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4755-26-01

Personal information systems.

(A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint one employee to be directly responsible for each personal information system maintained by the section. Said employee shall:

- (1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and,
- (2) Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information; and,
- (3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the physical therapy section as required or authorized by statute, ordinance, code or rule; and,
- (4) Provide all persons, asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,
- (5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:
 - (a) Inform the person of any personal information in the system of which he/she is the subject;
 - (b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;
 - (c) Inform the person of the uses made of the personal information and identify other users who have access to the system;
 - (d) Allow a person who wishes to exercise his/her rights as provided by the

rule to be accompanied by an individual of his/her choice;

(e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.

(6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.

(B) The physical therapy section shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.

(C) The physical therapy section shall monitor its personal information system by:

(1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the physical therapy section which is based on information contained in the system; and,

(2) Eliminating unnecessary information from the system.

(D) The physical therapy section shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and,

(1) Notify the disputant of the results of the investigation and any action the physical therapy section intends to take with respect to the disputed information; and,

(2) Delete any information that the section cannot verify or finds to be inaccurate; and,

(3) Permit the disputant, if he/she is not satisfied with the determination made by the physical therapy section, to include within the system:

(a) A brief statement of his/her position on the disputed information; or,

- (b) A brief statement that he/she finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.
- (4) The physical therapy section shall maintain a copy of all statements made by a disputant.
- (E) The physical therapy section shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.
- (F) The physical therapy section shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the section.
- (G) The physical therapy section shall make available, upon request, all information concerning charges made by the section for reproduction of materials contained in its personal information system.

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Definitions.

For the purposes of the administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

- (A) "Access" as a noun means an opportunity to copy, view, or otherwise perceive whereas "access" as a verb means to copy, view, or otherwise perceive.
- (B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in paragraph (C) of this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of rule 4755-8-06 of the Administrative Code.
- (C) "Board" means the Ohio occupational therapy, physical therapy, and athletic trainers board.
- (D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
- (E) "Confidential personal information" has the meaning as defined by division (A)(1) of section 1347.01 of the Revised Code and identified in Chapter 4755-8 of the Administrative Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.
- (F) "CPI" means confidential personal information, as defined in paragraph (E) of this rule.
- (G) "Employee of the board" means each employee of the board regardless of whether the employee holds an elected or appointed office or position within the board. "Employee of the board" is limited to the employing state agency.
- (H) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
- (I) "Individual" means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.
- (J) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

- (K) "Person" means natural person.
- (L) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.
- (M) "Personal information system" means a system that maintains personal information, as those terms are defined in section 1347.01 of the Revised Code. System includes manual and computer systems.
- (N) "Research" means a methodical investigation into a subject
- (O) "Routine" means common place, regular, habitual, or ordinary.
- (P) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees that is maintained by the board for administrative and human resource purposes.
- (Q) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.
- (R) "Upgrade" means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

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Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information.

Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill the employee's job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information.

Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

- (1) Verify the identify of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;
- (2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and
- (3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

- (1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board

shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information was invalidly accessed, and to restore the reasonable integrity of the system.

(a) "Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information.

(b) Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact.

The executive director of the board shall designate a employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both implementation of privacy protection for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code an the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment.

The employee appointed as the board's data privacy point of contact, in accordance with paragraph (D) of this rule, shall timely complete the privacy impact assessment form developed by the office of information technology.

