

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

Physical Therapy Section

IN RE:

The eligibility of Jennifer L. Zetts,
PTA-5437, to retain her license as a
physical therapist assistant in the State
of Ohio

Case No: 04-033 PT

Issue Date: December 10, 2004

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 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;

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

From on or about February 1, 2004 through on or about September 22, 2004, you utilized the credentials "PTA" 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 Action Physical Therapy & Rehab, 600 West Liberty, Hubbard, Ohio, 44425, without a valid license. Said conduct constitutes a violation of Ohio Revised Code sections 4755.48(B) and (C).

Section 4755.48 (B) of the Ohio Revised Code states:

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.

Furthermore, section 4755.48 (C) of the Ohio Revised Code states:

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 assistant, 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 Ohio Revised Code.

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.

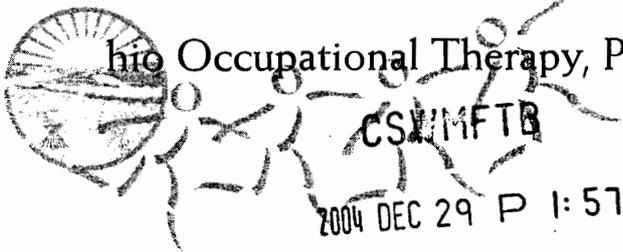
By Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board:
Physical Therapy Section



Jeffrey M. Rosa
Executive Director

Certified Mail: 7003 0500 0002 4350 3659
Return Receipt Requested

cc: Steven McGann, Assistant Attorney General



Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board

Governor
Bob Taft

Executive Director
Jeffrey M. Rosa

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

Physical Therapy Section

IN RE:

The eligibility of Jennifer L. Zetts,
PTA-5437 to retain her license as an
Physical Therapist Assistant in the
state of Ohio

Case No: 04-033 PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **JENNIFER L. ZETTS**, ("Zetts") 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. **Zetts** 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 and an adjudication hearing.

In consideration of the forgoing and mutual promises hereinafter set forth, **Zetts** 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(A) of the Ohio Revised Code 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;

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2. **Zetts** 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. **Zetts** was initially licensed as a physical therapist assistant in the state of Ohio on October 30, 2003.
4. **Zetts's** physical therapist assistant license expired on January 31, 2004, by operation of law, for failure to timely submit an application for renewal.
5. From on or about February 1, 2004 through on or about September 22, 2004, **Zetts** utilized the credentials "PTA" 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 Action Physical Therapy & Rehab, 600 West Liberty, Hubbard, Ohio, 44425, without a valid license. Said conduct constitutes a violation of Ohio Revised Code sections 4755.48(B) and (C).
6. The Board received **Zetts's** application to reinstate her license as a physical therapist assistant in the State of Ohio on October 10, 2004.
7. **Zetts** successfully completed the Licensure Law Test on November 19, 2004, thus completing her reinstatement application.
8. **Zetts's** physical therapist assistant license was reinstated on November 29, 2004.

Admissions

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

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Terms

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

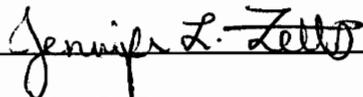
1. Upon ratification of this consent agreement Zetts's license to practice as a physical therapist assistant in the State of Ohio shall be suspended for a period of two hundred thirty five days (235) plus an additional fourteen (14) days, for a total suspension of two hundred forty nine (249) days. Upon ratification of this Agreement Zetts will immediately serve an active suspension of fourteen (14) days, with the remaining two hundred thirty five (235) days of the suspension stayed.
2. Zetts 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.
3. Failure to abide by the terms of this Agreement shall constitute an actionable violation in and of itself without further proof and may subject Zetts to any and all disciplinary remedies to the Physical Therapy Section including, but not limited to, revocation.
4. Zetts 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.
5. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.
6. 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
7. By her signature on this Agreement, Zetts 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. Zetts agrees that should the Board reject this 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 Agreement or of any information relating thereto.

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8. 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 Zetts resulting from the aforementioned conduct.
9. 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 Zetts 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, Zetts 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.



 Jennifer L. Zetts

12-21-04

DATE

Counsel to Jennifer L. Zetts
 (If represented)

DATE



 Jeffrey M. Rosa
 Executive Director

1-6-05

DATE

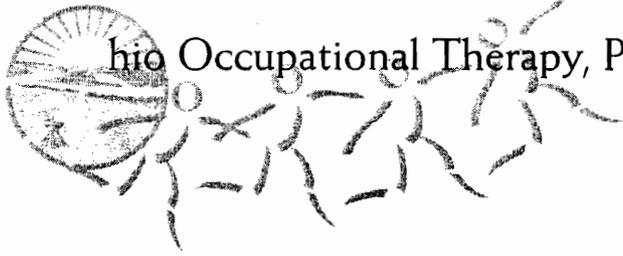


Steven McGann
 Assistant Attorney General

1-6-05

DATE

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Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board

Governor
Bob Taft

Executive Director
Jeffrey M. Rosa

February 18, 2005

Jennifer Zetts, PTA5437
91 Goretti Drive
Campbell, OH 44405

RE: Consent Agreement

Dear Ms. Zetts:

This letter is to inform you that the **Physical Therapy Section** of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board has released you from your consent agreement. After reviewing your file at the February 16, 2005 Physical Therapy Section Investigative meeting, it was determined that you have fulfilled all of the obligations listed in your consent agreement. I am pleased to inform you that your license is now without restrictions. Please be aware that a record of this disciplinary action will be part of your permanent record.

Your cooperation with the Board and our staff is appreciated. With your continuing cooperation and support, we can ensure the best possible service delivery for individuals receiving physical therapy in the State of Ohio.

Sincerely,

OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND
ATHLETIC TRAINERS BOARD - **Physical Therapy Section**

Lisa S. Foor, M.S.A.
Enforcement Division Supervisor

cc: Licensure File