Laws and Rules Regulating the Practice of Occupational Therapy

as of March 22, 2013

Chapter 4755. of the Ohio Revised Code
Chapters 4755-1 to 4755-9 of the Ohio Administrative Code

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108
614-466-3774
http://otptat.ohio.gov
board@otptat.ohio.gov

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OHIO REVISED CODE

[JOINT BOARD PROVISIONS]

4755.01 Ohio occupational therapy, physical therapy, and athletic trainers board created.

(A) There is hereby created the Ohio occupational therapy, physical therapy, and athletic trainers board consisting of sixteen residents of this state, who shall be appointed by the governor with the advice and consent of the senate. The board shall be composed of a physical therapy section, an occupational therapy section, and an athletic trainers section.

(1) Five members of the board shall be physical therapists who are licensed to practice physical therapy and who have been engaged in or actively associated with the practice of physical therapy in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the physical therapy section. The physical therapy section also shall consist of four additional members, appointed by the governor with the advice and consent of the senate, who satisfy the same qualifications as the members of the board sitting on the physical therapy section, but who are not members of the board. Of the additional physical therapy section members whose terms commence on August 28, 2007, one shall be for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Such additional members of the physical therapy section are vested with only such powers and shall perform only such duties as relate to the affairs of that section.

(2) Four members of the board shall be occupational therapists and one member shall be a licensed occupational therapy assistant, all of whom have been engaged in or actively associated with the practice of occupational therapy or practice as an occupational therapy assistant in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the occupational therapy section.

(3) Four members of the board shall be athletic trainers who have been engaged in the practice of athletic training in Ohio for at least five years immediately preceding appointment. One member of the board shall be a physician licensed to practice medicine and surgery in this state. Such members of the board shall sit on the athletic trainers section.

(4) One member of the board shall represent the public. This member shall sit on the board and shall attend each year at least three meetings of the physical therapy section, three meetings of the occupational therapy section, and three meetings of the athletic trainers section.

(B) Except for the terms of office specified in division (A)(1) of this section for the additional members of the physical therapy section commencing on August 28, 2007, terms for the members of the board and the additional members of the physical therapy section are for three years. Each member's term shall commence on the twenty-eighth day of August and end on the twenty-seventh day of August. Each member shall serve subsequent to the expiration of the member's term until the successor is appointed and qualifies, or until a period of sixty days has elapsed, whichever occurs first. A member shall not serve for more than three consecutive terms. All vacancies shall be filled in the manner prescribed for the regular appointments and are limited to the unexpired terms.

(C) Each member of the board and each additional member of the physical therapy section, before entering upon the official duties of office, shall do both of the following:

(1) Subscribe to and file with the secretary of state the constitutional oath of office;

(2) Sign and file with the executive director of the board a notarized statement that the member has read and understand sections 121.22 and 149.43 of the Revised Code and the provisions of Chapter 119. of the Revised Code that are applicable to the duties of the board

(D) Annually, upon the qualification of the member or members appointed in that year, the board shall organize by selecting from its members a president and secretary. Each section of the board shall independently organize by selecting from its members a chairperson and secretary.

(E) A majority of the members of the board constitutes a quorum to transact and vote on the business of the board. A majority of the members of each section constitutes a quorum to transact and vote on the affairs of that section.

(F) Each member of the board shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day employed in the discharge of the member's duties. In addition, each member of the board and each additional member of the physical therapy section shall receive the member's actual and necessary expenses incurred in the performance of official duties.

(G) The board of trustees of the Ohio Occupational Therapy Association may recommend, after any term expires or vacancy occurs in an occupational therapy position, at least three persons to fill each such position or vacancy on the board, and the governor may make the appointment from the persons so recommended. The executive board of the Ohio chapter of the American Physical Therapy Association may recommend, after any term expires or subsequent vacancy occurs in a physical therapy position, at least three persons to fill each such vacancy on the board, and the governor may

make appointments from the persons so recommended. The Ohio Athletic Trainers Association shall recommend to the governor at least three persons when any term expires or any vacancy occurs in an athletic trainer position. The governor may select one of the association's recommendations in making such an appointment.

(H) The board shall meet as a whole to determine all administrative, personnel, and budgetary matters. The executive director of the board appointed by the board shall not be a physical therapist, an occupational therapist, or an athletic trainer who has been licensed to practice physical therapy, occupational therapy, or as an athletic trainer in this state within three years immediately preceding appointment. The executive director shall execute, under the direction of the board, the policies, orders, directives, and administrative functions of the board and shall direct, under rules adopted by the board, the work of all persons employed by the board. Upon the request of the board, the executive director shall report to the board on any matter. The executive director shall serve at the pleasure of the board.

(I) The occupational therapy section of the board shall have the authority to act on behalf of the board on matters concerning the practice of occupational therapy and, in particular, the examination of applicants, the issuance of licenses and limited permits, and the suspension or revocation of licenses and limited permits, and the suspension or revocation of licenses and limited permits to practice as an occupational therapist or occupational therapy assistant. The physical therapy section of the board shall have the authority to act on behalf of the board on matters concerning the practice of physical therapy and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants, physical therapists, and physical therapist assistants. The athletic trainers section of the board shall have full authority to act on behalf of the board on all matters concerning the practice of athletic training and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants and athletic trainers. All actions taken by any section of the board under this division shall be in accordance with Chapter 119. of the Revised Code.

Effective 4/6/07

4755.02 Powers and duties.

(A) The appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall investigate compliance with this chapter or any rule or order issued under this chapter, and shall investigate alleged grounds for the suspension, revocation, or refusal to issue or renew licenses or limited permits under section 3123.47, 4755.11, 4755.47, or 4755.64 of the Revised Code. The appropriate section may subpoena witnesses and documents in connection with its investigations.

(B) Through the attorney general or an appropriate prosecuting attorney, the appropriate section may apply to an appropriate court for an order enjoining the violation of this chapter. On the filing of a verified petition, the court shall conduct a hearing on the petition and give the same preference to the proceeding as is given to all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the court’s calendar. On a showing that a person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings provided by this division are in addition to all penalties and other remedies provided in this chapter.

(C) When requested by the appropriate section, the prosecuting attorney of a county, or the village solicitor or the city director of law of a municipal corporation, where a violation of this chapter allegedly occurs, shall take charge of and conduct the prosecution.

(D) The appropriate section may employ investigators who shall investigate complaints, conduct inspections, and make inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 of the Revised Code or this chapter. These investigators have the right to review, obtain copies, and audit the patient records and personnel files of licensees and limited permit holders at the place of business of the licensees or limited permit holders or any other place where such documents may be and shall be given access to such documents during normal business hours.

(E)(1) Subject to division (E)(2) of this section, information and records received or generated by the board pursuant to an investigation are confidential, are not public records as defined in section 149.43 of the Revised Code, and are not subject to discovery in any civil or administrative action.