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Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers and duties, for which only employees of the agency may access confidential personal information, regardless of whether the personal information system is a manual system or a computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the board maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision rule or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters, including, but not limited to, hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time

card approvals/issues;

- (14) Complying with an executive order or policy;
 - (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management, or other similar state agency; or
 - (16) Complying with a collective bargaining agreement provision.
- (B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the Ohio occupational therapy, physical therapy, and athletic trainers board, authorized employees and board members would also have valid reasons for accessing CPI in these following circumstances:
- (1) Authorized employees and board members may review CPI of individuals who are subject to investigation for alleged violations of Chapter 4755. of the Revised Code or Chapters 4755-1 to 4755-48 of the Administrative Code that may result in licensure discipline or application denial. Authorized employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by employees and members of the board in disciplinary matters that become the subject of administrative hearings or board action, including reporting disciplinary actions as required by state and federal law.
 - (2) Employees assigned to the continuing education audit may review CPI of licensees who are being audited for the purpose of carrying out that program.
 - (3) Authorized employees and board members may review CPI of persons who hold, are applying for, or are renewing a license issued by the board for purposes of verifying licensure, processing licensure and renewal applications, determining eligibility for licensure, performing financial transactions and reporting related to application processing, or any other activities undertaken for the purpose of carrying out that program.
 - (4) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the board for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the board's daily activities.

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Confidentiality statutes.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the agency confidential and identify the confidential personal information within the scope of rules promulgated by the board in accordance with section 1347.15 of the Revised Code:

- (A) Social security numbers: 5 U.S.C. 552a, unless the individual was told that the number would be disclosed.
- (B) Information and records received or generated by the board pursuant to an investigation: division (E) of section 4755.02 of the Revised Code.
- (C) The results of any criminal records checks conducted pursuant to Chapter 4776. of the Revised Code: section 4776.04 of the Revised Code.
- (D) Medical records submitted with requests for testing accommodations and/or continuing education waiver requests: 42 U.S.C. 201.
- (E) College and university transcripts: 20 U.S.C. 1232g.

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Restricting and logging access to CPI in computerized personal information systems.

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

(A) Access restrictions.

Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(B) Acquisition of a new computer system.

When the board acquires a new computer system that stores, manages, or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(C) Upgrading existing computer systems.

When the board modifies an existing computer system that stores, manages, or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential personal information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

- (b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or group of specifically named individuals.
- (c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.
- (d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:
 - (i) The individual requests confidential personal information about himself/herself.
 - (ii) The individual makes a request that the board take some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.
- (3) For the purposes of this paragraph of this rule, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management.

The board shall issue a policy that specifies the following:

- (1) Who shall maintain the log;
- (2) What information shall be captured in the log;
- (3) How the log is to be stored; and
- (4) How long information kept in the log is to be retained.
- (5) Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

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Physical therapy practice defined.

- (A) In accordance with section 4755.48 of the Revised Code, only individuals licensed by the physical therapy section of the board may imply or claim to be able to practice physical therapy or provide physical therapy services.
- (1) Only individuals licensed by the physical therapy section may use the words physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, physical therapy assistant, physical therapist assistant, physical therapy technician, or other words or insignia indicating or implying that the person is a physical therapist or physical therapist assistant.
 - (2) Only individuals licensed by the physical therapy section may use the letters PT, PhT, PTT, RPT, LPT, MPT, DPT, MSPT, CPT, cPT, PTA, or any other letters or insignia to indicate or imply that the person is licensed to practice as a physical therapist or physical therapist assistant.
- (B) The practice of physical therapy, as used in Chapter 4755. of the Revised Code, means engaging in physical therapy, as defined in division (A) of section 4755.40 of the Revised Code, including providing consultative services.
- (C) For the purpose of Chapters 4755-21 to 4755-29 of the Administrative Code, the following definitions shall apply:
- (1) "Physical therapist" means an individual who performs the initial examination unless that physical therapist has transferred the responsibility for the management of the patient's care to another physical therapist and that physical therapist agrees to the transfer.
 - (2) "Physical therapist assistant" means an individual holding a valid license under sections 4755.40 to 4755.56 to assist in the provision of physical therapy treatments, including the provision of patient education and instruction under the supervision of a physical therapist.
 - (3) "Other licensed personnel" means any person holding an Ohio license to practice as a health care practitioner in a profession other than physical therapy, and not holding a valid license under sections 4755.40 to 4755.56 of the Revised Code, who is working under the direct supervision of a physical therapist or physical therapist assistant, as delegated by the physical therapist, and is performing tasks and duties related to the delivery of physical therapy.

