

Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board

Governor
Bob Taft

Executive Director
Jeffrey M. Rosa

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

Physical Therapy Section

Jaquenette M. Osborne
5727 Shady Hollow Ln.
Cincinnati, OH 45230

IN RE:

The eligibility of Jaquenette M.
Osborne to retain her license as a
physical therapist in the State of Ohio

Case No: 05-033 PT

Issue Date: May 3, 2006

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 by vote of at least five members, may suspend or revoke the license of a physical therapist or reprimand or place a license holder on probation, on any of the following grounds:

(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics of the American Physical Therapy Association;

(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 or place you on probation for one or more of the following reason(s):

Count 1

In **Osborne's** capacity as the evaluating/supervising physical therapist for Rehab Care at Montgomery Care Center, 7777 Cooper Road, Cincinnati, OH, 45242-7777, she failed to transfer the care of patient A, B, C, D, E, F, G, H and I to another physical therapist when she left Montgomery Care Center on or about May 1, 2005 and elected not to return to the facility and resume employment. Said conduct constitutes a violation of Principle 2.1 E of the Code

of Ethics of the American Physical Therapy Association.

The Code of Ethics of the American Physical Therapy Association Standards of Ethical Conduct for the Physical Therapist states:

2.1 Patient/Physical Therapist Relationship

E. In the event the physical therapist or patient terminates the physical therapist/patient relationship while the patient continues to need physical therapy services, the physical therapist should take steps to transfer the care of the patient to another provider.

Count 2

In **Osborne's** capacity as the evaluating/supervising physical therapist for Rehab Care at Montgomery Care Center, 7777 Cooper Road, Cincinnati, OH, 45242-7777, she failed to complete discharge summaries for Patients A, B, C, D, E, F, G, H and I, when she left Montgomery Care Center on or about May 1, 2005 and elected not to return to the facility to resume employment. Said conduct constitutes a violation of Ohio Administrative Code 4755-27-02.

Ohio Administrative Code 4755-27-02 states in part:

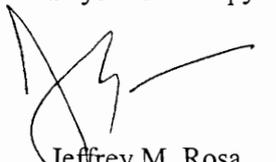
“The physical therapist shall perform personally the following activities, which may not be delegated, regardless of the setting in which the service is given: interpretation of physician referrals; initial patient evaluation; initial and ongoing treatment plan of care development; periodic re-evaluation of the patient and adjustment of the plan of care and discharge evaluation.”

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.

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


Jeffrey M. Rosa
Executive Director

cc: Steven McGann, Assistant Attorney General

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

Physical Therapy Section

IN RE:

The eligibility of Jaquenette Osborne
to retain her license as a physical
therapist in the State of Ohio

Case No: 05-033 PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Jaquenette Osborne**, ("**Osborne**") 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. **Osborne** 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, **Osborne** 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 or place a license holder on probation, on any of the following grounds:
 - (5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics of the American Physical Therapy Association;
 - (6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;
2. **Osborne** currently holds a license to practice as a physical therapist in the state of Ohio, and is subject to all laws and rules of Ohio regulating the practice of physical therapy.

3. **Osborne** has been licensed as a physical therapist in the State of Ohio since March 10, 2000.
4. **Osborne** in her capacity as the evaluating/supervising physical therapist for Rehab Care at Montgomery Care Center, 7777 Cooper Road, Cincinnati, OH, 45242-7777, she failed to transfer the care of patient A, B, C, D, E, F, G, H and I to another physical therapist when she left Montgomery Care Center on or about May 1, 2005 and elected not to return to the facility and resume employment. Said conduct constitutes a violation of Principle 2.1 E of the Code of Ethics of the American Physical Therapy Association.

The Code of Ethics of the American Physical Therapy Association Standards of Ethical Conduct for the Physical Therapist states:

2.1 Patient/Physical Therapist Relationship

E. In the event the physical therapist or patient terminates the physical therapist/patient relationship while the patient continues to need physical therapy services, the physical therapist should take steps to transfer the care of the patient to another provider.

5. **Osborne** in her capacity as the evaluating/supervising physical therapist for Rehab Care at Montgomery Care Center, 7777 Cooper Road, Cincinnati, OH, 45242-7777, she failed to complete discharge summaries for Patients A, B, C, D, E, F, G, H and I, when she left Montgomery Care Center on or about May 1, 2005 and elected not to return to the facility to resume employment. Said conduct constitutes a violation of Ohio Administrative Code 4755-27-02.

Ohio Administrative Code 4755-27-02 states in part:

“The physical therapist shall perform personally the following activities, which may not be delegated, regardless of the setting in which the service is given: interpretation of physician referrals; initial patient evaluation; initial and ongoing treatment plan of care development; periodic re-evaluation of the patient and adjustment of the plan of care and discharge evaluation.”

Admissions

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

1. Within one (1) month of the ratification of this agreement, **Osborne** shall have a comprehensive mental health evaluation by a mental health professional that has been approved by the Physical Therapy Investigative Committee. **Osborne** will ensure that the mental health professional submits a report to the Enforcement Division of the Board within one (1) month of the evaluation date. Said report shall include, but is not limited to, **Osborne's** current mental health status, diagnosis, treatment/medication recommendations and if necessary, recommendations for license restrictions. **Osborne** shall comply with the recommendations outlined in the report.

Osborne will sign any and all release forms required for his mental health professional(s) to release information directly to the Enforcement Division of the Board.

2. **Osborne** shall be placed on probationary status until her mental health provider releases her from active therapy, and/or determines she is safe to practice as a physical therapist.
3. **Osborne** must complete a minimum of 5 hours of continuing education coursework focusing on patient/medical documentation. Verification of completion is due at the Board office no later than ninety (90) days of the effective date of this agreement. Verification must be sent to the attention of the Enforcement Division of the Board. The credit earned from this course does not count toward the continuing education required for licensure renewal.
4. **Osborne** agrees to abide by all federal, state, and local laws, and all laws and rules governing the practice of physical therapy in the State of Ohio.
5. Failure to abide by the terms of this agreement shall constitute an actionable violation in and of itself without further proof and may subject **Osborne** to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
6. **Osborne** 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.
7. All parties to this agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.
8. 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

- 9. By her signature on this consent agreement, **Osborne** 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. **Osborne** 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.
- 10. 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 **Osborne** resulting from the aforementioned conduct.
- 11. 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 **Osborne** 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, **Osborne** recognize 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.

Jaquenette Osborne
Jaquenette Osborne

Jeffrey M. Rosa
Jeffrey M. Rosa
Executive Director

6/20/06
DATE

8-3-06
DATE

N/A
Counsel to Jaquenette Osborne

Steven McGann
Assistant Attorney General

DATE

DATE



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

January 16, 2007

Jaquenette Marie Osborne
5727 Shady Hollow Lane
Cincinnati, OH 45230

RE: Consent Agreement

Dear Ms. Osborne:

This letter is to inform you that the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board has released you from your consent agreement. After reviewing your file, it was determined that you have fulfilled all of the obligations listed in your consent agreement. I am pleased to inform you that your license is now without restrictions. 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. With your continuing cooperation and support, we can ensure the best possible service delivery for individuals receiving physical therapy in the State of Ohio.

Sincerely,

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

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

cc: Licensure File