

**BEFORE THE OHIO  
OCCUPATIONAL THERAPY, PHYSICAL THERAPY,  
AND ATHLETIC TRAINERS BOARD  
PHYSICAL THERAPY SECTION**

IN RE:

The Eligibility of Frank S. Ginnetti, Jr.  
To Have His License Reinstated  
as a Physical Therapist  
in the State of Ohio

: Case No: 03-011 PT

: Issue Date: March 12, 2003

**NOTICE OF OPPORTUNITY FOR HEARING**

Frank S. Ginnetti, Jr. ("Ginnetti") has been licensed to practice as a physical therapist in the State of Ohio from September 13, 2002 to January 31, 2003.

Ginnetti failed to submit a timely application for renewal of his license for the 2003-2004 calendar years. Accordingly, pursuant to Chapter 4755.46 of the Ohio Revised Code ("R.C."), Ginnetti's license to practice physical therapy in the State of Ohio expired as a matter of law.

On February 24, 2003 Ginnetti applied for reinstatement of his license.

The Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board ("Board") has conducted an investigation of the physical therapy activities of Ginnetti and, as a result of such investigation, alleges that Ginnetti has committed violations of the Physical Therapy Practice Act, Ohio Revised Code Chapter 4755, that prohibit him from reinstating his license. A copy of Ohio Revised Code Chapter 4755 is attached and incorporated herein as if completely rewritten.

In accordance with Chapter 119 and Chapter 4755 of the Ohio Revised Code ("R.C.") Ginnetti is hereby notified that the Board intends to determine whether or not to issue him a physical therapist license for practicing Physical Therapy without a license.

The grounds for such action are described below.

**COUNT 1**

From on or about February 1, 2003 through on or about February 18, 2003, you utilized the credentials "PT" and engaged in the practice of physical therapy, as that term is defined in Section 4755.40(A) of the Ohio Revised Code, as an employee of OSU Outpatient Rehab, 1953 Ohio Drive, Grove City, Ohio, 43123, without a valid license to do so as required by Ohio Revised Code Section 4755.48(B) and (C).

**HEARING PROCEDURES**

Pursuant to Section 119.07 of the Ohio Revised Code, Ginnetti has the right to request a hearing on these charges, if the written request for hearing is received by the Board office within thirty (30) days of the mailing of this Notice. If Ginnetti does not timely request such hearing, the Board, upon consideration of the charges cited, may, in his absence, take such disciplinary action it deems appropriate. This action may include, but is not limited to, suspension or revocation of Ginnetti's license or denial of the application, whichever the case may be.

Further, Ginnetti is advised that he is entitled to appear at such hearing in person, or by an attorney, or may present his positions, arguments or contentions in writing. At the hearing, if so requested, he may present evidence and examine witnesses appearing for or against him.

**BY ORDER OF THE OCCUPATIONAL THERAPY, PHYSICAL THERAPY,  
AND ATHLETIC TRAINERS BOARD - PHYSICAL THERAPY SECTION**



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Carl Gabriel Williams, M.P.A.  
Executive Director

Cc: Scott Myers, Assistant Attorney General

Enclosure

Certified Mail No.: 70010360000241324740  
**Return Receipt Requested**

**BEFORE THE OHIO OCCUPATIONAL THERAPY,  
PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD  
PHYSICAL THERAPY SECTION**

IN RE:

The Eligibility of Frank S. Ginnetti, Jr. :  
To Have His License Reinstated : Case No: 03-011 PT  
as a Physical Therapist :  
in the State of Ohio :

**CONSENT AGREEMENT**

This Consent Agreement ("Agreement") is entered into by and between FRANK S. GINNETTI, JR., ("Ginnetti") 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. Ginnetti has applied to reinstate his license as a physical therapist in the State of Ohio and is therefore subject to the jurisdiction of the Board. Ginnetti hereby enters into this agreement being fully informed of his rights, including those under Chapter 4755 and Chapter 119, Ohio Revised Code, including the right to representation by counsel. By entering into this agreement, Ginnetti knowingly and voluntarily waives any rights he may have in order to bring this issue to a mutually satisfactory conclusion and to avoid litigation and expense to all parties.

In consideration of the forgoing and mutual promises hereinafter set forth, Ginnetti 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 for any applicant that the Board determines has violated Section 4755.47 of the Revised Code or any order or rule adopted thereunder.
2. Ginnetti has been licensed as a physical therapist in the State of Ohio from September 13, 2003 until January 31, 2003 when his license expired by operation of law for failure to timely submit an application for renewal.

3. Ginnetti's application to reinstate his license as a physical therapist in the State of Ohio was received by the board office on February 24, 2003.
4. From on or about February 1, 2003 through on or about and February 18, 2003, Ginnetti utilized the credentials "PT" and engaged in the practice of physical therapy, as that term is defined in Section 4755.40(A) of the Ohio Revised Code, as an employee of OSU Outpatient Rehab, 1953 Ohio Drive, Grove City, Ohio, 43123, despite the fact that his license expired on January 31, 2003.
5. Ohio Revised Code Section 4755.47(A) provides:

In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board may 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:

(6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;

6. Ohio Revised Code Section 4755.48(B) provides:

No person shall practice or in any way claim to the public to be able to practice physical therapy, including practice as a physical therapist assistant, unless the person holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except as provided in section 4755.56 of the Revised Code.

7. Ohio Revised Code Section 4755.48(C) 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, 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 the person is a physical therapist or physical therapist assistant without a valid license under Sections 4755.40 to 4755.56 of the Revised Code.

### ADMISSIONS

1. Ginnetti hereby admits and acknowledges that he has received proper notice of his rights to a formal hearing pursuant to Ohio Revised Code Chapter 119.
2. Ginnetti 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. Ginnetti admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. Ginnetti admits that the facts set forth above constitute a violation of Ohio law thereby subjecting him to disciplinary action by the Board.

### TERMS

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

1. Ginnetti shall not engage in the practice of physical therapy in Ohio until the Board reinstates his license.
2. Ginnetti's license to practice physical therapy in Ohio will be reinstated upon ratification of this consent agreement by the Board, completion of the required reinstatement documents, and successful passage of the Ohio laws and rules examination.
3. Ginnetti's license to practice physical therapy in the State of Ohio shall be suspended for a period of twelve (12) days. Said period of suspension will be considered already served upon ratification of this consent agreement by the Board, as Ginnetti has not practiced physical therapy pursuant to the cease and desist letter issued by the Board on February 7, 2003.

4. Ginnetti 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 Ginnetti to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
6. Ginnetti 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 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 his signature on this CONSENT AGREEMENT, FRANK GINNETTI 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. FRANK GINNETTI agrees that should the BOARD reject this CONSENT AGREEMENT and if this case proceeds to hearing, he 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 Ginnetti resulting from the aforementioned conduct.

I, Frank S. Ginnetti, Jr., 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.

  
FRANK S. GINNETTI, JR.

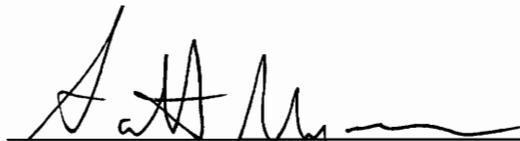
3/17/03  
DATE

  
Counsel to FRANK S. GINNETTI, JR.

3/17/03  
DATE

  
CARL GABRIEL WILLIAMS  
Executive Director

4-3-03  
DATE

  
SCOTT MYERS  
Assistant Attorney General

4-3-03  
DATE