice, management, or education of athletic training; and

(iii) Conducted by individuals who demonstrate expertise in the subject matter of the program.

(b) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, and/or other materials given to participants during the presentation and/or, if applicable, information documented on prior approval applications made with the board.

(c) A minimum of ten hours shall be earned under this category per renewal cycle. There is no limit on the number of continuing education hours that may be earned in this category.

(2) Presentations. To be eligible to receive continuing education credit for making a presentation, the presentation shall be:

(a) To health or education professionals and/or students; and

(b) Directly related to the clinical practice, management, or education of athletic training professionals.

Five hours will be awarded per presentation, with a maximum of ten hours per renewal cycle. Proof of having conducted the presentation is the workshop, conference, or seminar contract, the brochure, agenda or other printed materials describing the content and audience.

Continuing education credit will not be awarded for subsequent

presentations of the same material.

(3) Publication of original work. Ten hours will be awarded per original publication in a state or national scientific journal or publication of a related professional organization. A maximum of twenty hours may be earned in this category per renewal cycle.

(4) Postgraduate courses. Any course completed after receiving a bachelors degree may be submitted for consideration by the athletic trainers section provided the course is directly related to management, practice, or education of athletic training. Proof of completion is an official transcript and a copy of the course description. Five contact hours will be awarded for each semester hour or equivalent accepted, with a maximum of forty hours per renewal cycle.

(5) Self-study. Formal self-study packages related to the practice of athletic training are acceptable. Proof of completion is the certificate from the self-study sponsors. A maximum of thirty hours may be earned in this category per renewal cycle.

(6) Certification in first aid shall be awarded five hours per renewal cycle.

(7) Certification in CPR.

(a) Continuing education credit shall only be awarded for certification in CPR for the professional rescuer (CPRPR) or CPR for the healthcare provider (CPRHCP).

(b) A maximum of five contact hours may be earned in this category per renewal cycle.

(8) Laws and rules examination. One contact hour may be earned for completing and passing the Ohio athletic training laws and rules examination. This contact hour may be utilized only once per renewal cycle for continuing education credit. Proof of completion will be supplied by the section. This contact hour may be used to fulfill the ethics requirement established in paragraph (A)(2) of this rule.

(D) An athletic training license shall not be renewed unless the licensee signed the renewal application certifying that the individual completed the required number of continuing education hours specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the athletic trainers section for violating division (A)(3) of section 4755.64 of the Revised Code.

(E) Records and documentation of continuing education activities, such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, books, and/or apprenticeship evaluations shall be maintained by the licensee.

(F) The athletic trainers section shall conduct an audit of the continuing education records of not less than five per cent of the licensees each renewal year.

(1) Licensees chosen for the audit shall submit documentation to support the continuing education activities within the timeframe specified by the athletic training section. After review of the records and documentation, if requested, the materials shall be returned to the licensee.

(2) Failure to provide proof of the required number of continuing education hours in the appropriate categories, for the specified time period will

result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

Hearing Procedures

Pursuant to section 119.07 of the Ohio Revised Code, you have the right to request a hearing on these charges, if your written request for a hearing is received by the Board office, located at 77 South High Street, 16th Floor, Columbus, OH 43215, within thirty (30) days of the mailing of this Notice. Further, you are advised that you are entitled to appear at such hearing in person, or by an attorney, or by such other representative who is permitted to practice before the agency. At the hearing, you may present evidence and examine witnesses appearing for or against you. Also, In lieu of personally appearing, you may present your positions, arguments or contentions in writing.

If you do not timely request such a hearing, the Board, upon consideration of the charges cited, may, in your absence, take such disciplinary action it deems appropriate. This action may include, but is not limited to, suspension or revocation of your license.

Please be advised that under section 4755.031 of the Ohio Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised code shall pay a fee in the amount of the actual cost of the administrative hearing including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the board. The fee shall be collected by the appropriate section.

By Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board: Athletic Trainers Section

Jeffrey M. Rosa
Executive Director

cc: Aaron Epstein, Assistant Attorney General

Certified Mail: 7004 2510 0006 9805 5666
Return Receipt Requested

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IN RE:
The eligibility of Brandy D. Moore AT-2653 to retain her license as an Athletic Trainer in the State of Ohio

Case No: 07-013 AT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Brandy D. Moore**, ("**Moore**") and the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, ATHLETIC TRAINERS SECTION ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755 and all rules promulgated thereunder. **Moore** hereby enters into this Agreement being fully aware of her rights, including those under Chapter 4755 and Chapter 119, Ohio Revised Code, including the right to representation by counsel and an adjudication hearing.

In consideration of the mutual promises hereinafter set forth, **Moore** and the Board agree as follows:

Jurisdiction and Predicate Facts

1. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section, is empowered by section 4755.64(A) of the Ohio Revised Code to suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine or place a licensee on probation, for any of the following:

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;

(5) Violating the standards of ethical conduct in the practice of

athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;

2. **Moore** currently holds a license to practice as an athletic trainer in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of athletic training.

3. **Moore** has been licensed as an athletic trainer in the State of Ohio since March 3, 2006.