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes is within the agency’s jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall required that appropriate measures be taken to ensure that confidentiality is

maintained with respect to any part of the information that contains names or other identifying information about patients, complainants, or others whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

(F) The appropriate section shall conduct hearings, keep records and minutes, and enforce the relevant sections of this chapter.

(G) Each section of the board shall publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the licensure standards prescribed by the relevant sections of this chapter and the Administrative Code.

(H) The board shall submit to the governor and to the general assembly each year a report for all its official actions during the preceding year, together with any recommendations and findings with regard to the status of the professions of physical therapy, occupational therapy, and athletic training.

Effective 4/6/07

4755.03 Deposit of fees.

Except as provided in section 4755.99 of the Revised Code, all fees and fines collected and assessed under this chapter by the appropriation section of the Ohio occupational therapy, physical therapy, and athletic trainers board, shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund.

Effective 9/29/07

4755.031 Fee for costs of sanction proceedings.

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.

Effective 4/6/07

[OCCUPATIONAL THERAPY SECTION]

4755.04 Definitions.

As used in sections 4755.04 to 4755.13 and section 4755.99 of the Revised Code:

(A) "Occupational therapy" means the therapeutic use of everyday life activities or occupations with individuals or groups for the purpose of participation in roles and situations in the home, school, workplace, community, and other settings. The practice of occupational therapy includes all of the following:

(1) Methods or strategies selected to direct the process of interventions, including, but not limited to, establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired and compensation, modification, or adaptation of activity or environment to enhance performance;

(2) Evaluation of factors affecting activities of daily living, instrumental activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, sensory motor abilities, vision, perception, cognition, psychosocial, and communication and interaction skills;

(3) Interventions and procedures to promote or enhance safety and performance in activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, application of physical agent modalities, use of a range of specific therapeutic procedures to enhance performance skills, rehabilitation of driving skills to facilitate community mobility, and management of feeding, eating, and swallowing to enable eating and feeding performance;

(4) Consultative services, case management, and education of patients, clients, or other individuals to promote self-management, home management, and community and work reintegration;

(5) Designing, fabricating, applying, recommending, and instructing in the use of selected orthotic or prosthetic devices and other equipment which assists the individual to adapt to the individual's potential or actual impairment;

(6) Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(B) “Occupational therapist” means a person who is licensed or holds a limited permit to practice occupational therapy and who offers such services to the public under any title incorporating the words “occupational therapy,” “occupational therapist,” or similar title or description of services.

(C) “Occupational therapy assistant” means a person who holds a license or limited permit to provide occupational therapy techniques under the general supervision of an occupational therapist.

Effective 4/6/07

4755.05 License or permit required.

No person who does not hold a current license or limited permit under sections 4755.04 to 4755.13 of the Revised Code shall practice or offer to practice occupational therapy, or use in connection with the person’s name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is an occupational therapist or an occupational therapy assistant. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a current license or limited permit under section 4755.04 to 4755.13 of the Revised Code is or will at the appropriate time be rendering the occupational therapy services to which reference is made.

Effective 4/6/07

4755.06 Administrative rules.

The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may make reasonable rules in accordance with Chapter 119. of the Revised Code relating to, but not limited to, the following:

(A) The form and manner for filing applications for licensure under sections 4755.04 to 4755.13 of the Revised Code;

(B) The issuance, suspension, and revocation of the licenses and the conducting of investigations and hearings;

(C) Standards for approval of courses of study relative to the practice of occupational therapy;

(D) The time and form of examination for the licensure;

(E) Standards of ethical conduct in the practice of occupational therapy;

(F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;

(G) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;

(H) Placing an existing license in escrow;

(I) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;

(J) Guidelines for limited permits;

(K) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(L) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges.

(M) The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.

The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty, truthfulness, and good reputation of any person named in an application for licensure, before admitting the applicant to the examination or issuing a license.

Effective 3/22/13

4755.061 Limitation on fee amounts.

If the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board adopts rules pursuant to section 4755.06 of the Revised Code relating to the amounts of fees that the section may charge for the late renewal of licenses and the review of continuing education activities, as provided in divisions (A)(5) and (A)(6) of section 4755.12 of the Revised Code, the section shall not establish fee amounts for those services that exceed the actual costs the section incurs in providing the services to a licensee.

Effective 10/16/09

4755.07 License qualifications.

No person shall qualify for licensure as an occupational therapist or as an occupational therapy assistant unless the person has shown to the satisfaction of the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board that the person:

(A) Is of good moral character;

(B) Has successfully completed the academic requirements of an educational program recognized by the section, including a concentration of instruction in basic human sciences, the human development process, occupational tasks and activities, the health-illness-health continuum, and occupational therapy theory and practice;

(C) Has successfully completed a period of supervised fieldwork experience at a recognized educational institution of a training program approved by the educational institution where the person met the academic requirements. For an occupational therapist, a minimum of six months of supervised fieldwork experience is required. For an occupational therapy assistant, a minimum of two months of supervised fieldwork experience is required.

(D) Has successfully passed a written examination testing the person's knowledge of the basic and clinical sciences relating to occupational therapy, and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the section may consider useful to determine the applicant's fitness to practice. The section may require separate examinations of applicants for licensure as occupational therapy assistants and applicants for licensure as occupational therapists.

Applicants for licensure shall be examined at a time and place and under such supervision as the section determines.

Effective 4/6/07

4755.08 Licenses and limited permits.

The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license to every applicant who has passed the appropriate examination designed by the section and who otherwise complies with the licensure requirements of sections 4755.04 to 4755.13 of the Revised Code. The license entitles the holder to practice occupational therapy or to assist in the practice of occupational therapy. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

The section may issue a limited permit to persons who have satisfied the requirements of divisions (A) to (C) of section 4755.07 of the Revised Code. This permit allows the person to practice as an occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist, and is valid until the date on which the results of the examination are made public. This limited permit shall not be renewed if the applicant has failed the examination.

Effective 4/6/07

4755.09 Waiver of requirements.

The occupational therapy section of the Ohio Occupational Therapy, physical therapy, and athletic trainers board may waive the examination requirement under section 4755.07 of the Revised Code for any applicant for licensure as an occupational therapist or occupational therapy assistant who either has met educational training, and job experience requirements established by the section, or presents proof of current certification or licensure in another state that requires standards for licensure at least equal to those for licensure in this state.

The section may waive the educational requirements under section 4755.07 of the Revised Code for any applicant who has met job experience requirements established by the section.

Effective 4/6/07

4755.10 Renewals.

Each license under section 4755.08 of the Revised Code is valid without further recommendation or examination until revoked or suspended or until the license expires for failure to file an application for renewal as provided for in this section.

