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

OTPTAT BD 01/06/10 AM

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

Occupational Therapy Section

Emily Dickerson
3820 Grimes Drive
Columbus, OH 43204

IN RE: The eligibility of Emily Dickerson, OT6858, to retain her license as an Occupational Therapist in the State of Ohio

Case No: 2010-022-OT

Issue Date: December 10, 2009

Notice of Opportunity for a Hearing

Introduction and Jurisdiction

Section 4755.11(A) of the Ohio Revised Code authorizes the Board to suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, or place a license or limited permit holder on probation, for any of the following:

> (2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;
>
> (3) Violation of any lawful order or rule of the occupational therapy section;
>
> (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;

In accordance with Chapter 119 and section 4755.11 of the Ohio Revised Code, you are hereby notified that the Occupational Therapy 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 occupational therapist license, or reprimand, fine, or place you on probation for the following reasons:

Count 1

On or about May 4, 2009, while working as an occupational therapist, at Columbus Health Care Center, located at 4301 Clime Road, Columbus, Ohio 43207, you supervised and/or countersigned documentation prepared by Abigail Metcalf. Ms. Metcalf did not hold a license to practice as an occupational therapy assistant in the state of Ohio. Said conduct constitutes a violation of Ohio Revised Code sections 4755.11(A)(2), (3) & (11), and Ohio Administrative Code rule 4755-7-01 (A)(2).

Ohio Revised Code section 4755-7-01 states in pertinent part:

Supervision must ensure consumer protection.

(A) The following provisions apply to supervision of limited permit holders and occupational therapy assistants:

(2) The supervising occupational therapist shall confirm that the limited permit holder and/or occupational therapy assistant hold current permits or licenses to practice occupational therapy, as provided in section 4755.08 of the Revised Code, prior to allowing the limited permit holder and/or occupational therapy assistant to engage in the practice of occupational therapy.

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:
Occupational Therapy Section

Jeffrey M. Rosa
Executive Director

cc: Yvonne Tertel, Principal Assistant Attorney General

Certified Mail: 7004 1160 0000 5922 4382
Return Receipt Requested

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

Occupational Therapy Section

IN RE: The eligibility of Emily Dickerson, OT6858, to retain her license as an Occupational Therapist in the State of Ohio

Case No: OT FY10-022

Consent Agreement

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

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755 and all rules promulgated thereunder. **Dickerson** hereby enters into this Agreement being fully informed 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 forgoing and mutual promises hereinafter set forth, **Dickerson** and the Board hereby agree as follows:

Jurisdiction and Predicate Facts

1. The Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, Occupational Therapy Section, is empowered by section 4755.11(A) of the Ohio Revised Code to suspend, revoke, or refuse to issue or renew an occupational therapist or occupational therapy assistant license, or reprimand, fine, or place a license holder on probation for any of the following:

   (2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;

   (3) Violation of any lawful order or rule of the occupational therapy section;

   (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;

2. Dickerson was initially licensed as an occupational therapist in the state of Ohio on March 12, 2007.

3. **Dickerson** currently holds a license to practice as an occupational therapist in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of occupational therapy.

4. On or about May 4, 2009, while working as an occupational therapist at Columbus Health Care Center, located at 4301 Clime Road, Columbus, Ohio 43207, you supervised and/or countersigned documentation prepared by Abigail Metcalf. Ms. Metcalf did not hold a license to practice as an occupational therapy assistant in the state of Ohio. Said conduct constitutes a violation of Ohio Revised Code sections 4755.11(A)(2), (3) & (11), and Ohio Administrative Code rule 4755-7-01 (A)(2).

Admissions

1. **Dickerson** 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. **Dickerson** hereby knowingly waives all rights to a formal hearing in this matter, and agrees that 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. **Dickerson** admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.

4. **Dickerson** 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 4755.11 of the Ohio Revised Code.

Terms

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action, **Dickerson** and the Board, knowingly and voluntarily agree to the following terms:

1. **Dickerson** agrees that this Agreement serves as a written reprimand.

2. **Dickerson** shall provide a copy of the consent agreement to any current and future employers during the term of this agreement. **Dickerson's** employer(s) must send written notification to the Enforcement Division on company letterhead, indicating that they were provided a copy of this

agreement. **Dickerson** shall ensure that this notification by her employer is received within thirty (30) days of the effective date of this agreement. If **Dickerson** changes employers during the course of this agreement, she shall ensure that notification by her new employer(s) is received within thirty (30) days of the start date of her new position.

3. **Dickerson** agrees to abide by all federal, state, and local laws, and all laws and rules governing the practice of occupational therapy in the State of Ohio.

4. Failure to abide by the terms of this Agreement shall constitute an actionable violation in and of itself without further proof and may subject **Dickerson** to any and all disciplinary remedies to the Occupational Therapy Section including, but not limited to, revocation.

5. **Dickerson** 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.

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

7. 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

8. By her signature on this Agreement, **Dickerson** agrees that in the event the Board, in its discretion, does not approve this 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. **Dickerson** agrees that should the Board reject this Agreement and if this case proceeds to hearing, she will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

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

10. 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.

OTPTAT BD 01/06/10 AM

I, **EMILY DICKERSON**, have carefully read the above agreement and enter into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of my rights under Ohio law. By executing this agreement, I recognize that if, in the discretion of the Board it appears that I have breached any terms or conditions of this consent agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the consent agreement. If the Board finds a breach of this consent 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.

Emily Dickerson

Emily Dickerson

1/4/10

DATE

Jeffrey M. Rosa
Executive Director

3-4-10

DATE 3/4/10

Elizabeth G Hartnett

Elizabeth G. Hartnett
~~Yvonne Tertel~~
~~Principal~~ Assistant Attorney General

Counsel to Emily Dickerson
(If represented)

DATE

DATE 3/4/10

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

May 19, 2010

Emily Dickerson, OT6858
3820 Grimes Drive
Columbus, OH 43204

RE: Consent Agreement

Dear Ms. Dickerson:

This letter is to inform you that the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board has released you from your consent agreement. After reviewing your file at the May 18, 2010 Occupational Therapy Section Enforcement meeting, it was determined that you have fulfilled all of the obligations listed in your consent agreement. As such, the employer notification requirement outlined in your consent agreement is no longer required. Please be aware that a record of this disciplinary action will be part of your permanent record.

Your cooperation with the Board and our staff is appreciated.

Sincerely,
OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND
ATHLETIC TRAINERS BOARD - **Occupational Therapy Section**

Lisa Ratinaud

Lisa S. Ratinaud, M.S.A.
Enforcement Division Supervisor

PLEASE RETAIN THIS LETTER FOR YOUR RECORDS