



Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

77 South High Street, 16th Floor
Columbus, Ohio 43215-6108
614-466-3774 (phone)
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Governor
Bob Taft
Executive Director
Jeffrey M. Rosa

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

Sophia M. Brink
1832 Sally Circle
Miamisburg, OH 45342

IN RE:

The eligibility of Sophia M. Brink
PT11484 to retain her license as a Physical
Therapist in the State of Ohio

Case No: 06-025 PT

Issue Date: August 24, 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 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;

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 reasons:

Count 1

From on or about March 24, 27, 28, 29, 31, April 1, 3, 4, 5, 6, 7, 10, 11 and 12, 2006, **Brink** utilized the credentials "PT Licensure Applicant" and engaged in the practice of physical therapy, as that term is defined in section 4755.40(A) of the Ohio Revised Code, while employed at Miami Valley Hospital, One Wyoming Street, Dayton, Ohio, 45409, despite the fact she did not hold PT Licensure Applicant status, as she did not meet the requirements to retain her student status as a licensure applicant

according to Rule 4755-27-04(K)(1)(b)&(c) of the Ohio Administrative Code. 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.”

According to Rule 4755-27-04:

(K) Licensure applicant status.

(1) An individual who graduated from an academic program of physical therapy may retain student status as a licensure applicant provided:

(b) The physical therapy section approved the individual's application for licensure by examination in the state of Ohio pursuant to rule 4755-23-01 of the Administrative Code; and

(c) The applicant receives notification from the section that the section approved the applicant to sit for the examination specified in rule 4755-23-03 of the Administrative 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: Melinda Snyder Osgood, Assistant Attorney General

Certified Mail: 7003 0500 0002 4335 7788
Return Receipt Requested



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Case No: 06-025 PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Sophia M. Brink**, ("**Brink**") 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. **Brink** 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, **Brink** 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. On March 24, 2006, as part of the application by examination, **Brink** signed and initialed a notarized "certification to not practice until licensed" form in which **Brink** certified that she was not currently functioning and would not function as

a physical therapist licensure applicant until she was granted licensure applicant status in the form of written notification by the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. Furthermore, **Brink** certified that she was not presently functioning and would not function as a physical therapist or use any initials, titles or words which imply that she is licensed in Ohio to perform physical therapy services until she was granted licensure by the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

3. From on or about March 24, 27, 28, 29, 31, April 1, 3, 4, 5, 6, 7, 10, 11 and 12, 2006, **Brink** utilized the credentials "PT Licensure Applicant" and engaged in the practice of physical therapy, as that term is defined in section 4755.40(A) of the Ohio Revised Code, while employed at Miami Valley Hospital, One Wyoming Street, Dayton, Ohio, 45409, despite the fact she did not hold PT Licensure Applicant status, as she did not meet the requirements to retain her student status as a licensure applicant according to Rule 4755-27-04(K)(1)(b)&(c) of the Ohio Administrative Code. Said conduct constitutes a violation of Ohio Revised Code Sections 4755.48(B) and (C).
4. 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.
5. 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.
6. Rule 4755-27-04 of the Ohio Administrative Code provides:
According to Rule 4755-27-04:
(K) Licensure applicant status.
 - (1) An individual who graduated from an academic program of physical therapy may retain student status as a licensure applicant provided:
 - (b) The physical therapy section approved the individual's application for licensure by examination in the state of Ohio pursuant to rule 4755-23-01 of the Administrative Code; and
 - (c) The applicant receives notification from the section that the section approved the applicant to sit for the examination specified in rule 4755-23-03 of the Administrative Code.

Admissions

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

1. Upon ratification of this consent agreement **Brink's** license to practice as a physical therapist in the State of Ohio shall be immediately suspended for a period of fourteen (14) days. This suspension shall commence on September 22, 2006. **Brink's** license to practice as a physical therapist shall be reactivated on October 6, 2006.
2. **Brink** 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.
3. Failure to abide by the terms of this agreement shall constitute an actionable violation in and of itself without further proof and may subject **Brink** to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
4. **Brink** 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.

- 5 All parties to this agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.
- 6 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
- 7 By her signature on this consent agreement, **Brink** 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. **Brink** 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.
- 8 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 **Brink** resulting from the aforementioned conduct.
- 9 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 **Brink** 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, **Brink** 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.

SMB, PT

Sophia M. Brink

09/15/2006

DATE

Cara W. Powers

Counsel to Sophia M. Brink
(If represented)

9/5/06

DATE

JM

Jeffrey M. Rosa
Executive Director

9-21-06

DATE

Melinda Snyder Osgood

Melinda Snyder Osgood
Assistant Attorney General

9/21/06

DATE