Licenses shall be renewed biennially in accordance with the schedule established in rules adopted by the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.06 of the Revised Code. Applicants for renewal shall file the fee for renewal as provided in section 4755.12 of the Revised Code, an application for renewal on a form prescribed by the occupational therapy section, and

proof of completion of continuing education requirements as provided in rules adopted by the section under section 4755.06 of the Revised Code. An application for renewal shall be mailed by the section to the licensee in accordance with the schedule established in rules adopted by the section under section 4755.06 of the Revised Code. In all other respects the renewal process is as provided in section 4745.02 of the Revised Code.

The license of any licensee who fails to file an application for renewal on or before the deadline established in rules adopted by the section under section 4755.06 of the Revised Code shall expire automatically, unless the section, for good cause shown, determines that the application for renewal could not have been filed by such day.

Except as provided in sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code, the section may renew a license while the license is suspended, but the renewal shall not affect the suspension. The section shall not renew a license that has been revoked. If a revoked license is reinstated under section 4755.11 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee equal to the renewal fee in effect on the last preceding regular renewal date before the reinstatement date, plus any delinquent fees accrued from the time of the revocation, if such fees are prescribed by the section by rule.

Effective 4/6/07

4755.11 Disciplinary actions.

(A) In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, or place a license or limited permit holder on probation, or require the license or limited permit holder to take corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred;

(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;

(3) Violation of any lawful order or rule of the occupational therapy section;

(4) Obtaining or attempting to obtain a license or limited permit issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statements in relation to these activities;

(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;

(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(7) Communicating, without authorization, information received in professional confidence;

(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;

(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent.

(10) Failing the licensing or Ohio jurisprudence examination.

(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state of jurisdiction.

(13) Except as provided in division (B) of this section:

(a) Waiving the payment of all or any part of a deductible or co-payment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or co-payment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section.

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affect cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license or limited permit to practice;

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code.

(B) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section.

(C) Except as provided in division (D) of this section, the suspension or revocation of a license or limited permit under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed.

When a license or limited permit is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The occupational therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement.

When a license limited permit holder is placed on probation under this section, the occupational therapy section's probation order shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(D) On receipt of a complaint that a person who holds a license or limited permit issued by the occupational therapy section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license or limited permit prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee or limited permit holder poses an immediate threat to the public. The section shall notify the licensee or limited permit holder of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose license or limited permit is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license or limited permit.

(E) If any person other than a person who holds a license or limited permit issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the occupational therapy section, the section may apply to the court of common pleas of the county in which

the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

Effective 3/22/13

4755.12 Fees.

(A) The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may charge any or all of the following fees:

(1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;

(2) An application fee for an initial license;

(3) An initial licensure fee;

(4) A fee for biennial renewal of a license;

(5) A fee for late renewal of a license;

(6) A fee for the review of continuing education activities;

(7) A fee for a limited permit;

(8) A fee for verification of a license;

(B) Any person who is qualified to practice occupational therapy as certified by the section, but who is not in the active practice, as defined by section rule, may register with the section as a nonactive licensee at a biennial fee.

(C) The section may, by rule, provide for the waiver of all or part of a fee when the license is issued less than one hundred days before the date on which it will expire.

(D) Except when all of part of a fee is waived under division (C) of this section, the amount charged by the occupational therapy section for each of its fees shall be the applicable amount determined in rules adopted under section 4755.06 of the Revised Code.

Effective 10/16/2009

4755.13 Exemptions.

(A) Nothing in sections 4755.04 to 4755.13 of the Revised Code shall be construed to prevent or restrict the practice, services, or activities of the following:

(1) Any person who does not claim to the public by any title, initials, or description of services as being engaged in the practice of occupational therapy, who is:

(a) A physician licensed under Chapter 4731. of the Revised Code, or anyone employed or supervised by a licensed physician in the delivery of treatment or services;

(b) A person licensed, certified, or registered under section 4755.40 to 4755.56 of the Revised Code or under any other chapter of the Revised Code who is practicing within the standards and ethics of practice that represent appropriate extensions of the person's profession.

(c) A qualified member of any other profession who is practicing within the standards and ethics of the member's profession.

(2) Any person employed as an occupational therapist or occupational therapy assistant by the government of the United States, if the person provides occupational therapy solely under the direction or control of the organization by which the person is employed;

(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program if the activities and services constitute a part of a supervised course of study, if the person is designated by a title that clearly indicates the person's status as a student or trainee;

(4) Any person fulfilling the supervised fieldwork experience requirements of section 4755.07 of the Revised Code, if the activities and services constitute a part of the experience necessary to meet those requirements.

(B) Nothing in sections 4755.04 to 4755.13 of the Revised Code authorizes any person to use psychological procedures defined by the state board of psychology under division (C) of section 4732.23 of the Revised Code as a serious hazard to mental health and to require professional expertise in psychology.

Effective 4/6/07

[JOINT BOARD PROVISIONS]

4755.66 Effect of child support default.

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Effective 4/6/07

4755.70 Criminal records check requirement.

(A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The occupational therapy section, the physical therapy section, and the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, or 4755.62 of the Revised Code.

Effective 3/24/08

4755.71 Compliance with law regarding sanctions for human trafficking.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall comply with section 4776.20 of the Revised Code.

Effective 3/22/13

4755.99 Penalties.

(A) Whoever violates sections 4755.05 or 4755.62 or divisions (A), (B), (C), (D), or (H) of section 4755.48 of the Revised Code is guilty of a minor misdemeanor. If the offender has previously been convicted of an offense under that section, the offender is guilty of a misdemeanor of the third degree on a first offense and misdemeanor of the first degree on each subsequent offense.

(B)(1) One-half of all fines collected for violation of section 4755.05 of the Revised Code shall be distributed to the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

(2) One-half of all fines collected for violation of section 4755.48 of the Revised Code shall be distributed to the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

(3) One-half of all fines collected for violation of section 4755.62 of the Revised Code shall be distributed to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

Effective 3/27/13

OHIO ADMINISTRATIVE CODE

[OCCUPATIONAL THERAPY SECTION]

CHAPTER 4755-1

Notice

4755-1-01 Notice of meetings.

(A) Any person may obtain the time and place of all regularly scheduled meetings or the time, place, and purpose of any special meeting by:

(1) Visiting the board's website at http://otptat.ohio.gov;

(2) E-mailing the board at board@otptat.ohio.gov;

(3) Writing the board at: "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, 77 South High Street, Sixteenth Floor, Columbus, Ohio 43215-6108;"

(4) Calling the board at 614-466-3774 during normal business hours; or

(5) Appearing in person at the board office during normal business hours.

(B) Any person may obtain advance notice of all meetings at which any specific type of public business is to be discussed by identifying the type of public business for which the person desires to be notified and by supplying the Ohio occupational therapy, physical therapy, and athletic trainers board with stamped, pre-addressed envelopes. The board will mail to such person a notice of the time and place of meeting, and the type of business to be discussed, at least four calendar days before the meeting is scheduled unless the meeting is an emergency meeting.