- (4) "Unlicensed personnel" means any person who is on the job trained and supports the delivery of physical therapy services by personally assisting the physical therapist, physical therapist assistant, student physical therapist and/or student physical therapist assistant while the physical therapist, physical therapist assistant, student physical therapist, and/or student physical therapist assistant is concurrently providing services to the same patient.
- (5) "Student physical therapist" means a student enrolled in an accredited or candidacy status entry level physical therapist education program who is completing a required clinical education course.
- (6) "Student physical therapist assistant" means a student enrolled in an accredited or candidacy status entry level physical therapist assistant education program who is completing a required clinical education course.
- (7) "Supervising physical therapist" means the physical therapist who is available to supervise the physical therapist assistant, the student physical therapist or student physical therapist assistant, other licensed personnel, or unlicensed personnel. The supervising physical therapist may be the physical therapist who performed the initial examination or another physical therapist with whom that physical therapist has a formal or informal agreement.
- (8) "Supervising physical therapist assistant" means the physical therapist assistant who is appropriately available to supervise the student physical therapist assistant, other licensed personnel, or unlicensed personnel.
- (9) "Direct supervision" means the physical therapist or physical therapist assistant is in the same building and available to immediately respond to the needs of the patient. The physical therapist or physical therapist assistant shall have direct contact with the patient during each visit.
- (10) "Telehealth" means the use of electronic communications to provide and deliver a host of health-related information and healthcare services, including, but not limited to physical therapy related information and services, over large and small distances.
 - (a) Telehealth encompasses a variety of healthcare and health promotion activities, including, but not limited to, education, advice, reminders, interventions, and monitoring of interventions.
 - (b) If a physical therapy patient is located in Ohio, the physical therapist or physical therapist assistant providing physical therapy services via

telehealth must hold a valid license under sections 4755.40 to 4755.56 of the Revised Code.

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Physical therapist assistant.

- (A) The physical therapist assistant, defined in division (C) of section 4755.40 of 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 of the physical therapist, as defined in division (D) of section 4755.40 of the Revised Code and rule 4755-27-04 of the Administrative Code. The duties assigned may vary in accordance with the setting and organizational structure of the service, the scope, size, and volume of the services, and the needs of the patients to be served. The physical therapist assistant may carry out patient related duties, as well as responsibilities appropriate to the established physical therapy services.
- (B) Physical therapist assistants are not qualified to:
- (1) Interpret physician referrals;
 - (2) Conduct initial patient evaluations;
 - (3) Write initial or ongoing patient plans of care;
 - (4) Conduct re-evaluations of the patient or make changes to the patient plan of care; or
 - (5) Perform the discharge evaluation and complete the final discharge summary.
- (C) The physical therapist assistant may review medical information and/or review the patient's medical history and past functional ability through verbal contact with medical persons, family or the patient. This information may then be used by the physical therapist to determine the need for a patient evaluation.
- (D) The physical therapist assistant may progress a patient treatment program within the parameters of the plan of care as established by the supervising physical therapist.
- (E) The physical therapist may assign treatment procedures beyond the scope of entry level physical therapist assistant practice in accordance with the physical therapist assistant's ability, provided that both the supervising physical therapist and the physical therapist assistant have documented training and demonstrated competency in the procedure.

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Delegation.

