

BEFORE THE OCCUPATIONAL THERAPY LICENSING BOARD

In the Matter of)
TIM P. KAUFFMAN)
Licensee)

CONSENT ORDER
Case No. OT-02-03

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OREGON - OCCUPATIONAL THERAPY
LICENSING BOARD

WHEREAS, Tim P. Kauffman, OTA/L, is a licensee of the Occupational Therapy Licensing Board; and

WHEREAS, the Board has conducted an investigation and is prepared to issue a Notice of Proposed Disciplinary Action to the licensee alleging unprofessional conduct by failure to provide a comprehensive service that is compatible with current research and within an ethical and professional framework defined in OAR 339-010-0020 (2) (c); failure to provide professional occupational therapy based on evaluation of patient/client's needs and appropriate treatment procedures under OAR 339-010-0020 (2) (e); and failure to answer truthfully and completely any question asked by the Board under OAR 339-010-0020 (3) (d); and

WHEREAS, the Board and the licensee are desirous of resolving this matter without further proceedings; and

WHEREAS, the licensee, being aware of his rights, hereby waives his right to further notice of the allegations, waives his right to a hearing and waives his right to judicial review and agrees to the entry of this Consent Order based on the following:

FINDINGS OF FACT

1. Licensee is licensed as an occupational therapist assistant and at all material times herein provided occupational therapy assistant services at Mountain View Rehabilitation & Living Center.
2. On February 15, 2003, Licensee was providing occupational therapy services to patient BJ by soaking her hands in cold water. Licensee was also providing occupational therapy services to FR by using a therapy balloon to increase FR's upper body strength.
3. In the course of providing these occupational therapy services, Licensee tossed the therapy balloon in BJ's direction, hitting her in the face, and causing her eyeglasses to be pushed into her right eye and resulting in broken blood vessels in the sclera.
4. In the course of the facilities investigation, as well as the Board's investigation of the incident, Licensee initially minimized his conduct by indicating that a smaller, lighter therapy balloon had been used than was reported by BJ and FR. When confronted with the inconsistency, Licensee admitted that a bigger balloon made of heavier material had been used, as reported by BJ and FR.

CONCLUSIONS OF LAW

1. By tossing a therapy balloon in BJ's direction and causing the injury as outlined in the findings of fact above, Licensee violated OAR 339-010-0020 (2) (c) and OAR 339-010-0020 (2) (e);

2. By minimizing his conduct in the course of the investigation by the Board, Licensee violated OAR 339-010-0020 (3) (d).

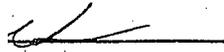
NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. That the licensee is reprimanded.
2. License shall complete a Board-approved course in ethics
3. Licensee shall work under close supervision as defined under OAR 339-010-0005 (1) (a) for a period of 20 working days. After licensee has completed 20 work days of close supervision, licensee will provide to the Board written proof of the close supervision from his supervisor within 10 days. Any OT work performed by licensee, after signing of this consent order, will be subject to the provisions of this paragraph until all close supervision requirements are complete.
4. Following licensee's completion of the close supervision requirements above, licensee will complete 9 months of routine supervision as defined in OAR 339-010-0005 (1) (b). Licensee will provide written documentation of the routine supervision from his supervisor on a quarterly basis beginning three months after the date that licensee completed the 20th day of close supervision as specified above.

DATED this 23rd ^{*October*} day of ~~September~~, 2003.

OCCUPATIONAL THERAPY

LICENSING BOARD

 Signature on File
Executive Officer 

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is pursuant to the provisions of ORS 183.482 to the Court of Appeals.

CONSENT

I hereby acknowledge that I read the foregoing Consent Order and that I understand its provisions. I agree to the Board entering the Consent Order.

10.17.03
Date

 Signature on File 