

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**

IN RE:

The Eligibility of Corey Simon
To Be Licensed
as a Physical Therapist
in the State of Ohio

:
: Case No: 04-038 PT
:
: Issue Date: December 21, 2004

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, for any of the following:

- (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 issue your physical therapist license for the following reason:

Count 1

On or about September 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30 2004, October 1, 4, 5, 25, 26, 27, 29, 2004, November 1, 2, 3, 5, 8, 9, 10, 12, 15, 16, 17, 19, 2004 you 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 The MetroHealth System, 2500 MetroHealth Drive, Cleveland, Ohio, 44109, without a valid license. Said conduct constitutes a violation of Ohio Revised Code section 4755.48(B).

Ohio Revised Code section 4755.48 (B) states:

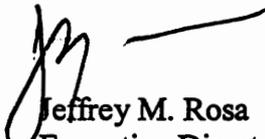
No person shall practice or in any way claim to the public to be able to practice physical therapy, including practice as a physical therapist assistant, unless the person holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except as provided in section 4755.56 of the Revised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

Hearing Procedures

Pursuant to section 119.07 of the Ohio Revised Code, you have a right to a hearing on the above charge, if your written request for a hearing is received by the Board office, located at 77 S. High Street, 16th Floor, Columbus, OH 43215-610, within thirty (30) days of the mailing of this Notice. If you do not timely request a hearing, the Board, upon consideration of the charges cited, may, in your absence take such disciplinary action it deems appropriate. The action may include, but is not limited to, suspension or revocation of your license.

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.

By Order of the Ohio 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 Corey Simon
To Be Licensed
as a Physical Therapist
in the State of Ohio

Case No: 04-038 PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between COREY SIMON, ("**Simon**") 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 and all rules promulgated thereunder. **Simon** 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 and an adjudication hearing.

In consideration of the forgoing and mutual promises hereinafter set forth, **Simon** and the **Board** hereby agree as follows:

Jurisdiction and Predicate Facts

1. The **Board** is empowered by section 4755.47(A) of the Ohio Revised Code to Board to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist, for any of the following:
 - (6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;
2. **Simon's** endorsement application to be issued a license as a physical therapist in the State of Ohio was received by the Board office on November 9, 2004.
3. **Simon** was eligible to work in a licensure applicant status until the results of his examination were reported and made public.
4. On or about September 3, 2004, **Simon** received his examination

results and was issued a license as a physical therapist in the state of New York.

5. On or about September 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30 2004, October 1, 4, 5, 25, 26, 27, 29, 2004, November 1, 2, 3, 5, 8, 9, 10, 12, 15, 16, 17, 19, 2004 **Simon** 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 The MetroHealth Health System, 2500 MetroHealth Drive, Cleveland, Ohio, 44109, without a valid license. Said conduct constitutes a violation of Ohio Revised Code section 4755.48(B).
6. **Simon** continued to perform physical therapy services in a licensure applicant status after being notified of his examination results and being issued a license as a physical therapist in the state of New York on September 3, 2004.

Admissions

1. **Simon** hereby admits and acknowledges that he has received proper notice of his right to a formal hearing pursuant to Ohio Revised Code Chapter 119.
2. **Simon** 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. **Simon** admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts. Although **Simon** admits that the facts as set forth above are true and accurate, any violation of Ohio law was not intended by **Simon**. The **Board** and **Simon** agree that his interpretation was that **Simon** could lawfully continue to practice as a Physical Therapy Licensure Applicant after he became licensed in New York and while licensure in Ohio was pending. The **Board** and **Simon** further agree based on this interpretation, **Simon** continued to work at MetroHealth Medical Center from September 3, 2004 until November 19, 2004, when **Simon** ceased practicing as a Physical Therapy Licensure Applicant pending resolution of this matter.
4. **Simon** admits that the facts set forth above constitute a violation of Ohio law thereby subjecting him to disciplinary action by the **Board**, pursuant to section 4755.47(A) of the Ohio Revised Code.

Terms

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action based on the admissions of this Agreement, **Simon** and the **Board**, knowingly and voluntarily agree to the following terms:

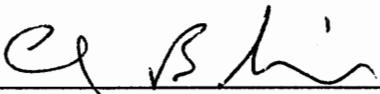
1. **Simon** shall not engage in the practice of physical therapy in Ohio until the Board reinstates his license.
2. **Simons** 's license to practice physical therapy in Ohio will be issued upon ratification of this consent agreement by the Board and successful passage of the Ohio laws and rules examination.
3. Upon ratification of this consent agreement, **Simon**'s license to practice as a physical therapist in the State of Ohio shall be immediately suspended for a period of thirty-three (33) days, plus an additional fourteen (14) days, for a total suspension of forty-seven (47) days. Said period of suspension shall commence on November 20, 2004, when **Simon** ceased practicing.
4. **Simon** 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. **Simon** 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.
6. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.
7. 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.
8. By his signature on this Agreement, **Simon** 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. **Simon** agrees that should the **Board** reject this 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 Agreement or of any information relating thereto.

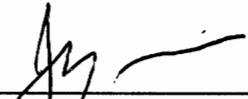
9. By adopting and executing this Agreement, the **Board** hereby acknowledges that this Agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against **Simon** resulting from the aforementioned conduct.
- 10 This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

By his signature **Simon** acknowledges that he 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 his rights under Ohio law. By executing this Agreement, **Simon** recognizes that if, in the discretion of the **Board** it appears that he 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.



Corey Simon



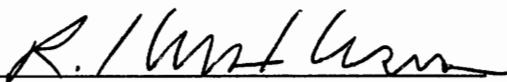
Jeffrey M. Rosa
Executive Director

1/5/05

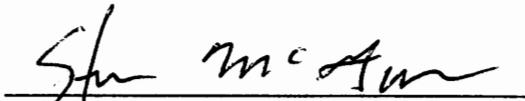
1-6-05

DATE

DATE



R. Kevin Kerns
Counsel to Corey Simon



Steven McGann
Assistant Attorney General

January 6, 2005

1/6/05

DATE

DATE



Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board

Governor
Bob Taft
Executive Director
Jeffrey M. Rosa

February 18, 2005

Corey Simon, PT11005
1511 Westford Circle #102
Westlake, OH 44145

RE: Consent Agreement

Dear Mr. Simon:

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 at the February 16, 2005 Physical Therapy Section Investigative meeting, 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