OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, and ATHLETIC TRAINERS BOARD

December 31, 1996

Certified Mail # P 348 813-362

NOTICE OF OPPORTUNITY FOR HEARING

In Re: To the Eligibility of EDWARD WASNER to Be Licensed as a Physical therapist in the State of Ohio

To: EDWARD WASNER
2255 Par Lane, Apt 218
Willoughby Hills, Ohio 44094

In accordance with Chapter 119 and Chapter 4755 of the Ohio Revised Code, you are hereby notified that the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "Board") proposes to deny your application for licensure for the following reasons:

1. On or about October 2, 1996, you submitted an application for licensure as a Physical Therapist in the State of Ohio by endorsement which is currently pending.

2. Included with that application you provided a notarized statement which provided in part that *** " I am not presently functioning and will not function as a physical therapist or physical therapist assistant or use any initials titles or words which imply that I am licensed in Ohio to perform physical therapy services until I am granted licensure by the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board.

**** I understand that the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board is authorized by law to initiate action against a person who unlawfully uses titles and initials such as: physical therapist, physical therapy, physiotherapist, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that he is a physical therapist or physical therapist assistant as described in Section 4755.48 of the Ohio Revised Code.

3. During the months of August and September of 1996, you provided physical therapy services to other persons and repeatedly signed or countersigned patient treatment notes and or progress reports by utilizing the letters PTA without holding a valid license under Section 4755.40 to Section 4755.53 of the Ohio Revised Code.

Your acts, conduct, and /or omissions as alleged in paragraphs above, individually and /or collectively, constitute a violation of section 4755.48 (A) which provides:

> No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

Your acts, conduct, and /or omissions as alleged in paragraphs above, individually and /or collectively, constitute a violation of Section 4755.48 (B) which provides:

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> No person shall practice or in any way hold himself out as being able to practice physical therapy, including practice as a physical therapist assistant, unless he holds a valid license under sections 4755.40 to 4755.53 of the Revised Code or except as provided in section 4755.53 of Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs 3 above, individually and /or collectively, constitute a violation of Section 4755.48 (C) which provides:

> No person shall use the words or letters, physical therapist, physical therapy, physiotherapist, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that he is a physical therapist or physical therapist assistant without a valid license under sections 4755.40 to 4755.56 of the Revised Code.

In accordance with Chapter 119 of the Ohio Revised Code you are hereby notified that you are entitled to a hearing regarding this matter. Your request for a hearing must be received by the board office in writing 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 your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing and that at the hearing you may present evidence and examine witnesses appearing for or against you.

If our office has not received you written request for a hearing within thirty (30) days of the mailing of this notice, the Board will take action regarding this matter in your absence.

SENT BY ORDER OF THE PHYSICAL THERAPY SECTION OF THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD.

Carl Gabriel Williams

CARL GABRIEL WILLIAMS, M.P.A.
Executive Director

CW:cw
cc: Sandra Pomeroy, Chairperson
Patrick Beatty, Esq., Assistant Attorney General

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OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, and ATHLETIC TRAINERS BOARD

CONSENT AGREEMENT
BETWEEN
EDWARD WASNER
AND
THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, PHYSICAL THERAPY SECTION

This CONSENT AGREEMENT is entered into by and between EDWARD WASNER, AND THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD PHYSICAL THERAPY SECTION [hereinafter PHYSICAL THERAPY SECTION] The PHYSICAL THERAPY SECTION IS A STATE AGENCY CHARGED WITH ENFORCING CHAPTER 4755.40 to 4755.56 of the Ohio Revised Code.

EDWARD WASNER, voluntarily enters into this agreement being fully informed of his rights under Chapter 119., of the Ohio Revised Code, including the right to representation by council and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT 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 CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

A. The PHYSICAL THERAPY SECTION is empowered by Section 4755.47 Ohio Revised Code, to suspend, revoke, or refuse to issue of renew any Physical therapist of physical therapist assistant's license, for any of the enumerated violations.

B. The PHYSICAL THERAPY SECTION enters into this CONSENT AGREEMENT IN LIEU of further formal proceedings based upon the violations as set forth in the Notice of Opportunity for Hearing issued by the PHYSICAL THERAPY SECTION attached hereto as Exhibit A and incorporated herein by this reference, The additional formal proceedings based upon any other violations of Chapter 4755.40 to 4755.56 of the Ohio Revised Code whether occurring before or after the effective date of this AGREEMENT

C. EDWARD WASNER has applied for licensure as a physical therapist in the State of Ohio.

D. EDWARD WASNER Admits the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the PHYSICAL THERAPY SECTION attached hereto as Exhibit A and incorporated herein by reference.

WHEREFORE, in consideration of the Foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, EDWARD WASNER, knowingly and voluntarily agrees with the PHYSICAL THERAPY SECTION to following terms, conditions and limitations:

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1. PHYSICAL THERAPY SECTION will grant EDWARD WASNER a license to practice as a physical therapist.

2. EDWARD WASNER shall obey all federal, state, and local laws, and all laws and rules governing the practice of Physical therapy in Ohio.

3 EDWARD WASNER shall perform continuing education as required under Ohio Law. He further agrees to perform an additional ten (10) units of continuing education prior to the expiration of his license.

4. EDWARD WASNER shall adhere to quarterly reviews by the PHYSICAL THERAPY SECTION for a period of (1) year.

5. EDWARD WASNER shall practice for a period of one year in a setting of work in conjunction with at least one licensed physical therapist who shall supervise and monitor his practice on a weekly basis.

6. EDWARD WASNER shall notify the PHYSICAL THERAPY SECTION in writing of the name of the facility or educational institution where he will be practicing for next year, and of the physical therapist required in paragraph five (5) above.

This AGREEMENT shall remain in force for a minimum of one year. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the PHYSICAL THERAPY SECTION, EDWARD WASNER appears to have violated or breached any term or condition of this Agreement, PHYSICAL THERAPY SECTION reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

Any action initiated by the PHYSICAL THERAPY SECTION based on an alleged violation of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

EDWARD WASNER hereby releases the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

EDWARD WASNER hereby releases the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, its members, employees, agents officers and representatives jointly and severally form any all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the PHYSICAL THERAPY SECTION and shall become effective upon the last date of signature below.

Edward Wasner
EDWARD WASNER

1/4/97
DATE

OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, and ATHLETIC TRAINERS BOARD

Witness of Legal Counsel

January 4, 1997
DATE

SANDRA POMEROY, PT, CHAIRPERSON
PHYSICAL THERAPY SECTION
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

1/15/97

PATRICK BEATTY
Assistant Attorney General

DATE

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