(C) The board will maintain a list of representatives of the news media who requested in writing notice of special or emergency meetings. The board shall mail to such representatives notice at least four days before special meetings or shall telephone or email notice at least twenty-four hours before special meetings. In the event of an emergency meeting, the representatives of the news media who requested notification shall be notified immediately of the time, place, and purpose of the meeting. News media requesting meeting notification shall supply the board with the name, mailing address, email address, and telephone number of the representative to be contacted.

Effective 5/1/11 119.032 Review Date 4/1/16

4755-1-02 Method of public notice in adopting, amending or rescinding rules.

(A) Prior to the adoption of any rule subject to the requirements of Chapter 119. of the Revised Code by the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board, public notice of the section's intention to consider adoption, amendment or rescission shall be given at least thirty days prior to the date set for the public hearing. Notice shall be given in the register of Ohio. The occupational therapy section may also issue any notice or publication to ensure that constructive notice is given to all persons who are subject to or affected by the proposed rule. The notice shall include:

(1) A statement of the occupational therapy section's intentions to consider adoption, amendment or rescission of a rule;

(2) A synopsis of the proposed rule, amendment, or rescission, or a general statement of the subject matter to which the proposed rule, amendment or rescission, relates; and

(3) A statement of reason or purpose of adoption, amendment or rescission of rules; and,

(4) The date, time and place set for the public hearing on the proposed action.

(B) Any person may receive notice by supplying the occupational therapy section with stamped, pre-addressed envelopes.

Effective 4/11/02 119.032 Review Date 3/21/16

4755-1-03 On-site investigations/inspections.

On-site inspections/investigations:

(A) Board investigators may conduct routine inspections at the work site of licensees to determine compliance with the laws and rules governing the practice of occupational therapy. Investigators will carry proper identification to be shown upon request.

(B) Routine inspections include, but are not limited to, checking the display of wall certificates, verifying proper delegation of tasks performed by unlicensed personnel supervised by occupational therapy staff, occupational therapy documentation, and/or medical records relating to an occupational therapy service.

(C) Investigations of complaints shall include search for specific evidence regarding the case. In accordance with division (A) of section 4755.02 of the Revised Code, the section may issue subpoenas to obtain copies of patient records and personnel files of licensees.

(D) All investigations/inspections shall be conducted pursuant to the laws and rules of the state of Ohio.

Effective 5/1/11 119.032 Review Date 4/1/16

CHAPTER 4755-3
Licensing, Examination, Education, and Training

4755-3-01 Applications for initial licensure.

(A) All applications for initial licensure shall be submitted to the occupational therapy section on the forms provided by the section. All applications, statements, and other documents so submitted shall be retained by the section.

(B) Applications shall be:

(1) Typewritten or printed in ink or submitted electronically via the Ohio e-license system;

(2) Signed by the applicant or electronically signed if applying electronically via the Ohio e-license system:

(3) Accompanied by the fee prescribed by paragraph (A) of rule 4755-5-01 of the Administrative Code; and

(4) Accompanied by such evidence, statements, or documents as specified on the form.

(C) An applicant for initial licensure by examination shall:

(1) Have completed an occupational therapy program accredited by the accreditation council for occupational therapy education (ACOTE) of the American occupational therapy association (AOTA) or submit evidence satisfactory to the section that the applicant completed an educational program substantially equivalent to the requirements established in rule 4755-3-03 of the administrative code;

(2) Have passed the certification examination administered by the national board for certification in occupational therapy, inc. (NBCOT); and

(3) Not be licensed or ever been licensed in any state or territory of the United States as an:

(a) Occupational therapist to apply for initial licensure by examination as an occupational therapist; or

(b) Occupational therapy assistant to apply for initial licensure by examination as an occupational therapy assistant.

(D) In addition to the requirements contained in paragraph (C) of this rule, applicants for an initial license by examination who graduated from their entry-level occupational therapy program five or more years prior to the date they apply to the section for licensure by examination may be subject to additional requirements including, but not limited to:

(1) Submission of proof of completion of twenty hours of continuing education within the two year period immediately preceding the date the application is submitted;

(2) Competency-based performance appraisals;

(3) Mentorship;

(4) Professional development plan;

(5) Extended coursework; and

(6) Retaking and passing the NBCOT certification examination.

(E) An applicant for initial licensure by endorsement shall;

(1) Meet the requirements established in paragraphs (C)(1) and (C)(2) of this rule; and

(2) Hold a current, valid license to practice as an occupational therapist or occupational therapy assistant in another state or United State territory or possess current, valid certification from NBCOT.

(F) In addition to the requirements contained in paragraph (E) of this rule, applicants for an initial license by endorsement who have not engaged in the practice of occupational therapy for more than five years prior to the date

they apply to the section for licensure by endorsement may be subject to additional requirements including, but not limited to:

(1) Submission of proof of completion of twenty hours of continuing education within the two year period immediately preceding the date the application is submitted;

(2) Professional development plan;

(3) Extended coursework;

(4) Retaking and passing the NBCOT certification examination;

(5) Mentorship; and

(6) Competency-based performance appraisals.

(G) In addition to the other requirements of this rule, a foreign education applicant shall:

(1) Complete an education credentials review from an entity approved by the section to be used by the section to determine if the applicant's foreign education was substantially equivalent to an accredited occupational therapy program in the United States, Puerto Rico, territory of the United States, or the District of Columbia. Individuals whose initial certification by NBCOT is on or after January 1, 2004 are not required to meet this provision;

(2) Demonstrate that the individual met the requirements to practice occupational therapy in the country of education and evidence of eligible licensure and/or certification credentialing in that country; and

(3) Demonstrate a working knowledge of English by obtaining:

(a) Scores of at least:

(i) 4.5 on the test of written English (TWE);

(ii) Fifty on the test of spoken English (TSE); and

(iii) Two hundred twenty on the computer based test of English as a foreign language (TOEFL) or five hundred sixty on the paper based TOEFL; or

(b) Scores on the TOEFL iBT of at least:

(i) Twenty-four on the writing section;

(ii) Twenty-six on the speaking section;

(iii) Twenty-one on the reading comprehension section;

(iv) Eighteen on the listening comprehension section; and

(v) Eighty-nine on the overall examination.

(H) For the purposes of filing an electronic application via the Ohio e-license system, the board shall supply the applicant with a "UserID" and password. The use of the "UserID" and password provided by the board is solely the responsibility of the individual to whom it is issued and shall be limited to filing an electronic application for initial licensure. The "UserID" and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(I) Any application received in accordance with this rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board.

(3) Submitted fees shall be neither refundable nor transferable.

Effective 5/1/12 119.032 Review Date 4/1/17

4755-3-02 Certificate of license; display; copies.

(A) Each applicant who is approved for licensure shall receive a certificate of licensure for office display. Additional copies of the certificate shall be made available to approved applicants for a fee as prescribed by rule 4755-5-04 of the Administrative Code.

(B) The occupational therapist and the occupational therapy assistant shall display the original license certificate at their principal place of business and shall have available at all locations of service delivery a copy of his/her current license information from the Ohio e-license center verification page (https://license.ohio.gov/lookup).

