Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108
614-466-3774 (phone)
614-995-0816 (fax)
board@otptat.state.oh.us
otptat.ohio.gov

Governor
Ted Strickland
Executive Director
Jeffrey M. Rosa

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

Physical Therapy Section

Michelle S. Dipold
PO Box 18
Salineville, Ohio 43945

IN RE:
The eligibility of Michelle S. Dipold, PTA04083 to retain her license as a Physical Therapist Assistant in the State of Ohio

Surrender Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Michelle S. Dipold**, ("**Dipold**") 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. **Dipold** hereby enters into this Agreement being fully aware 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 mutual promises hereinafter set forth, Dipold and the Board 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;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;

2. **Dipold** 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. **Dipold** has been licensed as a physical therapist assistant in the State of Ohio since December 2, 1998.

4. On February 11, 2008, as a result of being randomly selected for a continuing education audit conducted by the Board, **Dipold** was sent an audit notice letter, via regular mail. On February 26, 2008, **Dipold** responded to the audit by submitting her continuing education reporting form, on which she reported a total of 10 hours earned for the January 1, 2006 through January 31, 2008 reporting period. **Dipold** also submitted a letter of explanation of her continuing education hours to the Board. The letter indicated that **Dipold** has not been able to physically complete her continuing education units and has been physically unable to work, due to injuries sustained in a car accident. Therefore, **Dipold** is two (2) hours deficient for the reporting period. If proven, said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(6) & (22) and 4755.511 and Ohio Administrative Code rule 4755-23-08.

5. **Ohio Revised Code section 4755.511 states in pertinent part:**

   Except in the case of a first license renewal, a physical therapist assistant is eligible for renewal of the physical therapist assistant's license only if the physical therapist assistant has completed twelve units of continuing education in one or more courses, activities, or programs approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

6. **Ohio Administrative Code rule 4755-23-08 states:**

   Pursuant to division (A) of section 4755.52 of the Revised Code, no person shall qualify for license renewal as a physical therapist or physical therapist assistant unless the individual completed the required continuing education units (CEU's) outlined in paragraph (A) of this rule. A "unit" is one clock hour spent in a continuing education activity meeting the requirements for licensure renewal under section 4755.52 of the Revised Code.

   (A) Physical therapists and physical therapist assistants shall participate in continuing education activities that meet the requirements outlined in division (B) of section 4755.52 of the Revised Code

   (1) A physical therapist must complete twenty-four units of continuing education activities within the two year period, ending December thirty-first, preceding the January thirty-first expiration of their license.

   (2) A physical therapist assistant must complete twelve units of

continuing education activities within the two year period, ending December thirty-first, preceding the January thirty-first expiration of their license.

(B) All continuing education activities must meet the criteria established in sections 4755.52 and 4755.53 of the Revised Code.

(C) Accumulated CEU's may not be carried over from one renewal period to another.

(D) Pursuant to sections 4755.52 and 4755.53 of the Revised Code, the physical therapy section may contract with the Ohio physical therapy association (OPTA) to assist the section with the performing of its continuing education duties. The OPTA shall accept, review, approve, or deny proposals for professional workshops, seminars, and/or conferences for continuing education units or for other continuing education activities reported by physical therapists and physical therapist assistants who qualify under section 4755.53 of the Revised Code. The OPTA shall perform any other duties agreed upon by the section and the OPTA necessary for the approval, maintenance, and/or reporting of continuing education activities for physical therapist and physical therapist assistants.

(E) A license shall not be renewed unless the licensee meets the requirements of paragraph (A) of this rule. Completed continuing education activities shall have a current Ohio approval number.

(F) The physical therapy section shall conduct an audit of the continuing education records of a number of the licensees to be determined by the section each renewal year. The section will notify licensees who are selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(1) Licensees chosen for the audit shall submit to the board by the date specified by the board copies of all records and documentation of proof of completion of the continuing education activities used to meet the continuing education requirements of this rule.

(2) Failure to provide proof of the required number of continuing education hours for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

(G) A physical therapist or physical therapist assistant license shall not be renewed unless the licensee certifies that the individual completed the required number of continuing education hour specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the physical therapy section for violating section 4755.48 of the Revised Code. by the section each renewal year. The section will notify licensees who are selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(1) Licensees chosen for the audit shall submit to the board by the date specified by the board copies of all records and documentation of proof of completion of the continuing education activities used to meet the continuing education requirements of this rule.

(2) Failure to provide proof of the required number of continuing education hours for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

(G) A physical therapist or physical therapist assistant license shall not be renewed unless the licensee certifies that the individual completed the required number of continuing education hour specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the physical therapy section for violating section 4755.48 of the Revised Code.

Admissions

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

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

1. **Dipold** shall voluntarily surrender her license to practice as a physical therapist assistant in the State of Ohio. **Dipold's** original license certificate and current biennial renewal wallet-sized pocket identification card shall be submitted simultaneously with the signed Consent Agreement to the Enforcement Division of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board at 77 South High Street, 16th Floor, Columbus, OH 43215-6108.

2. **Dipold** 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.

3. **This Agreement is NOT considered a disciplinary action.**

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

5. By her signature on this Agreement, **Dipold** 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. **Dipold** agrees that should the Board reject this Agreement and if this case proceeds to hearing, she will assert no claim that she was denied a fair hearing or that the Board was prejudiced by its review and discussion of this Agreement and/or the information relating thereto.

6. 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 **Dipold** resulting from the aforementioned conduct.

7. 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 **Dipold** 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, **Dipold** 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.

Michelle S. Dipold

Michelle S. Dipold

Date

Counsel to Michelle S. Dipold
(If represented)

Date

Jeffrey M. Rosa
Executive Director

5-15-08

Date

Yvonne Tertel

Yvonne Tertel
Principal Assistant Attorney General

5/15/2008

Date