

**BEFORE THE OHIO
OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS BOARD**

IN RE:

The Eligibility of Teresa Pettry
To Have Her License Reinstated
as a Physical Therapist Assistant
in the State of Ohio

: Case No: 02-010-PT
:
: Issue Date: April 19, 2002

NOTICE OF OPPORTUNITY FOR A HEARING

Teresa Pettry ("Pettry") has been continuously licensed to practice as a physical therapist assistant in the State of Ohio from January 11, 1991 to January 31, 2002.

Pettry failed to submit a timely application for renewal of her license for the 2002-2003 calendar years. Accordingly, pursuant to Chapter 4755.46 of the Ohio Revised Code ("R.C."), Pettry's license to practice physical therapy assisting in the State of Ohio expired as a matter of law.

On March 4, 2002 Pettry applied for reinstatement of her license.

The Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board ("Board") has conducted an investigation of the physical therapy activities of Pettry and, as a result of such investigation, alleges that Pettry has committed violations of the Physical Therapy Practice Act, Ohio Revised Code Chapter 4755, that render her not suitable to be licensed as a physical therapist assistant.

In accordance with Chapter 119 and Chapter 4755 of the Ohio Revised Code ("R.C.") Pettry is hereby notified that the Board intends to deny your application for reinstatement of your physical therapist assistant license for violations of R.C. 4755.47(A)(6).

The grounds for the Board's proposal are described below.

COUNT 1

From on or about February 1, 2002 through on or about and March 1, 2002, you utilized the credentials "LPTA" 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 Traditions at Stygler Road, 167 N. Stygler Road, Gahanna, Ohio, 43230.

Said conduct constitutes a violation of Section 4755.48 (B) and (C).

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.

Ohio Revised Code Section 4755.48(C) provides:

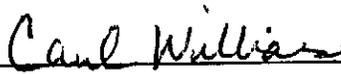
No person shall use the words or letters, physical therapist, physical therapy, physiotherapist, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., physical therapy assistant, physical therapist, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or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

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 within thirty (30) days of the mailing of this Notice. 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 or denial of your application, whichever the case may be.

Further, you are advised that you are entitled to appear at such hearing in person, or by an attorney, or you may present your positions, arguments or contentions in writing. At the hearing, if so requested, you may present evidence and examine witnesses appearing for or against you.

**BY ORDER OF THE OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS BOARD -
PHYSICAL THERAPY SECTION**



Carl Gabriel Williams, M.P.A.
Executive Director



cc: Scott Myers, Assistant Attorney General

Enclosure
Certified Mail No.: 70010360000240897078
Return Receipt Requested

APR 23 2002

BEFORE THE OHIO OCCUPATIONAL THERAPY,
PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD
PHYSICAL THERAPY SECTION

IN RE:

The Eligibility of Teresa Pettry :
To Have Her License Reinstated : Case No: 02-010-PT
as a Physical Therapist Assistant :
in the State of Ohio :

CONSENT AGREEMENT

This Consent Agreement ("Agreement") is entered into by and between TERESA PETTRY, ("Pettry") 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. Pettry has applied to reinstate her license as a Physical Therapist Assistant in the State of Ohio and is therefore subject to the jurisdiction of the Board. Pettry 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. By entering into this agreement, Pettry knowingly and voluntarily waives any rights she may have in order to bring this issue to a mutually satisfactory conclusion and to avoid litigation and expense to all parties.

In consideration of the foregoing and mutual promises hereinafter set forth, Pettry 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 assistant for any applicant that the Board determines has violated Section 4755.47 of the Revised Code or any order or rule adopted thereunder.
2. Pettry has been continuously licensed as a physical therapist assistant in the State of Ohio on from January 11, 1991 until January 31, 2002 when her licensed expired by operation of law for failure to timely submit an application for renewal.
3. Pettry's application to reinstate her license as a physical therapist assistant in the State of Ohio was received by the board office on March 4, 2002.

From on or about February 1, 2002 through on or about and March 1, 2002, Pettry utilized the credentials "LPTA" 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 Traditions at Stygler Road, 167 N. Stygler Road, Gahanna, Ohio, 43230, despite the fact that her license expired on January 31, 2002.

4. Ohio Revised Code Section 4755.47(A) provides:

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 licensure as a physical therapist or physical therapist assistant, 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;

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., physical therapy assistant, physical therapist, 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. Pettry hereby admits and acknowledges that she has received proper notice of her rights to a formal hearing pursuant to Ohio Revised Code Chapter 119.
2. Pettry 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. Pettry admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. Pettry admits that the facts set forth above constitute a violation of Ohio law thereby subjecting her to disciplinary action by the Board.

TERMS

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

1. Pettry shall not engage in the practice of physical therapy in Ohio until the Board reinstates her license.
2. Pettry's license to practice physical therapy assisting 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. Pettry's license to practice physical therapy assisting in the State of Ohio shall be suspended for a period of twenty-nine (29) days. Said period of

suspension shall commence twenty-nine (29) days prior to the effective date of this agreement.

4. Pettry 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 Pettry to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
6. Pettry 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 149.43.
8. All parties to this agreement understand that this information will be sent to the Healthcare Integrity and Protection Data Bank pursuant to amendment of Section 1128E of the Social Security Act.
9. By adopting and executing this Consent Agreement, the Ohio Occupational Therapy, Physical Therapy and Athletic Trainer's Board, Physical Therapy Section 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 Teresa Pettry resulting from the aforementioned conduct.

I, Teresa Pettry, have carefully read the above Agreement and enter into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of my rights under Ohio law. By executing this agreement, I recognize that if, in the discretion of the Physical Therapy Section, Physical Therapy and Athletic Trainers Board, it appears that I have breached any terms or conditions of this Consent Agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a

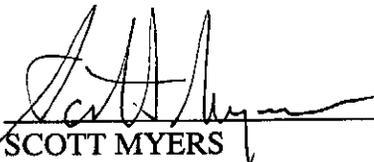
breach of the Consent Agreement. If the Board finds a breach of this Consent Agreement, it may impose any disciplinary remedy available under Ohio law.

The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its' approval.


TERESA PETTRY
Date 4-23-02

Counsel to Teresa Pettry Date


CARL GABRIEL WILLIAMS
Executive Director on behalf of the
OHIO OCCUPATIONAL THERAPY,
PHYSICAL THERAPY, AND ATHLETIC
TRAINERS BOARD, PHYSICAL THERAPY
SECTION
Date 5-9-02


SCOTT MYERS
Assistant Attorney General
Counsel to the Physical Therapy Section
Date 5/9/02