

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

**Occupational Therapy Section**

Alison Lipinski  
1301 Hugo  
Maumee, Ohio 43537

IN RE:

The eligibility of Alison Lipinski, OTA-03351, to retain her license as an Occupational Therapy Assistant in the State of Ohio

Case No: OT FY09-021

Issue Date: June 4, 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;
  
- (14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;

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 therapy assistant license, or reprimand, fine, or place you on probation for the following reason:

**Count 1**

On July 1, 7, 3, 4, 8, 9, 10, 11, 16, 17, 18, 22, 24, 25, 30, and 31, 2008, August 1, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 25, 26, 27, 28, 29, 2008, September 1, 2, 3, 4, 5, 8, 9, 10, 12, 15, 16, 17, 19, 22, 23, 24, 29, and 30, 2008, October 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 30, 2008, November 3, 4, 5, 7, 8, 10, 11, 12, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 28, 2008, December 1, 2, 3, 5, 8, 9,

10, 12, 15, 16, 17, 18, 19, 22, 23, 24, 29, 30, and 31, 2008, January 1, 8, 14, 15, 16, 19, 21, 23, 26, 28, 29, and 30, 2009, February 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 16, 17, and 18, 2009, you engaged in the practice of occupational therapy, as that term is defined in section 4755.04(A) of the Ohio Revised Code, as an employee of Ultra Care Physical Therapy, located at 3450 W. Central Avenue, Toledo, Ohio 43606, without a valid occupational therapy assistant license. Said conduct constitutes a violation of Ohio Revised Code sections 4755.11(A)(2) & (14), and 4755.05.

Ohio Revised Code section 4755.05 states:

“No person who does not hold a current license or limited permit under sections 4755.04 to 4755.13 of the Revised Code shall practice or offer to practice occupational therapy, or use in connection with the person’s name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is an occupational therapist or an occupational therapy assistant. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a current license or limited permit under section 4755.04 to 4755.13 of the Revised Code is or will at the appropriate time be rendering the occupational therapy services to which reference is made.”

### **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, 16<sup>th</sup> 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

Certified Mail: 7004 2510 0006 9811 4783

**Return Receipt Requested**

cc: Yvonne Tertel, Principal Assistant Attorney General

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

**Occupational Therapy Section**

IN RE:

The eligibility of Alison Lipinski, OTA-03351, to retain her license as an Occupational Therapy Assistant in the State of Ohio

Case No: OT FY09-021

**Consent Agreement**

This Consent Agreement ("Agreement") is entered into by and between ALISON LIPINSKI, ("Lipinski") 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. Lipinski 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, Lipinski 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;

(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;

2. Ohio Revised Code section 4755.05 states:  
 "No person who does not hold a current license or limited permit under sections 4755.04 to 4755.13 of the Revised Code shall practice or offer to practice occupational therapy, or use in connection with the person's name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is an occupational therapist or an occupational therapy assistant. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a current license or limited permit under section 4755.04 to 4755.13 of the Revised Code is or will at the appropriate time be rendering the occupational therapy services to which reference is made."
  
3. On July 1, 7, 3, 4, 8, 9, 10, 11, 16, 17, 18, 22, 24, 25, 30, and 31, 2008, August 1, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 25, 26, 27, 28, 29, 2008, September 1, 2, 3, 4, 5, 8, 9, 10, 12, 15, 16, 17, 19, 22, 23, 24, 29, and 30, 2008, October 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 30, 2008, November 3, 4, 5, 7, 8, 10, 11, 12, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 28, 2008, December 1, 2, 3, 5, 8, 9, 10, 12, 15, 16, 17, 18, 19, 22, 23, 24, 29, 30, and 31, 2008, January 1, 8, 14, 15, 16, 19, 21, 23, 26, 28, 29, and 30, 2009, February 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 16, 17, and 18, 2009, you engaged in the practice of occupational therapy, as that term is defined in section 4755.04(A) of the Ohio Revised Code, as an employee of Ultra Care Physical Therapy, located at 3450 W. Central Avenue, Toledo, Ohio 43606, without a valid occupational therapy assistant license. Said conduct constitutes a violation of Ohio Revised Code sections 4755.11(A) (2) & (14), and 4755.05.
  
3. **Lipinski** was initially licensed as an occupational therapy assistant in the State of Ohio on January 3, 2005.
  
4. **Lipinski's** license to practice as an occupational therapy assistant in the state of Ohio expired on June 30, 2008 by operation of law for failure to renew.
  
5. **Lipinski's** license to practice as an occupational therapy assistant in the state of Ohio was reinstated on March 4, 2009.
  
6. **Lipinski** currently holds a license to practice as an occupational therapy assistant in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of occupational therapy.

### Admissions

1. **Lipinski** 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. **Lipinski** 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. Lipinski admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. Lipinski 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, Lipinski and the Board, knowingly and voluntarily agree to the following terms:

1. Lipinski agrees that this Agreement serves as a written reprimand.
2. Lipinski shall pay a fine of \$800.00 within thirty (30) days of the effective date of the agreement. Acceptable forms of payment include cashier's check, business check, or money order. Payments should be made payable to "Treasurer, State of Ohio."
3. Lipinski shall develop a Personal Plan of Action to ensure future compliance with occupational therapy renewal procedures. This plan shall address the occupational therapy renewal process and the importance of submitting a renewal application with the Board office by the prescribed date. Lipinski shall submit the plan within forty-five (45) days of the effective date of this consent agreement.
4. Lipinski shall provide a copy of the consent agreement to any current and future employers during the term of this agreement. Lipinski's employer(s) must send written notification to the Enforcement Division indicating that they were provided with a copy of this agreement. Lipinski shall ensure that this notification by her current employer(s) is received within thirty (30) days of the effective date of this agreement. If Lipinski changes employers during the course of this agreement, she shall ensure that written notification by her new employer(s) is received within thirty (30) days of her start date.
5. Lipinski 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.
6. Failure to abide by the terms of this Agreement shall constitute an

actionable violation in and of itself without further proof and may subject Lipinski to any and all disciplinary remedies to the Occupational Therapy Section including, but not limited to, revocation.

7. Lipinski 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.
8. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.
9. 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
10. By her signature on this Agreement, Lipinski 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. Lipinski 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.
11. 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 Lipinski resulting from the aforementioned conduct.
12. 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.

