



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

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

Physical Therapy Section

Darlene Brashers
2033 Sycamore Drive
Bedford Heights, OH 44146

IN RE:

The eligibility of Darlene Brashers
PTA00599, to retain her license as a
Physical Therapist Assistant in the State
of Ohio

Case No: 09-024-PT

Issue Date: March 17, 2009

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 an affirmative vote of not less than five members, may limit, suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine or place a license holder on probation, on any of the following grounds:

- (3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including making of a false, fraudulent, deceptive, or misleading statement;
- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 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 limit, suspend or revoke your physical therapist assistant license, or reprimand, fine or place you on probation for one or more of the following reason(s):

Count 1

On January 10, 2009, **Brashers** falsified her 2009 license renewal application by answering "NO" to the question in the enforcement section which asked: Since your last renewal, have you been: "Disciplined in any state (including Ohio) you currently hold or have ever held a license to practice physical therapy or

another healthcare profession?" A review of Board records revealed that
Brashers:

- A. Renewed her license on December 21, 2005.
- B. Allowed her license to expire on January 31, 2008.
- C. Was granted license reinstatement on April 4, 2008.
- D. Was disciplined in the state of Ohio on August 14, 2008 for engaging in the practice of physical therapy with an expired license on February 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, and 29, 2008, March 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 25, 26, 27, 28, and 29 2008, and April 1, 2, 3, 4, and 7, 2008.

Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(3) & (6), and 4755.48(A).

Ohio Revised Code section 4755.48 (A) states:

"No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant. "

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.

Please be advised that under section 4755.031 of the Ohio Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the board. The fee shall be collected by the appropriate section.

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



Jeffrey M. Rosa
Executive Director

cc: Yvonne Tertel, Principal Assistant Attorney General
Certified Mail: 7004 2510 0006 9811 4608

Return Receipt Requested



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

OTPTAT BD 04/10/09 AM

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

Physical Therapy Section

IN RE:

The eligibility of Darlene Brashers
PTA00599, to retain her license as a
Physical Therapist Assistant in the State
of Ohio

Case No: 09-024-PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Darlene Brashers**, ("**Brashers**") 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. **Brashers** hereby enters into this agreement being fully informed of her rights pursuant to Chapter 4755 and Chapter 119 of the 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, **Brashers** 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 (A) 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 an affirmative vote of not less than five members, may limit, suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine or place a license holder on probation, on any of the following grounds:
 - (3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including making of a false, fraudulent, deceptive, or misleading statement;
 - (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of

the Revised Code or any order issued or rule adopted under those sections;

2. On January 10, 2009, **Brashers** falsified her 2009 license renewal application by answering "NO" to the question in the enforcement section which asked: Since your last renewal, have you been: "Disciplined in any state (including Ohio) you currently hold or have ever held a license to practice physical therapy or another healthcare profession?" A review of Board records revealed that **Brashers**:
 - A. Renewed her license on December 21, 2005.
 - B. Allowed her license to expire on January 31, 2008.
 - C. Was granted license reinstatement on April 4, 2008.
 - D. Was disciplined in the state of Ohio on August 14, 2008 for engaging in the practice of physical therapy with an expired license on February 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, and 29, 2008, March 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 25, 26, 27, 28, and 29 2008, and April 1, 2, 3, 4, and 7, 2008.

Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(3) & (6), and 4755.48(A).

Admissions

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

1. **Brashers** shall pay a fine of \$200.00 within sixty (60) days of the ratification of this agreement. Acceptable forms of payment include; cashier's check, business check,

or money order. Checks and money orders should be made payable to "Treasurer, State of Ohio."

2. **Brashers** agrees that this consent agreement serves as a written reprimand.
3. **Brashers** shall provide a copy of the consent agreement to any current and future employers during the term of this agreement. **Brashers'** employer(s) must send written notification on company letter head to the Enforcement Division indicating that they were provided with a copy of this agreement. **Brashers** shall ensure that this notification by her employer is received within (30) days of the effective date of this agreement. If **Brashers** changes employers during the course of this agreement, she shall ensure that written notification by her new employer(s) is received within (30) days of her start date.
4. Failure to abide by the terms of this Agreement shall constitute an actionable violation in and of itself without further proof and may subject **Brashers** to any and all disciplinary remedies to the Occupational Therapy Section including, but not limited to, revocation.
5. **Brashers** agrees to abide by all federal, state, local laws, and all laws and rules governing the practice of physical therapy in the State of Ohio.
6. **Brashers** 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, **Brashers** 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. **Brashers** 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 **Brashers** 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 **Brashers** 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, **Brashers** recognizes 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.