- (A) Delegation in physical therapy is the sole responsibility of the physical therapist.
- (B) The responsibility for physical therapy care rendered by the physical therapist assistant and other licensed personnel rests with the supervising physical therapist.
- (C) The physical therapist performs the following, none of which may be delegated:
 - (1) Interpreting available information concerning the referral;
 - (2) Providing the initial evaluation;
 - (3) Developing the plan of care, including the short term and long term goals;
 - (4) Identifying and documenting precautions, special problems, contraindications, anticipated progress, and plans for reevaluation;
 - (5) Selecting and delegating only appropriate tasks in the plan of care;
 - (6) Designating or establishing channels of written and oral communication;
 - (7) Assessing the competence of the physical therapist assistant, other licensed personnel, and unlicensed personnel to perform assigned tasks;
 - (8) Directing and supervising the physical therapist assistant, other licensed personnel, and unlicensed personnel in delegated tasks; and
 - (9) Reevaluating and adjusting the plan of care, when necessary, and performing the final evaluation, determining discharge, and establishing the follow-up plan.
- (D) The physical therapist may refer patients to another discipline, which is not considered delegation. A referral to another discipline, including a physician, shall be documented in the medical record.
- (E) Delegation of duties or tasks to the physical therapist assistant must be done in accordance with the scope of practice of the physical therapist assistant.

- (1) A physical therapist assistant may not initiate or alter the plan of care without prior evaluation by and approval of the supervising physical therapist.
 - (2) A physical therapist assistant may adjust a treatment procedure in accordance with a change in patient status within the established plan of care.
 - (3) A physical therapist assistant may respond to inquiries regarding patient status to appropriate parties within the healthcare system and within the protocol established by the supervising physical therapist.
 - (4) The physical therapist assistant shall refer inquiries regarding a patient's prognosis to the supervising physical therapist. The physical therapist assistant may reinforce the physical therapist's position regarding the patient's prognosis.
 - (5) The physical therapist assistant may gather historical information about a patient to perform a screening that may determine the need for physical therapy intervention. This type of screening does not include physical contact with the patient.
 - (6) The physical therapist assistant shall document in the medical record according to the established protocols. All documentation shall be co-signed by the supervising physical therapist.
- (F) Delegation of tasks related to the operation and delivery of physical therapy to other licensed personnel must be done in accordance with the scope of practice of the other licensed personnel's professional license, education and training, the level of competence as determined by the supervising physical therapist, and in consideration of the patient's overall needs and medical status.
- (1) The physical therapist or physical therapist assistant shall demonstrate involvement, in accordance with paragraph (F) of rule 4755-27-04 of the Administrative Code, in each treatment session in which a component of care is delegated.
 - (2) Documentation by the other licensed personnel is restricted to an accounting of the activities provided, which includes the patient's response to intervention. The remainder of the documentation is the responsibility of the supervising physical therapist or supervising physical therapist assistant.
- (G) The unlicensed personnel may be assigned routine duties that assist in the delivery of

physical therapy care and operations, such as:

- (1) Maintenance and care of equipment and supplies;
- (2) Preparation, maintenance, and cleaning of treatment areas;
- (3) Transportation of patients;
- (4) Office and clerical functions;
- (5) Assisting patients preparing for, during, and at the conclusion of treatment (such as changing clothes, assisting during transfer, and altering position during treatment);
- (6) Personally assisting the physical therapist, physical therapist assistant, student physical therapist, and/or student physical therapist assistant while the physical therapist, physical therapist assistant, student physical therapist, and/or student physical therapist assistant is concurrently providing services to the same patient.

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Supervision.

(A) The supervising physical therapist is accountable and responsible at all times for the direction of the actions of the persons supervised, including the:

- (1) Physical therapist assistant;
- (2) Student physical therapist;
- (3) Student physical therapist assistant;
- (4) Other licensed personnel; and
- (5) Unlicensed personnel.

(B) The supervising physical therapist assistant is accountable and responsible at all times for the direction of the actions of the persons supervised, including the:

- (1) Student physical therapist assistant;
- (2) Other licensed personnel; and
- (3) Unlicensed personnel.

(C) Supervision of the physical therapist assistant.

- (1) In accordance with division (C) of section 4755.40 of the Revised Code, a physical therapist assistant may only be supervised by a physical therapist and may not be supervised by any other person, including those persons licensed to practice in any other profession.
- (2) Supervision for a physical therapist assistant does not require the supervising physical therapist to be on-site or on location. The supervising physical therapist must be available by telecommunication at all times and able to respond appropriately to the needs of the patient.

