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

Angela J. Kelly
11299 S. Sun Valley Drive
Alexandria, KY 41001

IN RE:
The eligibility of Angela J. Kelly PTA03258, to retain her license as a Physical Therapist Assistant in the State of Ohio

Case No: 07-064-PT

Issue Date: January 28, 2008

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 December 18, 2007, **Kelly** falsified her online 2007 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 **Kelly** was disciplined in the state of Kentucky on November 15, 2007 for failing to provide evidence of the continued competency activities for the 2005-2007 renewal cycle necessary to renew her credential for the 2007-2009 renewal cycle. 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 9805 7172
Return Receipt Requested

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108
TAT BD 02/11/08 PM

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Physical Therapy Section

IN RE:
The eligibility of Angela J. Kelly PTA03258, to retain her license as a Physical Therapist Assistant in the State of Ohio

Case No: 07-064-PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Angela J. Kelly**, ("**Kelly**") 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. **Kelly** 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, Kelly 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 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 December 18, 2007, **Kelly** falsified her online 2007 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 **Kelly** was disciplined in the state of Kentucky on November 15, 2007 for failing to provide evidence of the continued competency activities for the 2005-2007 renewal cycle necessary to renew her credential for the 2007-2009 renewal cycle. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(3) & (6), and 4755.48(A).

Admissions

1. **Kelly** 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. **Kelly** 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. **Kelly** admits that the facts set forth above are true and accurate and expressly waives all rights to challenge said facts.

4. **Kelly** 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, **Kelly** and the Board, knowingly and voluntarily agree to the following terms:

1. **Kelly** shall pay a fine of $500.00 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 "Ohio Treasurer Richard Cordray."

2. **Kelly** agrees that this consent agreement serves as a written reprimand.

3. **Kelly** must attend and complete four (4) hours of ethics training within 60 days of the ratification of this agreement. Completion of the course(s) will not count towards the continuing education hours required for her next license renewal. **Kelly** must have her attendance at the course(s) verified by the presenter/instructor. Therefore, completion of online and other self study courses will not be accepted. Proof of completion must be submitted to the Enforcement Division of the Board within thirty (30) days of course(s) completion.

4. **Kelly** shall provide a copy of the consent agreement to any current and future employers during the term of this agreement. **Kelly's** employer(s) must send written notification to the Enforcement Division indicating that they were provided with a copy of this agreement. **Kelly** shall ensure that this notification by her employer is received within (30) days of the effective date of this agreement.

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 **Kelly** to any and all disciplinary remedies to the Occupational Therapy Section including, but not limited to, revocation.

6. **Kelly** 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.

7. **Kelly** 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.

8. All parties to this agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.

9. 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

10. By her signature on this consent agreement, **Kelly** 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. **Kelly** 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.

11. 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 **Kelly** resulting from the

aforementioned conduct.

12. 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 **Kelly** 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, **Kelly** 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.

Angela J. Kelly

Angela J. Kelly

2-9-08

DATE

Counsel to Angela J. Kelly
(If represented)

DATE

Jeffrey M. Rosa
Executive Director

3-25-08

DATE

Yvonne Tertel

Yvonne Tertel
Principal Assistant Attorney General

3/26/2008

DATE