OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, and ATHLETIC TRAINERS BOARD

CERT MAIL # P 348 909 682

August 6, 1997

IN RE:

To the Eligibility of Tia Marie Turner
To Retain a License as a
Physical Therapist Assistant in the State of Ohio

NOTICE OF OPPORTUNITY FOR A HEARING

TO: TIA MARIE TURNER
4533 Greenwich Village Avenue
Dayton, Ohio 45406

Tia Marie Turner is a licensed Physical Therapist Assistant in the State of Ohio. Ms. Turner was originally licensed by the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board on August 22, 1996.

On or about May 30, 1996 while working as a physical therapy assistant student Tia Marie Turner worked with patients and provided physical therapy services without the involvement of a Physical Therapist or a qualified licensed Physical Therapist Assistant. TIA MARIE TURNER is not now, nor has she ever been licensed as a Physical Therapist in the State of Ohio.

Therefore, pursuant to 4755.47 of the Ohio Revised Code, the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, proposes to take action against your license to practice as a Physical Therapist Assistant in the State of Ohio.

Section 4755.47 of the Ohio Revised Code States in part that : "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 or, by vote of at least five members, may suspend or revoke the license of a physical therapist or physical therapist assistant, on any of the following grounds:

(F) Violation of section 4755.40 to 4755.56 of the Revised Code, or any order issued or rule adopted under those sections.

In this instance Ms.Turner violated Section 4755-27-03 (A) of the Ohio Administrative Code which states in part that, "The Physical Therapist Assistant, defined in division (C) of the Section 4755.40, the Revised Code, is a skilled, technical person who assists in physical therapy treatment and related duties as assigned by the physical therapist. These duties are carried out under the supervision, as defined in division (D) of Section 4755.40. Section 4755-27-04 (I)(3) further states in pertinent part, "... The physical therapy student shall at all times function under the on-site supervision of a licensed physical therapist. The Physical Therapist Assistant student is also an unlicensed person who shall, at all times, function under the on-site supervision of a Physical Therapist or a Physical Therapist Assistant."

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Section 4755.40 (D) of the Ohio Revised Code further states that: "supervision means the availability and responsibility of the supervisor for the direction of the actions of the person supervised.

In accordance with section 119.07 of the Ohio Revised Code and rule 4755-21-03 of the Ohio Administrative Code, you are hereby notified that you are entitled to a hearing regarding this matter. Your request for a hearing must be received by the board office in writing 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 your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing and that at the hearing you may present evidence and examine witnesses appearing for or against you.

If our office has not received you written request for a hearing within thirty (30) days of the mailing of this notice, the Board will take action regarding this matter in your absence.

SENT BY ORDER OF THE PHYSICAL THERAPY SECTION OF THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD.

CARL GABRIEL WILLIAMS, M.P.A.
Executive Director

CW:cw

cc: Sandra Pomeroy, PT, Chairperson, Physical Therapy Section
Scott Meyers, Assistant Attorney General

OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, and ATHLETIC TRAINERS BOARD

CERTIFICATE OF MAILING

I, Carl Gabriel Williams, Executive Director of Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board certify that the foregoing Notice of Opportunity for Hearing was mailed to by certified mail on 6th day of August, 1997

Carl Gabriel Williams

CARL GABRIEL WILLIAMS, M.P.A.
Executive Director

(Seal)

CW:cw
cc: Sandra Pomeroy P.T. Chairman
Scott Meyers, Esq., Assistant Attorney General

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RECEIVED
JAN 2 1998
OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD

OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, and ATHLETIC TRAINERS BOARD

CERT MAIL # 348 909 682 (Returned 8/18/97)

CERT MAIL # P348 909 775
(2nd time with new address)

CONSENT AGREEMENT
BETWEEN
TIA MARIE TURNER
AND
THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS BOARD: PHYSICAL THERAPY SECTION

This Consent Agreement is entered into by and between TIA MARIE TURNER and The PHYSICAL THERAPY SECTION OF THE OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD (hereinafter "Board"). The BOARD, is a state agency, charged with enforcing Chapter 4755., Ohio Revised Code.