(C) Verification of current licensure can be obtained from the Ohio e-license center verification page (https://license.ohio.gov/lookup).

Effective 5/1/10 ***119.032 Review Date 3/29/17***

4755-3-03 Educational requirements.

(A) The education requirements described in divisions (B) and (C) of section 4755.07 of the Revised Code, shall be satisfied by completion of an education program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association. Occupational therapy programs which have not been accredited by (ACOTE) will be accepted provided program equivalency has been established by a recognized educational credentialing body approved by the section.

(B) In accordance with the provision of the second paragraph of section 4755.09 of the Revised Code, the section may waive the educational requirements specified in paragraph (A) of this rule on the basis of job experience if all of the following conditions are met:

(1) The applicant passed the NBCOT certification examination.

(2) The applicant for licensure engaged in the active practice of occupational therapy as a licensed occupational therapist in another state, or if the experience occurred in a state not requiring licensure, as an occupational therapist certified by NBCOT, for a period of no less than five years immediately proceeding the date the application is submitted.

(3) The applicant's licensure and/or certification are active and without restriction.

(4) The applicant is foreign educated and meets the requirements of paragraph (E) of rule 4755-3-01 of the Administrative Code in addition to all other applicable paragraphs of rule 4755-3-01 of the Administrative Code.

Effective 5/1/08 ***119.032 Review Date 3/29/17***

4755-3-04 Examination requirements.

(A) An applicant shall have satisfied the examination requirements of the occupational therapy section if he/she passed the certification examination of the National Board for Certification in Occupational Therapy for occupational therapist or occupational therapy assistant.

(B) Examination may be waived for any person who was certified as an occupational therapy assistant by the "American Occupational Therapy Association" prior to August 27, 1976.

Effective 3/20/98 ***119.032 Review Date*** 3/29/17

4755-3-05 Escrow of license; restoration.

(A) A person licensed as an occupational therapist or an occupational therapy assistant may, at the time of biennial renewal, apply for escrow of his/her license.

(1) The application for escrow shall be accompanied by the fee prescribed by rule 4755-5-03 of the Administrate Code and by a signed statement that the licensee will not engage in the active practice of occupational therapy, as defined by division (A) of section 4755.04 of the Revised Code, while the license is in escrow.

(2) An individual whose license is in escrow may renew a license in escrow for no more than two consecutive renewal periods after putting a license in escrow. At the time of the third consecutive renewal period, the individual shall either restore the license in accordance with the provisions of this rule or let the license expire. If the license expires, the individual shall submit a reinstatement application in accordance with rule 4755-3-12 of the Administrative Code to return to active practice in the state of Ohio.

(B) A person whose license is in escrow may request a return to active status at any time by submitting a restoration application to the section. Applications shall be:

(1) Typewritten or printed in ink or submitted electronically via the Ohio e-license system;

(2) Signed by the applicant of electronically signed if applying electronically via the Ohio e-license system;

(3) Accompanied by the fee prescribed by rule 4755-5-09 of the Administrative Code;

(4) Accompanied by such evidence, statements, or documents as specified on the form; and

(5) Contain proof that the applicant completed at least twenty contact hours of continuing education in accordance with rule 4755-9-01 of the Administrative Code within the two year period immediately preceding the application for restoration. Contact hours used to meet the requirements of this paragraph shall not be used to renew the restored license.

(a) At least one contact hour shall be in ethics education pursuant to paragraph (A)(5) of rule 4755-9-01 of the Administrative Code.

(b) For restored licenses valid for less than twelve months, a licensee shall complete at least ten contact hours of continuing education prior to the expiration of the restored license. The category limits contained in paragraph (B) of rule 4755-9-01 of the Administrative Code do not apply if the restored license was valid for twelve months or less.

(c) For restored licenses valid for twelve months or more, a licensee shall complete at least twenty contact hours of continuing education prior to the expiration of the restored license.

(C) All persons seeking restoration of a license in escrow shall pass the Ohio occupational therapy jurisprudence examination.

(D) In addition to the requirements contained in paragraphs (B) and (C) of this rule, applicants for restoration of an escrowed license who have not engaged in the practice of occupational therapy for more than five years prior to the date the individual applies to the section for escrow restoration may be subject to additional requirements outlined by the occupational therapy section. The section may consider, but is not limited to, the following additional requirements:

(1) Additional continuing education;

(2) Competency-based performance appraisals;

(3) Mentorship;

(4) Professional development plan;

(5) Extended coursework; and

(6) Retaking and passing the NBCOT certification examination.

(E) For the purposes of filing an electronic application via the Ohio e-license system, the board shall supply the applicant with a "UserID" and password. The use of the "UserID" and password provided by the board is solely the responsibility of the individual to whom it is issued and shall be limited to filing an electronic application for license restoration. The "UserID" and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(F) Any application received in accordance with this rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board.

(3) Submitted fees shall be neither refundable nor transferable.

(G) If an escrowed license is restored between January first and March thirty-first of the year the escrowed license expires, the restored license will expire on June thirtieth of that year.

(H) If an escrowed license is restored between April first and April thirtieth of the year the escrowed license expires, the restored license will expire on June thirtieth of the following expiration year.

(I) If a completed restoration application is not received by April thirtieth of the expiration year, the escrow licensee shall renew in escrow status and submit a restoration application, which will not be reviewed prior to July first. Failure to renew in escrow status will lead to the expiration of the license on June thirtieth and the licensee would be subject to the reinstatement requirements contained in rule 4755-3-12 of the Administrative Code.

Effective 7/1/12 ***119.032 Review Date 4/1/17***

4755-3-06 Denial, suspension or revocation of license

(A) Denial of an application for licensure or any proposed action against a license shall be in accordance with Chapter 119. of the Revised Code.

(1) Pursuant to section 119.07 of the Revised Code, a request for an administrative hearing on the proposed action shall be received by the occupational therapy section within thirty days of the mailing of the notice of opportunity for a hearing.

(2) If a request for an administrative hearing is not received by the occupational therapy section within thirty days of the mailing of this notice of opportunity for a hearing, the section, upon consideration of the charges cited, may take appropriate action in the absence of the applicant or licensee.

(3) Pursuant to section 4755.031 of the Revised Code, a person sanctioned under section 4755.11 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.

(B) The occupational therapy section may deny, suspend, or revoke the license of an individual or reprimand, fine, or place a licensee on probation for violation of any provision of Chapter 4755. of the Revised Code or any lawful order or rule of the section.

(C) If the physical or mental condition of a licensee is at issue in a disciplinary proceeding, the occupational therapy section may order the licensee to submit to reasonable examinations by a health care practitioner designated or approved by the section.