(D) Supervision of the student physical therapist.

- (1) A student physical therapist may only be supervised by a physical therapist licensed pursuant to Chapter 4755. of the Revised Code.
- (2) The supervising physical therapist is required to be on-site and available to immediately respond to the needs of the patient whenever the student physical therapist is performing patient examinations, evaluations, and interventions.

(E) Supervision of the student physical therapist assistant.

- (1) A student physical therapist assistant may only be supervised by a physical therapist or physical therapist assistant licensed pursuant to Chapter 4755. of the Revised Code.
- (2) The supervising physical therapist or supervising physical therapist assistant is required to be on-site and available to immediately respond to the needs of the patient whenever the student physical therapist assistant is performing patient interventions.

(F) Supervision of other licensed personnel.

Direct supervision from the supervising physical therapist or supervising physical therapist assistant is required whenever the other licensed personnel is performing patient interventions.

(G) Supervision of unlicensed personnel.

Unlicensed personnel may be supervised by the student physical therapist or student physical therapist assistant who are being supervised in accordance with the laws and rules governing the practice of physical therapy.

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Code of ethical conduct for physical therapists and physical therapist assistants.

An individual licensed by the physical therapy section has a responsibility to report any organization or entity that provides or holds itself out to deliver physical therapy services that places the licensee in a position of compromise with this code of ethical conduct.

(A) Ethical integrity.

Licensees shall use the provisions contained in paragraphs (A)(1) to (A)(10) of this rule as guidelines for promoting ethical integrity and professionalism. Failure to comply with paragraphs (A)(1) to (A)(10) of this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

- (1) A licensee shall respect the rights and dignity of all patients and provide compassionate care as described in paragraphs (A)(1)(a) and (A)(1)(b) of this rule.
 - (a) A licensee shall recognize individual differences with patients and shall respect and be responsive to those differences.
 - (b) A licensee shall be guided by concern for the physical, psychosocial, and socioeconomic welfare of patients.
- (2) A licensee shall exercise sound judgment and act in a trustworthy manner in all aspects of physical therapy practice. Regardless of practice setting, the physical therapist shall maintain the ability to make independent judgments. A licensee shall strive to effect changes that benefit patients.
- (3) A licensee shall only seek compensation that is reasonable for the physical therapy services delivered. A licensee shall never place the licensee's own financial interests above the welfare of the licensee's patients. A licensee, regardless of the practice setting, shall safeguard the public from unethical and unlawful business practices.
- (4) A licensee shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the source of the compensation.

- (5) A licensee shall not influence a patient or the patient's family to utilize, purchase, or rent any equipment based on the direct or indirect financial interests of the licensee. Recommendations of equipment must be based solely on the therapeutic value of that equipment to the patient. A licensee who owns or has a direct financial interest in an equipment or supply company must disclose the financial interest to the patient if the licensee sells or rents, or intends to sell or rent, to the patient.
- (6) A licensee shall ensure the patient's rights to participate fully in their care, including the patient's right to select the physical therapy provider, regardless of the practice setting.
- (7) A licensee shall respect the rights, knowledge, and skills of colleagues and other health care professionals.
- (8) A licensee shall safeguard the public from underutilization or overutilization of physical therapy services.
- (9) A licensee shall provide accurate and relevant information to patients about the patients' care and to the public about physical therapy services.
- (10) A licensee shall report to the physical therapy section any unprofessional, incompetent, or illegal behavior of a physical therapist or physical therapist assistant of which the licensee has knowledge.

(B) Ethical conduct.

Ethical conduct includes conforming to the minimal standards of acceptable and prevailing physical therapy practice. Conduct may be considered unethical regardless of whether or not actual injury to a patient occurred. Failure to comply with paragraphs (B)(1) to (B)(15) of this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

- (1) A licensee shall adhere to the standards of ethical practice by practicing in a manner that is moral and honorable. A licensee may be disciplined for violating any provision contained in division (A) of section 4755.47 of the Revised Code.
- (2) A licensee shall not cheat or assist others in conspiring to cheat on the national physical therapy examination or the state jurisprudence examination.