4. On May 11, 2007, **Moore** submitted a renewal application for her athletic trainers license via the internet. In said application, **Moore** answered "Yes" to the question: "Did you complete the required amount of continuing education?" *Fifty (50) hours of continuing education is required if your expiring license was valid from May 16, 2005 to May 15, 2007. A review of **Moore's** 2007 audit materials revealed that **Moore** had completed 6 hours of the required 50. Said conduct constitutes a violation of Ohio Revised Code section 4755.64(A)(3).

5. On May 31, 2007, **Moore** was sent a random audit notice of her continuing education. On July 5, 2007, **Moore** responded to the 2007 continuing education audit by submitting verification of six (6) continuing education credits earned for the renewal period of May 16, 2005 through May 15, 2007. A review of the information submitted revealed that **Moore** accounted for 6 of the 50 hours of continuing education required for her 2007 license renewal. Said conducts constitutes a violation of Ohio Revised Code section 4755.64(A)(2) & (5) and Ohio Administrative Code rule 4755-41-01(D)(2) & 4755-45-01.

ADMISSIONS

1. **Moore** hereby admits and acknowledges that she has received proper notice of her right to a formal hearing pursuant to Ohio Revised Code Chapter 119.

2. **Moore** hereby knowingly waives all rights to a formal hearing in this matter by entering into this consent agreement. This Agreement shall have the full force and effect of an Order duly entered in accordance with those procedures set forth in Ohio Revised Code Chapter 119 and Chapter 4755 relating to administrative proceedings.

3. **Moore** admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts, and waives all rights to appeal.

4. **Moore** admits that the facts set forth above constitute a violation of Ohio law thereby subjecting her to disciplinary action by the Board pursuant to section 4755.64 of the Ohio Revised Code.

TERMS

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action based on the admissions in the Agreement, **Moore** and the Board, knowingly and voluntarily agree to the following terms:

1. **Moore** is placed on probationary status until she fulfills all requirements of this Agreement.

2. **Moore** shall pay a fine of $300.00 within ninety (90) days of the effective date of this agreement. Acceptable forms of payment include; cashier's check, business check or money order. Checks and money orders should be made payable to "Ohio Treasurer Richard Cordray."

3. **Moore** shall satisfactorily complete 44 continuing education hours for the May 16, 2005 through May 15, 2007 renewal period within 120 days of the effective date of this agreement. Of the 44 continuing education hours completed, 10 hours will be fulfilled by attending a professional workshop, seminar and/or conference. The maximums outlined in rule 4755-45-01 of the Ohio Administrative Code still apply. Verification of completion must be submitted to the attention of the Enforcement Division of the Board within 120 days of the ratification of this agreement. Hours earned for this term shall not be counted toward the 50 hours required for the May 16, 2007 through May 15, 2009 renewal period.

4. **Moore** shall provide a copy of the consent agreement to any current and future employers during the term of the Agreement. Her employer must send written notification to the Enforcement Division of the Board indicating that they were provided a copy of the Agreement. **Moore** shall ensure that this notification by her employer is received by the Enforcement Division within thirty (30) days of the effective date of the Agreement.

5. **Moore** understands that she will be audited for continuing education credits for the 2009 renewal cycle.

6. **Moore** agrees to abide by all federal, state, and local laws, and all laws and rules governing the practice of athletic training in the State of Ohio.

7. Failure to abide by the terms of this agreement shall constitute an actionable violation and may subject **Moore** to all disciplinary remedies available to the Athletic Trainers Section including, but not limited to, revocation of her license.

8. **Moore** hereby releases the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.

9. All parties to this agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.

10. All parties to this agreement understand that this information will be sent to the Federal Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB), pursuant to 42 U.S.C. §1320a-7e(b), 5 U.S.C. §5525a, and 45 C.F.R. pt. 61

11. By her signature on this consent agreement, **Moore** agrees that in the event the Board, in its discretion, does not approve this consent agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **Moore** agrees that should the Board reject this consent agreement and if this case proceeds to hearing, she will assert no claim that she was denied a fair hearing or that the Board was prejudiced by its review and discussion of this Agreement and/or the information relating thereto.

12. By adopting and executing this consent agreement, the Board hereby acknowledges that this consent agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against **Moore** resulting from the aforementioned conduct.

13. This agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

14. This agreement will be deemed fulfilled when **Moore** successfully completes terms one (1) through three (3), at which point **Moore** will be released from this agreement.

By her signature **Moore** acknowledges that she has carefully read the above Agreement and enters into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of her rights under Ohio law. By executing this Agreement, **Moore** recognizes that if, in the discretion of the Board it appears that she has breached any terms or conditions of this Agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the Agreement. If the Board finds a breach of this Agreement, it may impose any disciplinary remedy available under Ohio law.

The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its approval.

Brandy D. M. Vinson

Brandy D. Moore Vinson

9-18-07

DATE

Counsel to Brandy D. Moore
(If represented)

DATE

Jeffrey M. Rosa
Executive Director

1-10-08

DATE

Yvonne Tertel

Yvonne Tertel
Assistant Attorney General

11/10/2008

DATE