TIA MARIE TURNER enters into this Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal administrative hearing on the issues considered herein.

1. The BOARD is empowered by section 4755.47 (F) of Ohio Revised Code to suspend, or revoke the license of a Physical Therapist or Physical Therapist Assistant if the Board determines that the licensee has violated sections 4755.40 to 4755.53 of the Revised Code or any order or rule adopted thereunder.

2. Rule 4755-27-03 of the Ohio Administrative Code A) states that The Physical Therapist Assistant, defined in division (C) of the Section 4755.40, the Revised Code, is a skilled, technical person who assists in physical therapy treatment and related duties as assigned by the physical therapist. These duties are carried out under the supervision, as defined in division (D) of Section 4755.40. Section 4755-27-04 (I)(3) further states in pertinent part, "... The physical therapy student shall at all times function under the on-site supervision of a licensed physical therapist. The Physical Therapist Assistant student is also an unlicensed person who shall, at all times, function under the on-site supervision of a Physical Therapist or a Physical Therapist Assistant.

3. Section 4755.40 (D) of the Ohio Revised Code states: "supervision means the availability and responsibility of the supervisor for the direction of the actions of the person supervised.

4. TIA MARIE TURNER became licensed as a Physical Therapist Assistant by the Board on August 22, 1996.

5. However, while working as a physical therapy assistant student on May 30, 1996 TIA MARIE TURNER worked with patients and provided physical therapy services without the involvement of a Physical Therapist or a qualified licensed Physical Therapist Assistant.

6. TIA MARIE TURNER is not now, nor has she ever been licensed as a Physical Therapist in the State of Ohio.

WHEREFORE, in consideration of the foregoing and mutual promises hereafter set forth, and in lieu of further administrative proceedings, TIA MARIE TURNER knowingly and voluntarily agrees to the following conditions:

1. TIA MARIE TURNER shall obey all federal, state, and local laws, and all rules governing the practice of physical therapy in Ohio.

2. TIA MARIE TURNER admits that her actions were in direct violation of section 4755.40 through section 4755.56 of the Ohio Revised and Administrative Codes.

3. TIA MARIE TURNER agrees that the action cited in number two (2) above is a violation of Section 4755.40 of the Ohio Revised Code and Rule 4755-27-03 of the Ohio Administrative Code.

4. TIA MARIE TURNER agrees that the Board shall expand its monitoring of her practice for a period of one (1) year.

5. TIA MARIE TURNER hereby releases the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, PHYSICAL THERAPY SECTION, its members, employees, agents, and officers jointly and severally from any and all liability arising from the within matter.

6. TIA MARIE TURNER agrees that she will not work as a Physical Therapist Assistant ; without a Physical Therapist being involved in the care of a patient.

7. TIA MARIE TURNER agrees that she will use her signature when signing patient documentation.

8. TIA MARIE TURNER agrees that she will not use the initials PTA or any other professional designation unless they are reflective of the services being provided.

The foregoing terms and conditions may be amended or terminated at any time upon the agreement of both parties. If in the discretion of the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, PHYSICAL THERAPY SECTION, TIA MARIE TURNER appears to have breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

The Consent Agreement shall be considered a public record as that term is used in section 149.13, Revised Code, and as such shall be reported to national data banks who have requested information regarding disciplinary actions of the Board. This Agreement is effective upon the date of the last signature below.

Tia Marie Turner — 11/30/97

TIA MARIE TURNER — Date
4533 Greenwich Village Avenue
Dayton, Ohio 45406

Witness or Legal Counsel — Date

Sandra Pomeroy PT — 2/17/98

Sandra Pomeroy, PT, Chairperson — Date
Physical Therapy Section

Scott Meyers — 2/16/98

Scott Meyers — Date
Assistant Attorney General

BOARD SEAL