- (3) An individual shall not practice physical therapy without a valid license, or without holding student status, including:
 - (a) Practicing physical therapy while an individual's license is suspended or revoked.
 - (b) Practicing physical therapy with an expired license or when no longer enrolled as a student in an accredited entry level physical therapy educational program.
- (4) A licensee shall obtain informed consent from the patient.
 - (a) A licensee, unless otherwise allowed by law, shall not provide patient care without disclosing to the patient or the patient's representative, the benefits, substantial risks, if any, or alternatives to the recommended examination or intervention.
 - (b) Information relating to the therapist-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient or the patient's representative, or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the patient or the public.
- (5) A licensee shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a patient occurred, includes, but is not limited to:
 - (a) Failing to assess and evaluate a patient's status;
 - (b) Performing or attempting to perform techniques, procedures, or both in which the licensee is untrained by education or experience;
 - (c) Delegating physical therapy functions or responsibilities to an individual lacking the ability or knowledge to perform the function or responsibility in question;
 - (d) Causing, or permitting another person to cause, physical or emotional injury to the patient, or depriving the patient of the individual's dignity;

- (e) Providing treatment interventions that are not warranted by the patient's condition or continuing treatment beyond the point of reasonable benefit to the patient.
 - (f) Practicing in a pattern of negligent conduct, which means a continued course of negligent conduct or of negligent conduct in performing the duties of the profession.
 - (g) Providing substandard care as a physical therapist assistant by exceeding the authority to perform components of physical therapy interventions selected by the supervising physical therapist or through a deliberate or negligent act or failure to act, whether or not actual injury to any person occurred.
 - (h) Abandoning the patient by inappropriately terminating the patient practitioner relationship by the licensee.
 - (i) Documenting or billing for services not actually provided.
- (6) A licensee shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, patients, students and/or colleagues.
- (7) A licensee shall not engage in any sexual relationship or conduct, including dating, with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a therapist-patient relationship exists.
- (a) A licensee shall not intentionally expose or view a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to the patient diagnosis or treatment under current practice standards.
 - (b) A licensee shall not engage in a conversation with a patient that is sexually explicit and unrelated to the physical therapy plan of care.
- (8) A licensee shall not engage in sexual harassment of patients, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature that results in:

- (a) Withholding physical therapy services to a patient;
 - (b) Creating an intimidating, hostile, or offensive environment; or
 - (c) Interfering with the patient's ability to recover.
- (9) A licensee shall not falsify, alter, or destroy patient/client records, medical records, or billing records without authorization. The licensee shall maintain accurate patient and/or billing records.
- (10) A licensee shall not practice physical therapy while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If a licensee's or applicant's ability to practice is in question, the licensee shall submit to a physical or mental examination or drug/alcohol screens as requested by the physical therapy section to determine the applicant's or licensee's qualifications to practice physical therapy.
- (11) A licensee shall not obtain, attempt to obtain, or deliver medications through means of misrepresentation, fraud, forgery, deception, and/or subterfuge.
- (12) A licensee shall transfer the continuum of care of the patient, as appropriate, to another health care provider in the event of elective termination of physical therapy services by the licensee.
- (13) A licensee shall not aid, abet, authorize, condone, or allow the practice of physical therapy by any person not legally authorized to provide services.
- (14) A licensee shall not permit another person to use an individual's wall certificate, pocket identification card, license number, or national provider identifier, as defined in section 4755.56 of the Revised Code, for any illegal purpose.
- (15) A licensee shall not misrepresent the credential, title, and/or specialty certifications held by the licensee.

(C) Cooperation.