Darlene Brashers

Darlene Brashers

3/31/09

DATE

Counsel to Darlene Brashers
(If represented)

DATE

Jeffrey M. Rosa

Jeffrey M. Rosa
Executive Director

5-7-09

DATE

Yvonne Tertel

Yvonne Tertel
Principal Assistant Attorney General

5/7/2009

DATE

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

Physical Therapy Section

Darlene Brashers
2033 Sycamore Dr
Bedford Heights, OH 44146

IN RE:

The eligibility of Darlene Brashers,
PTA-00599, to retain her license as a
Physical Therapist Assistant in the
State of Ohio

Case No: PT 07-081

Issue Date: 7/3/08

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 an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, or place a license holder on probation, on any of the following grounds:

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;

In accordance with Chapter 119 and section 4755.47(A) 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 assistant license, or reprimand, fine, or place you on probation for the following reason:

Count 1

On February 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28 and 29, 2008, March 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 25, 26, 27, 28 and 29, 2008, and April 1, 2, 3, 4 and 7, 2008, **Brashers** 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 Village at Marymount, located at 5200 Marymount Village Drive, Garfield Heights, Ohio 44125, with an expired physical therapist assistant license. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(6) & (16) and 4755.48(B) & (C).

Ohio Revised Code section 4755.48(B) states:

No person shall practice or in any way imply or claim to the public by words, actions, or the use of letters as described in division (C) of this section to be able to practice physical therapy or to provide physical therapy services, 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 for submission of claims as provided in section 4755.56 of the Revised Code.

Ohio Revised Code section 4755.48(C) states:

No person shall use the words or letters, physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, 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.

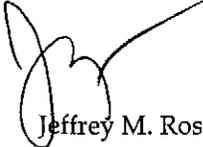
Hearing Procedures

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, suspension or revocation of your license.

Please be advised that under section 4755.031 of the Ohio Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the board. The fee shall be collected by the appropriate section.

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



Jeffrey M. Rosa
Executive Director

Certified Mail: 7004 2510 0001 7351 7948

Return Receipt Requested

cc: Yvonne Tertel, Principal Assistant Attorney General

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

Physical Therapy Section

IN RE:

The eligibility of Darlene Brashers,
PTA-00599, to retain her license as a
Physical Therapist Assistant in the
State of Ohio

Case No: PT 07-081

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Darlene Brashers**, ("**Brashers**") 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. **Brashers** 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, **Brashers** 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(A) 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 an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, or place a license holder on probation, on any of the following grounds:
 - (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;
 - (16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;

2. **Brashers** currently holds a license to practice as a physical therapist assistant in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of physical therapy.
3. **Brashers** was initially licensed as a physical therapist assistant in the State of Ohio on October 27, 1982.
4. **Brashers'** license to practice as a physical therapist assistant expired on January 31, 2008.
5. On February 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28 and 29, 2008, March 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 25, 26, 27, 28 and 29, 2008, and April 1, 2, 3, 4 and 7, 2008, **Brashers** 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 Village at Marymount, located at 5200 Marymount Village Drive, Garfield Heights, Ohio 44125, with an expired physical therapist assistant license. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(6) & (16) and 4755.48(B) & (C).

Admissions

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

1. Upon ratification of this consent agreement **Brashers'** license to practice as

a physical therapist assistant in the State of Ohio shall be immediately suspended for a period of forty-six (46) days (the number of days she engaged in expired practice) plus an additional fourteen (14) day penalty, for a total suspension time of sixty (60) days. This suspension shall commence on August 15, 2008. **Brashers'** license to practice as a physical therapist shall be reactivated on October 14, 2008.

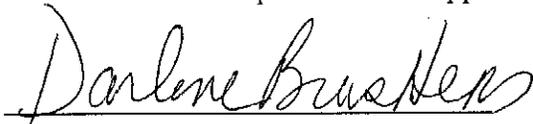
2. **Brashers** shall pay a fine of \$100.00 within sixty (60) days of the effective date of the agreement. Acceptable forms of payment include cashier's check, business check, or money order. Payments should be made payable to "Ohio Treasurer Richard Cordray."
3. **Brashers** shall provide a copy of the consent agreement to any current and future employers during the term of this agreement. **Brashers'** employer(s) must send written notification to the Enforcement Division indicating that they were provided with a copy of this agreement. **Brashers** shall ensure that this notification by her current employer(s) is received within (30) days of the effective date of this agreement. If **Brashers** changes employers during the course of this agreement, she shall ensure that written notification by her new employer(s) is received within (30) days of her start date.
4. **Brashers** 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 **Brashers** to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
6. **Brashers** 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 Agreement, **Brashers** 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. **Brashers** agrees that should the Board reject this 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 Agreement or of any information relating thereto.

10. 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 **Brashers** 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 **Brashers** 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, **Brashers** recognize that if, in the discretion of the Board it appears that she has 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.



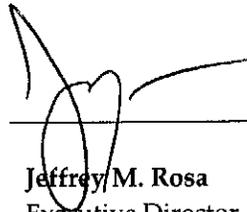
Darlene Brashers

7/7/08

DATE

Counsel to Darlene Brashers
(If represented)

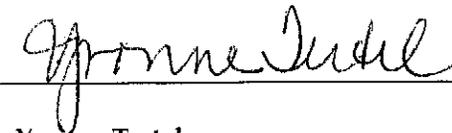
DATE



Jeffrey M. Rosa
Executive Director

8-14-08

DATE



Yvonne Tertel
Principal Assistant Attorney General

8/14/2008

DATE