



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**

Physical Therapy Section

Jennifer N. Skidmore
262 Lake Street
West Mansfield, Ohio 43358

IN RE:

The eligibility of Jennifer N.
Skidmore PT008715, to retain her
license as a Physical Therapist in
the State of Ohio

Case No: 07-016-PT

Issue Date: August 31, 2007

Notice of Opportunity for a Hearing

Introduction and Jurisdiction

Section 4755.47(A) of the Ohio Revised Code authorizes the Board to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by vote of at least five members, may suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine or place a license holder on probation, on any of the following grounds:

- (1) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol to an extent that affects the individual's professional competency;
- (6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;

In accordance with Chapter 119 and section 4755.47 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") intends to determine whether or not to suspend or revoke your physical therapist license, or reprimand, fine or place you on probation for one or more of the following reasons:

Count 1

Pursuant to Ms. Skidmore's self reporting on a complaint form she submitted to the Board on April 10, 2007, Ms. Skidmore reported that on January 23rd, 2007 and on one other occasion, while employed at Bellefontaine Physical Therapy, 711 Rush Ave, Bellefontaine, Ohio 43311, she showed up to work and treated patients while under the influence of alcohol. Said conduct constitutes a violation of Ohio Revised Code Sections 4755.47(A)(1) and (6) and Ohio Administrative Code rules 4755-21-03(B)(2).

4755-21-03 Denial and disciplinary action procedures

(B) The physical therapy section may deny, suspend, or revoke the license of any person or impose a sanction of probation or reprimand for violation of any provision of sections 4755.40 to 4755.56 of the Revised Code or any lawful order or rule of the section, and for unprofessional conduct, including but not limited to:

(2) Misconduct or negligence in the pursuit of the profession.

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:
Physical Therapy Section**



Jeffrey M. Rosa
Executive Director

cc: Yvonne Tertel, Assistant Attorney General

Certified Mail: 7004 2510 0006 9805 5321

Return Receipt Requested



Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
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OTPTAT BD 09/12/07 PM

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

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IN RE:

The eligibility of Jennifer N.
Skidmore PT008715 to retain her
license as a Physical Therapist in
the State of Ohio

Case No: 07-016-PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Jennifer N. Skidmore**, ("**Skidmore**") and the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755. **Skidmore** hereby enters into this agreement being fully informed of her rights pursuant to Chapter 4755 and Chapter 119 of the 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, **Skidmore** and the Board hereby agree as follows:

Jurisdiction and Predicate Facts

1. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section, is empowered by section 4755.47 of the Ohio Revised Code to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by vote of at least five members, may suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine or place a license

holder on probation, on any of the following grounds:

- (1) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol to an extent that affects the individual's professional competency;
 - (6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;
2. Pursuant to Ms. Skidmore's self reporting on a complaint form she submitted to the Board on April 10, 2007, Ms. Skidmore reported that on January 23rd, 2007 and on one other occasion, while employed at Bellefontaine Physical Therapy, 711 Rush Ave, Bellefontaine, Ohio 43311, she showed up to work and treated patients while under the influence of alcohol. Said conduct constitutes a violation of Ohio Revised Code Sections 4755.47(A)(1) and (6) and Ohio Administrative Code rules 4755-21-03(B)(2).
 3. Rule 4755-21-03, Denial and disciplinary action procedures, states:
 - (B) The physical therapy section may deny, suspend, or revoke the license of any person or impose a sanction of probation or reprimand for violation of any provision of sections 4755.40 to 4755.56 of the Revised Code or any lawful order or rule of the section, and for unprofessional conduct, including but not limited to:
 - (2) Misconduct or negligence in the pursuit of the profession.

Admissions

1. **Skidmore** 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. **Skidmore** hereby knowingly waives all rights to a formal hearing in this matter, and agrees that this Consent 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. **Skidmore** admits that the facts set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. **Skidmore** 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 4755.47 of the Ohio Revised Code.

Terms

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

1. Within one (1) month of the enactment of this agreement, **Skidmore** must have a comprehensive chemical dependency evaluation by a Licensed Independent Chemical Dependency Counselor (LICDC) or its equivalent as determined by the Enforcement Division of the Board. **Skidmore** will ensure that the LICDC submits a report to the Enforcement Division of the Board within one (1) month of the evaluation date. Said report must include, but is not limited to, **Skidmore's** current chemical dependency status, diagnosis, treatment/medication recommendations, his/her professional opinion regarding **Skidmore's** fitness to practice as an physical therapist, and if necessary, recommendations for license restrictions.

Skidmore must comply with all recommendations outlined in the report.

Skidmore will sign any and all release forms required for the

LICDC to release initial and on-going information directly to the Enforcement Division of the Board.

1a. **Skidmore** agrees not to practice as a physical therapist until the LICDC determines that it is safe for her to return to practice.

1b. The Board reserves the right to institute license restrictions based on the findings in the evaluation.

2. Upon the LICDC determination that it is safe for her to return to practice and after securing a position as a physical therapist, **Skidmore** shall be placed on probation for a period of one (1) year, commencing the date she resumed practice as a physical therapist.
3. **Skidmore** shall keep documentation of at least monthly participation in an alcohol rehabilitation program, such as Alcoholics Anonymous (AA), for the duration of this agreement. **Skidmore** shall submit proof of participation on the 1st of each month to the Enforcement Division of the Board. Documentation may be faxed to (614) 995-0816.
4. When **Skidmore** returns to practice, she shall notify the board, in writing, within 24 hours of securing employment as a physical therapist, and within 24 hours of any change in employers. Notification shall include: facility name, address, telephone number. Information shall be faxed to (614) 995-0816 to the attention of the Enforcement Division.
5. **Skidmore** shall notify the board, in writing, of any change of residence within 24 hours of said change. Information shall be faxed to (614) 995-0816 to the attention of the Enforcement Division.
6. Failure to abide by any of the terms of this agreement shall constitute an actionable violation in and of itself without further proof may subject **Skidmore** to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to

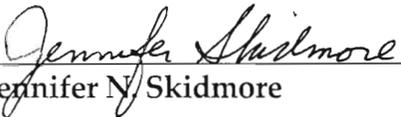
revocation.

7. **Skidmore** 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 consent agreement, **Skidmore** 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. **Skidmore** agrees that should the Board reject this consent 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 consent agreement or of any information relating thereto.
11. 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 **Skidmore** 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.

By her signature **Skidmore** 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, **Skidmore** 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.



Jennifer N. Skidmore

9-11-07

DATE

Counsel to Jennifer N. Skidmore
(If represented)

DATE



Jeffrey M. Rosa
Executive Director

9-26-07

DATE



Yvonne Tertel
Assistant Attorney General

9-24-2007

DATE