(D) In the event the license of an occupational therapist or occupational therapy assistant is suspended or revoked by the occupational therapy section pursuant to violation of any provision of sections 4755.04 to 4755.13 of the Revised Code or violation of any lawful order or rule of the occupational therapy section, the occupational therapist or occupational therapy assistant shall, upon receipt of the final order of the occupational therapy section, immediately surrender to the board office all evidence of his/her license, including his/her wall certificate.

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

(E) In accordance with division (D) of section 4755.11 of the Revised Code, if the occupational therapy section determines that a licensee poses an immediate threat to the public, the section shall immediately suspend the license of the occupational therapist or occupational therapy assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code. If the licensee fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license.

(F) The hearings and investigations related to sections 4755.04 to 4755.13 of the Revised Code shall be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the occupational therapy section relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of Chapter 4755. of the Revised Code allegedly occurred are confidential and are not subject to discovery in any civil action.

(G) If requested by the occupational therapy section, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of Chapter 4755. of the Revised Code allegedly occurs, shall take charge of and conduct the prosecution.

(H) In addition to any other remedy provided in Chapter 4755. of the Revised Code, the occupational therapy section may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of Chapter 4755. of the Revised Code. On a showing that a person has violated or is about to violate Chapter 4755. of the Revised Code, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in Chapter 4755. of the Revised Code.

Effective 5/1/12 119.032 Review Date 4/1/17

4755-3-07 Reinstatement or reconsideration of denial of license.

(A) A person whose license is revoked or denied under the provisions of section 4755.11 of the Revised Code may, after one year from the date of revocation or denial, apply for reinstatement of license or reconsideration of denial of license subject to examination prescribed by the rules of the section.

(B) In evaluating an application for reinstatement of license or reconsideration of denial of license, the occupational therapy section shall consider the following:

(1) The nature and severity of the acts which resulted in revocation or denial of license;

(2) The time elapsed since the commission of the acts;

(3) Possible additional violations occurring after the revocation or denial;

(4) Compliance with previous orders of the occupational section; and,

(5) Any evidence of rehabilitation which the applicant may submit to the section.

Effective 5/1/08 119.032 Review Date 3/29/17

4755-3-08 Notice of change of address.

(A) A licensee or limited permit holder shall notify the occupational therapy section of any change of name, place of business or employment, or mailing address within thirty days after the change.

(B) Notification may be made by:

(1) Mail;

(2) Fax;

(3) E-mail; or

(4) Electronically by logging into the Ohio e-license system.

Effective 5/1/08 119.032 Review Date 3/29/17

4755-3-09 Active practice defined.

(A) In accordance with section 4755.05 of the Revised Code, only individuals licensed by the occupational therapy section of the board shall practice or offer to practice occupational therapy.

(B) The practice of occupational therapy, as used in Chapter 4755. of the Revised Code, means engaging in occupational therapy, as defined in division (A) of section 4755.04 of the Revised Code, including providing consultative services, case management, and education of patients, clients, or other individuals to promote self-management, home management, and community and work reintegration.

Effective 5/1/08 119.032 Review Date 3/29/17

4755-3-10 Biennial renewal of licensure.

(A) Renewal of an occupational therapist or occupational therapy assistant license shall be in accordance with section 4755.10 of the Revised Code.

(1) The entire licensure renewal application, including any required forms, compliance with the continuing education requirement specified in rule 4755-9-01 of the Administrative Code, and payment of the renewal fee prescribed by rule 4755-5-05 of the Administrative Code, shall be completed to satisfy the requirements of the renewal procedure.

(2) The licensure renewal notice shall be mailed to the address on file with the board.

(B) All individuals licensed as an occupational therapist shall renew their license by the thirtieth day of June in each odd-numbered year. When a license to practice as an occupational therapist is issued by the board on or after April first of an odd-numbered year, that license shall be valid through the thirtieth day of June of the next odd-numbered year.

(C) All individuals licensed as an occupational therapy assistant shall renew their license by the thirtieth day of June in each even-numbered year. When a license to practice as an occupational therapy assistant is issued by the board on or after April first of an even-numbered year, that license shall be valid through the thirtieth day of June of the next even-numbered year.

(D) Persons who fail to submit the renewal fee, completed application, any other required forms, and/or comply with the continuing education requirement specified in rule 4755-9-01 of the Administrative Code by the thirtieth day of June of the appropriate year shall have their license automatically expire.

(1) A license holder whose license expired for failure to renew must submit a reinstatement application in accordance with rule 4755-3-12 of the Administrative Code before the individual may legally practice as an occupational therapist or occupational therapy assistant in Ohio.

(2) A licensee who continues to practice occupational therapy with an expired license shall be subject to disciplinary action pursuant to section 4755.11 of the Revised Code.

(3) An additional processing fee may be assessed to persons who have not complied with the renewal requirements by the thirty-first day of May of the renewal year.

(E) For the purposes of filing an electronic renewal application via the Ohio e-license system, the board shall supply the applicant with a “UserID” and password. The use of the “UserID” and password provided by the board is solely the responsibility of the licensee to whom it is issued and shall be limited to filing an electronic renewal application. The “UserID” and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

Effective 5/1/11 119.032 Review Date 3/29/17

4755-3-11 ***Rescinded on 5/1/11***

4755-3-12 Application for reinstatement.

(A) Pursuant to rule 4755-3-10 of the Administrative Code, the occupational therapist or occupational therapy assistant license of an individual who fails to comply with the renewal requirements shall automatically expire on the thirtieth day of June of the appropriate year.

(B) All applicants for reinstatement shall submit a completed application on the forms specified by the section. All applications shall:

(1) Be typewritten or printed in ink or submitted electronically via the Ohio e-license system;

(2) Be signed by the applicant or electronically signed if applying electronically via the Ohio e-license system;

(3) Contain the fee prescribed by rule 4755-5-08 of the Administrative Code;

(4) Be accompanied by such evidence, statements, or documents as specified on the forms; and

(5) Contain proof that the applicant met the appropriate continuing education requirement:

(a) For reinstatement applications submitted on or after August first of the year in which the applicant's license expired, the applicant shall complete twenty contact hours of continuing education in accordance with rule 4755-9-01 of the Administrative Code within the two year period immediately preceding the application for reinstatement. Contact hours used to meet the requirement of this paragraph shall not be used to renew the reinstated license; or

(b) Notwithstanding paragraph (D)(1)(a) of this rule, for reinstatement applications submitted before August first of the year in which the applicant's license expired, the applicant shall complete the number of contact hours of continuing education that were required to renew the expired license. All contact hours used to reinstate the license shall be earned in accordance with rule 4755-9-01 of the Administrative Code. Contact hours used to meet the requirement of this paragraph shall not be used to renew the reinstated license.

(C) All applications, statements, and other documents so submitted, shall be retained by the section.

(D) Reinstatement is required for any occupational therapist or occupational therapy assistant whose Ohio occupational therapy/occupational therapy assistant license has expired. The provisions for reinstatement/return to practice are as follows:

(1) Applicants out of practice for zero to five years shall:

(a) Provide proof of completion of twenty hours of continuing education within the two year period immediately preceding the application for reinstatement; and

(b) Pass the Ohio occupational therapy jurisprudence examination.