In accordance with division (A)(24) of section 4755.47 of the Revised Code, licensees shall cooperate with an investigation by the physical therapy section. Failure to cooperate is conduct detrimental to the best interest of the public and

grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the physical therapy section and providing copies of the medical records and other documents requested by the physical therapy section. Failure to comply with paragraphs (C)(1) to (C)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

- (1) A licensee shall respond fully and truthfully to a request for information from the physical therapy section.
- (2) A licensee shall comply with a subpoena issued by the physical therapy section.
- (3) A licensee shall provide information or document within the time frame specified by the physical therapy section.
- (4) A licensee shall appear and provide information at an interview requested by the physical therapy section.
- (5) A licensee shall not deceive, or attempt to deceive, the physical therapy section regarding any matter, including by altering or destroying any record or document.
- (6) A licensee shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the physical therapy section, or by use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any other legal action.
- (7) A licensee shall not refuse to provide testimony in an administrative hearing.

R.C. 119.032 review dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	4755.411
Rule Amplifies:	4755.47
Prior Effective Dates:	3/20/08, 5/1/09

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4755-27-06

Reporting requirements.

A licensee shall self report to the physical therapy section, within thirty days, any of the items outlined in paragraphs (A) to (E) of this rule. Failure to comply with this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

- (A) Impairment by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or licensee's ability to practice with reasonable skill and safety.
- (B) Conviction of a felony.
- (C) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of physical therapy.
- (D) The termination, revocation, or suspension of membership by a state or national physical therapy professional association.
- (E) A positive drug and/or alcohol screening.

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4755-27-07

Documentation.

- (A) All physical therapists shall use the credential "PT" following their signature to indicate licensure as a physical therapist.
- (B) All physical therapist assistants shall use the credential "PTA" following their signature to indicate licensure as a physical therapist assistant.
- (C) All student physical therapists shall use one of the following to indicate student status:
 - (1) Student physical therapist;
 - (2) Student PT; or
 - (3) SPT.
- (D) All student physical therapist assistants shall use one of the following to indicate student status:
 - (1) Student physical therapist assistant;
 - (2) Student PTA; or
 - (3) SPTA.
- (E) All documentation by student physical therapists and student physical therapist assistants shall be cosigned by the supervising physical therapist.
- (F) Appropriate documentation is integral to all facets of physical therapy care. Reports written by the physical therapist assistant for inclusion in the patient's record shall be cosigned by the supervising physical therapist. The cosignature shall indicate that the supervising physical therapist reviewed the written note and agrees with the patient information in the written note. A handwritten signature or electronic signature is acceptable whenever a physical therapist or physical therapist assistant signs his or her name.
 - (1) Electronic signature means any of the following attached to or associated with an electronic record by an individual to authenticate the record:

- (a) A code consisting of a combination of letters, numbers, characters, or symbols that is adapted or executed by an individual as that individual's electronic signature.
 - (b) A computer generated signature code created for an individual.
 - (c) An electronic image of an individual's handwritten signature created by using a digital writing apparatus.
- (2) If an electronic documentation system is not capable of dual signatures, a physical therapist may enter a separate note within the same documentation system. This note shall:
- (a) Reference the date(s) of the note(s) being reviewed with documentation referencing the review; and
 - (b) Document agreement with the notes entered by the physical therapist assistant and/or changes needed in the treatment plan.
- (3) The physical therapist or physical therapist assistant must assure that the electronic signature can be tracked to a unique log in code used only by that individual.

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4755-28-01

Surrender of license.

In the event the license of a physical therapist or physical therapist assistant is suspended or revoked by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board pursuant to violation of any provision of sections 4755.40 to 4755.53 of the Revised Code or violation of any lawful order or rule of the physical therapy section, the physical therapist or physical therapist assistant shall, upon receipt of the final order of the physical therapy section, immediately surrender to the board office all evidence of his/her license, including his/her wall certificate.

Any photocopies of the wall certificate maintained in offices of employment shall be retrieved by the physical therapist or physical therapist assistant and destroyed.

This rule shall apply in the case of consent agreements which may result in the voluntary surrender of a license by a physical therapist or a physical therapist assistant.

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