



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

Physical Therapy Section

John C. Baker
4598 Kriggsby Boulevard
Hilliard, OH 43026

IN RE:

The eligibility of John C. Baker to
have his license reinstated as a physical
therapist in the State of Ohio

Case No: 06-012 PT

Issue Date: February 13, 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, 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;

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 reinstate your physical therapist license for the following reason:

Count 1

On or about February 1 and 2, 2006, **Baker** 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 Physiotherapy Associates, 4605 Sawmill Road, Suite 201, Columbus, Ohio, 43026, without a valid license. Said conduct constitutes a violation of Ohio Revised Code Sections 4755.48(B) and (C).

Section 4755.48 (B) of the Ohio Revised Code 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.”

Furthermore, Section 4755.48 (C) of the Ohio Revised Code states:

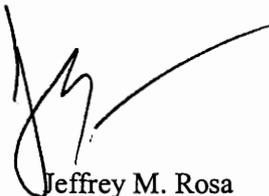
“No person shall use the words or letters, physical therapist, physical therapy, physiotherapist, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that 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.”

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, denial of your physical therapy reinstatement application.

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



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

IN RE:

The eligibility of John C. Baker to
have his license reinstated as a physical
therapist in the State of Ohio

Case No: 06-012 PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **John C. Baker**, ("**Baker**") 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. **Baker** 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, **Baker** 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:
 - (6) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections;
2. **Baker** has been licensed as a physical therapist in the State of Ohio since August 8, 2005 until January 31, 2006 when his license expired by operation of law for failure to timely submit an application for renewal.
3. **Baker's** application to reinstate his license as a physical therapist in the State of Ohio was received by the Board on February 2, 2006.

4. On or about February 1 and 2, 2006, **Baker** 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 Physiotherapy Associates, 4605 Sawmill Road, Suite 201, Columbus, Ohio, 43026, despite the fact his license expired on January 31, 2006. Said conduct constitutes a violation of Ohio Revised Code sections 4755.48 (B) and (C).
5. 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.
6. 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., M.P.T., D.P.T., M.S.P.T., P.T.A., 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 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. **Baker** 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. **Baker** 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. **Baker** admits that the facts set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. **Baker** 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 of the Ohio Revised Code.

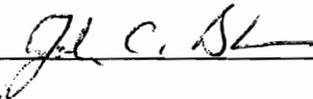
Terms

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

1. **Baker** shall not engage in the practice of physical therapy in Ohio until the Board reinstates his license.
2. **Baker's** license to practice as a physical therapist 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. Upon ratification of this consent agreement **Baker's** license to practice as a physical therapist in the State of Ohio shall be immediately suspended for a period of two (2) days, plus an additional fourteen (14) days, for a total suspension time of sixteen (16) days. Said period of suspension shall commence on February 3, 2006, when **Baker** ceased practicing.
4. **Baker** 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 **Baker** to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
6. **Baker** 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 his signature on this consent agreement, **Baker** 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. **Baker** 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 **Baker** 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 his signature **Baker** 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, **Baker** recognize 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.



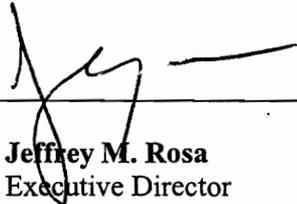
John C. Baker

2-13-06

DATE

Counsel to John C. Baker

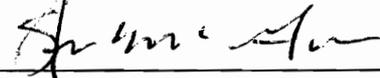
DATE



Jeffrey M. Rosa
Executive Director

2-18-06

DATE



Steven McGann
Assistant Attorney General
2-22-06

DATE