(2) Applicants out of practice more than five years:

(a) Shall provide proof of completion of twenty hours of continuing education within the two year period immediately preceding the application for reinstatement.

(b) Shall pass the Ohio occupational therapy jurisprudence examination.

(c) May be subject to additional requirements outlined by the occupational therapy section.

The occupational therapy section may consider, but is not limited to, the following additional requirements:

(i) Additional continuing education;

(ii) Competency-based performance appraisals;

(iii) Mentorship;

(iv) Professional development plan;

(v) Extended coursework; and

(vi) Retaking and passing the NBCOT certification examination.

(E) For the purposes of filing an electronic application via the Ohio e-license system, the board shall supply the applicant with a "UserID" and password. The use of the "UserID" and password provided by the board is solely the responsibility of the individual to whom it is issued and shall be limited to filing an electronic reinstatement application. The "UserID" and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(F) Any application received in accordance with this rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board.

(3) Submitted fees shall be neither refundable nor transferable.

Effective 5/1/12 119.032 Review Date 4/1/17

4755-3-13 Verification of licensure.

(A) The occupational therapy section shall officially verify to another regulatory entity the status of an individual's license to practice occupational therapy in the state of Ohio upon:

(1) Receipt of a written request from a licensee; and

(2) Payment of the verification of license charge specified in rule 4755-5-07 of the Administrative Code.

(B) Official verification issued by the board shall include, but not be limited to:

(1) The license number and status of the license;

(2) Any disciplinary action taken against the license; and

(3) The initial issue date and expiration of the license.

Effective 5/1/07 119.032 Review Date 3/29/17

4755-3-14 Criminal records check.

(A) In addition to the requirements established in rule 4755-3-01 of the Administrative Code, all applicants for initial licensure as an occupational therapist or occupational therapy assistant shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4755.06 and 4755.70 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as an occupational therapist or occupational therapy assistant.

(B) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name, address, and any other information required by the bureau of criminal identification and investigation for the purpose of completing the criminal records checks. The applicant shall cause the results of the criminal records checks to be forwarded to the Ohio occupational therapy, physical therapy, and athletic trainers board at 77 South High Street, 16th Floor, Columbus, Ohio 43215-6108.

(C) In the request, the applicant shall ask the superintendent of the bureau of criminal identification and investigation to obtain from the federal bureau of investigation any information it has pertaining to the applicant.

(D) The occupational therapy section will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation in compliance with this rule.

(E) A criminal records check will not be required if the applicant has caused the results of a criminal records check to be filed with the board in accordance with the requirements of this rule within six months of the date that the board received the results of the criminal records check. A new criminal records check will be required if the applicant's criminal records check on file with the board is greater than six months old based on the date the board received the report.

Effective 5/1/09 119.032 Review Date 3/29/17

CHAPTER 4755-5
Fees

4755-5-01 Fee for initial licensure.

(A) The initial licensing fee for an occupational therapist or occupational therapy assistant shall not exceed one hundred dollars. The prescribed fee shall be submitted to the occupational therapy section with the application for initial licensure.

(B) One-third of the initial licensure fee may be waived for any individual applying for initial licensure after April first of that year. No waiver shall be given to any individual who has been employed as an occupational therapist or occupational therapy assistant in the state of Ohio prior to April first of such year.

Effective 5/1/05 119.032 Review Date 1/15/13

4755-5-02 ***Rescinded 5/1/11***

4755-5-03 Fee for escrow of license.

The fee to place a license in escrow and to biennially renew a license in escrow shall be twenty dollars. The prescribed fee for escrow of license or biennial renewal of a license in escrow shall be submitted to the occupational therapy section with the appropriate application.

Effective 5/1/05 119.032 Review Date 1/15/13

4755-5-04 Fee for copies of certificate of licensure.

The fee for each additional copy of a certificate of licensure shall not exceed thirty dollars and shall be submitted to the occupational therapy section with the request.

Effective 5/1/10 119.032 Review Date 4/1/13

4755-5-05 Fees for renewal.

The biennial renewal fee shall not exceed one hundred twenty dollars for an occupational therapist or occupational therapy assistant. The prescribed fee shall be submitted to the occupational therapy section with the renewal application.

Effective 5/1/08 119.032 Review Date 4/1/13

4755-5-06 Fee for mailing lists.

(A) The board will maintain separate and combined listing of currently licensed occupational therapists and occupational therapy assistants along with the licensees' home addresses. The fee for the list of occupational therapists and/or occupational therapy assistants shall not exceed the actual cost of duplication and mailing.

(B) Any person may obtain a copy of a licensee list by writing the board at: “Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, 77 South High Street, Sixteenth Floor, Columbus, Ohio 43215-6108", and submitting a check or money order made payable to “Treasurer, State of Ohio,” in the appropriate amount.

Effective 5/1/05 119.032 Review Date 1/15/13

4755-5-07 Administrative processing charge for verification of occupational therapy licensure.

The administrative processing charge to verify a license shall not exceed thirty dollars. The charge shall be submitted in a manner determined by the occupational therapy section. Verification of licensure administrative processing charges are not refundable.

Effective 5/1/07 119.032 Review Date 1/15/13

4755-5-08 Fee for reinstatement.

The reinstatement fee shall be one hundred dollars. The prescribed fee shall be submitted to the occupational therapy section with the reinstatement application.

Effective 5/1/12 119.032 Review Date 4/1/13

4755-5-09 Fee for restoration of an escrowed license.

(A) The restoration fee shall be eighty dollars. The prescribed fee shall be submitted to the occupational therapy section with the restoration application.

Effective 5/1/05 119.032 Review Date 1/15/13

4755-5-10 Waiver of fees.

The occupational therapy section may grant waivers of the fee requirements listed in this chapter in cases of undue hardship including, but not limited to, natural disasters and acts of terrorism.

Effective 5/1/06 119.032 Review Date 1/15/13

CHAPTER 4755-7
Conduct of Licensees

4755-7-01 Occupational therapy practice defined.

For the purpose of Chapters 4755-1 to 4755-9 of the Administrative Code, the following definitions shall apply:

(A) "Occupational therapist" means a person who is licensed to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or similar title or description of services.

(B) "Occupational therapy assistant" means a person who holds license to provide occupational therapy techniques under the general supervision of an occupational therapist.

(C) "Student occupational therapist" means a student enrolled in an accredited or candidacy status entry-level occupational therapist education program who is completing a "Level II" fieldwork or a doctoral-level experiential component, or a student enrolled in a "World Federation of Occupational Therapy" accredited entry-level occupational therapist education program who is completing the fieldwork requirement equivalent to the "Level II" fieldwork or the doctoral-level experiential component.

(D) "Student occupational therapy assistant" means a student enrolled in an accredited or candidacy status entry-level occupational therapy assistant education program who is completing a "Level II" fieldwork.

