



Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
Bob Taft
Executive Director
Jeffrey M. Rosa

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

Kelly L. Backus
15245 State Route 45
Lisbon, OH 44432

IN RE:
The Eligibility of Kelly L. Backus, PTA-
01419, to retain her license as a Physical
Therapist Assistant in the State of Ohio

Original Issue Date: October 24, 2005
Re-Issue Date: February 3, 2006

Notice of Opportunity for a Hearing

Introduction and Jurisdiction

Section 4755.47(A) of the Ohio Revised Code authorizes the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "Board") to suspend, revoke, or refuse to issue or renew a physical therapist assistant license, or reprimand or place a licensee on probation, for any of the following:

(6) Violation of 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 Board intends to determine whether or not to suspend or revoke your physical therapist assistant license, or reprimand or place you on probation for one or more of the following reason(s):

Count 1

Pursuant to the Conditional Grant of Licensure between you and the Board, ratified on March 31, 2005, "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 proceedings which may be based solely upon a breach of the Agreement."

Terms 2, 3, 4a, and 4b of the Conditional Grant of Licensure required you to complete 250 hours of on-site supervision within three months of the ratification of the agreement, including completion and submission to the Board of the APTA Clinical Performance Instrument (CPI) by your Board-approved supervisor. The Board received no reports

**STATE'S
EXHIBIT**

from you or your supervisor until September 21, 2005, almost seven months after the ratification of your agreement. In addition, the Board has not received your CPI or any other written documentation from your supervisor.

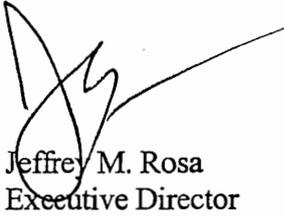
Hearing Procedures

Pursuant to section 119.07 of the Ohio Revised Code, you have the right to request a hearing on the above charge, 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.

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**

Kelly L. Backus
15245 State Route 45
Lisbon, Ohio 44432

In Re:
The eligibility of Kelly L. Backus, PTA.01419 to
retain her license as a Physical Therapist Assistant in
the state of Ohio.

Adjudication Order

This matter came for hearing before the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter "Board") on the 25th day of July 2006.

The State was represented by Assistant Attorney General Steven McGann.

Kelly L. Backus (hereinafter "Backus") was present and was not represented by counsel.

The State presented the following exhibits:

State's Exhibit 1: A copy of the Notice of Opportunity for a Hearing and cover letter sent to Ms. Backus on February 3, 2006. A copy of the certified mail receipt signed for by Alice Backus on February 6, 2006.

State's Exhibit 2: A copy of the letter from Ms. Backus requesting a hearing, received by the Board on March 1, 2006.

State's Exhibit 3: A copy of the hearing continuance letter sent to Ms. Backus by the Board on March 2, 2006. A copy of the certified mail receipt signed for by Amanda Backus on March 4, 2006.

State's Exhibit 4: A copy of the hearing scheduling letter sent to Ms. Backus on June 12, 2006. A copy of the certified mail receipt signed for by Sarah Cain on June 14, 2006.

State's Exhibit 5: A copy of the notarized letter submitted to the Board by Ms. Backus on February 7, 2005, requesting reinstatement of her Physical Therapy Assistant License.

Kelly L. Backus
Adjudication Order

- State's Exhibit 6:** A copy of Ms. Backus' Application For Licensure Reinstatement, received by the Board on February 14, 2005.
- State's Exhibit 7:** A copy of the letter sent to Ms. Backus from the Board on March 7, 2005, requesting that Ms. Backus meet with the Education Oversight Committee.
- State's Exhibit 8:** A copy of the Conditional Grant of Licensure agreement issued to Ms. Backus and approved by the Board on March 31, 2005.
- State's Exhibit 9:** A copy of the letter notifying Ms. Backus that her license was reissued on March 21, 2005.
- State's Exhibit 10:** A copy of the Physical Therapist Assistant Supervision Notification Form signed by Ms. Backus and Jennifer Carubia, received by the Board on March 14, 2005.
- State's Exhibit 11:** A copy of the fax cover sheet sent by Ms. Backus to the Board on September 21, 2005.
- State's Exhibit 12:** A copy of the list of articles read by Ms. Backus, faxed to the Board on September 21, 2005.
- State's Exhibit 13:** Copies of Time in the Facility Logs faxed by Ms. Backus to the Board on September 21, 2005.
- State's Exhibit 14:** A copy of the Clinical Performance Instrument for the Physical Therapy Assistant Student, received by the Board on November 2, 2005.
- State's Exhibit 15:** A copy of a letter submitted by Ms. Backus to the Board in February 2005.

The Respondent presented the following exhibits:

- Respondent's Exhibit A:** A copy of the Performance Planning and Review for Ms. Backus, for the performance period of March 23, 2005 to March 23, 2006.
- Respondent's Exhibit B:** A copy of a certificate for Excellence in Action, awarded to Ms. Backus July 1, 2006.
- Respondent's Exhibit C:** A copy of a certificate for Excellence in Action, awarded to Ms. Backus May 1, 2006.

After review of the evidence and testimony, the Board makes the following findings of fact:

1. Backus received a Notice of Opportunity for Hearing (hereinafter "Notice") on February 6, 2006, via certified mail. The Notice informed Backus of the Board's intent to take disciplinary action against her license as a physical therapist assistant in the state of Ohio for the following violation:

- a. Violation of Ohio Revised Code Rule 4755.47(A)(6) which states:

(A) 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;

After review of the evidence and testimony, the Board makes the following conclusion of law:

1. Backus violated Ohio Revised Code 4755.47(A)(6) and the Conditional Grant of Licensure agreement she entered into with the Board on March 25, 2006.

Wherefore, based on the evidence and the above findings, it is the conclusion of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section, that Kelly L. Backus violated Ohio Revised Code Rule 4755.47(A)(6) and the Conditional Grant of Licensure agreement she entered into with the Board on March 25, 2006.

At the September 21, 2006 meeting, a vote was taken which resulted in the adoption of the following order:

Therefore, it is the order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section, that the license of Kelly L. Backus is hereby REPRIMANDED and her license as a Physical Therapist Assistant in the state of Ohio is be placed on a probation for no less than one (1) year.

Pursuant to section 119.12 of the Ohio Revised Code, you have the right to appeal this Order. Such appeal may be taken to the Court of Common Pleas of the County in which your place of business or residence is located, or if you are not an Ohio resident, to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal must set forth the Adjudication Order appealed from and the grounds of the appeal. It must be commenced by filing a Notice of Appeal with the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section. A copy of the Notice of Appeal must also be filed

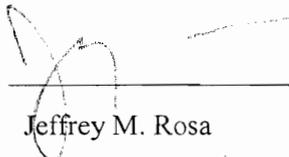
with the appropriate Court of Common Pleas. The filings must be received within fifteen (15) days of the mailing of this Adjudication Order, and in accordance with the requirements of section 119.12 of the Ohio Revised Code.

**By order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board,
Physical Therapy Section.**



Jeffrey M. Rosa
Executive Director

I hereby certify that the above Adjudication Order was sent to Kelly L. Backus by certified mail on the 27th day of October, 2006.



Jeffrey M. Rosa



Date

Certified Mail Number: 7004251073495727
Return Receipt Requested