(E) "Unlicensed personnel" means any person who is on the job trained and supports the delivery of occupational therapy services by personally assisting the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant while the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant is concurrently providing services to the same client.

(F) "Supervising occupational therapist" means the occupational therapist who is available to supervise the occupational therapy assistant, the student occupational therapist, student occupational therapy assistant, or unlicensed personnel. The supervising occupational therapist may be the occupational therapist who performed the initial evaluation or another occupational therapist with whom that occupational therapist has a documented agreement.

(G) "Supervising occupational therapy assistant" means the occupational therapy assistant who is appropriately available to supervise the student occupational therapy assistant or unlicensed personnel.

Effective 7/1/10 119.032 Review Date 4/1/14

4755-7-02 Roles and responsibilities.

(A) Occupational therapist.

The occupational therapist shall assume professional responsibility for the following activities, which shall not be wholly delegated, regardless of the setting in which the services are provided:

(1) Interpretation of referrals or prescriptions for occupational therapy services;

(2) Interpretation and analysis for evaluation purposes;

(3) Development, interpretation, and modification of the treatment/intervention plan and the discharge plan.

(B) Occupational therapy assistant.

(1) The occupational therapy assistant may contribute to and collaborate in:

(a) The evaluation process by gathering data, administering standardized tests and /or objective measurement tools, and reporting observations.

(b) The preparation, implementation, and documentation of the treatment/intervention plan and the discharge plan.

(c) Choosing the appropriate treatment interventions.

(2) The occupational therapy assistant may independently:

(a) Select the daily modality of choice according to the established treatment/intervention plan.

(b) Document the progress and outcomes summary.

(3) The occupational therapy assistant may not evaluate independently or initiate treatment/intervention before the supervising occupational therapist performs an evaluation.

(C) Student occupational therapist and student occupational therapy assistant.

In accordance with section 4755.13 of the Revised Code, persons fulfilling the supervised fieldwork experience requirements pursuant to section 4755.07 of the Revised Code shall, at the discretion of the supervising occupational therapist or supervising occupational therapy assistant, as appropriate, be assigned duties or functions commensurate with the education and training.

(D) Unlicensed personnel.

The primary function of unlicensed personnel functioning in an occupational therapy setting is to perform designated routine tasks related to the operation and delivery of occupational therapy services. Such tasks may include, but are not limited to:

(1) Routine department maintenance;

(2) Transportation of clients;

(3) Preparation or setting up of treatment equipment and work area;

(4) Taking care of clients' personal needs during treatments;

(5) Assisting in the construction of adaptive equipment and splints;

(6) Clerical, secretarial, and administrative activities; and

(7) Personally assisting the occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant while the occupational therapist, occupational therapy assistant, student occupational therapy, or student occupational therapy assistant is concurrently providing services to the same client.

Effective 7/1/10 119.032 Review Date 4/1/14

4755-7-03 Delegation.

(A) Occupational therapy assistant.

The occupational therapy assistant may implement the occupational therapy treatment/intervention plan established by the supervising occupational therapist. The supervising occupational therapist shall consider the following when delegating to the occupational therapy assistant:

(1) The clinical complexity of the client;

(2) The competency of the occupational therapy assistant;

(3) The occupational therapy assistant's level of training in the treatment/intervention technique; and

(4) Whether continual reassessment of the client's status is needed during treatment/intervention.

(5) Notwithstanding paragraphs (A)(1) to (A)(4) of this rule, the occupational therapy assistant may respond to acute changes in the client's condition that warrant immediate action.

(B) Student occupational therapist.

The student occupational therapist shall demonstrate appropriate skill and knowledge in duties being delegated. The supervising occupational therapist shall demonstrate knowledge and competency in any procedure or services delegated to a student occupational therapist.

(C) Student occupational therapy assistant.

The student occupational therapy assistant shall demonstrate appropriate skill and knowledge in duties being delegated. The supervising occupational therapist or supervising occupational therapy assistant shall demonstrate knowledge and competency in any procedure or services delegated to a student occupational therapy assistant.

(D) Unlicensed personnel.

(1) Unlicensed personnel may only perform specific tasks which are neither evaluative, task selective, nor recommending in nature. The occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant may delegate such tasks only after ensuring that the unlicensed personnel has been appropriately trained for the performance of the tasks.

(2) The occupational therapist, occupational therapy assistant, student occupational therapist, and student occupational therapy assistant shall not delegate the following to unlicensed personnel:

(a) Performance of occupational therapy evaluative services;

(b) Initiation, planning, adjustment, modification, or performance of occupational therapy services;

(c) Making occupational therapy entries directly in the client's official records; and

(d) Acting on behalf of the occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant in any matter related to occupational therapy treatment that requires decision making.

Effective 7/1/10 119.032 Review Date 4/1/14

4755-7-04 Supervision.

(A) Supervision must ensure consumer protection. The supervising occupational therapist is ultimately responsible for all clients and is accountable and responsible at all times for the actions of persons supervised, including the:

(1) Occupational therapy assistant;

(2) Student occupational therapist;

(3) Student occupational therapy assistant; and

(4) Unlicensed personnel.

(B) The following occupational therapist/occupational therapy assistant supervisory ratios shall apply:

(1) When performing client evaluations, direct client treatment, and supervision of occupational therapy personnel, a 1.0 full-time equivalent (FTE) occupational therapist shall supervise no more than four FTE occupational therapy assistants.

(2) When performing client evaluations and supervision of occupational therapy personnel only, with no direct client treatment responsibilities, a 1.0 full-time equivalent (FTE) occupational therapist shall supervise no more than six FTE occupational therapy assistants.

(3) A supervising occupational therapist with the status of less than 1.0 FTE shall supervise a proportionate number of occupational therapy assistants.

(C) Occupational therapist assistant.

Supervision of the occupational therapy assistant, as defined in division (C) of section 4755.04 of the Revised Code, requires initial direction and periodic inspection of the service delivery and relevant in-service training. The supervising occupational therapist need not be on-site, but must be available for consultation with the occupational therapy assistant at all times.

(1) The supervising occupational therapist must provide supervision at least one time per week for all occupational therapy assistants who are in their first year of practice.

(2) The supervising occupational therapist must provide supervision at least one time per month for all occupational therapy assistants beyond their first year of practice.

(3) Supervision requires an interactive process between the supervising occupational therapist and the occupational therapy assistant. The interactive process must include, but is not limited to, review of the following:

(a) Client assessment;

(b) Client reassessment;

(c) Treatment/intervention plan;

(d) Intervention; and

(e) Discontinuation of treatment/intervention plan.

(4) Co-signing client documentation alone does not meet the minimum level of supervision.

(5) It is the responsibility of the occupational therapist and occupational therapy assistant to establish evidence that the supervision occurred in accordance with the requirements of this rule. This evidence may include documentation in the client record, or it may exist as a separate document, such as a collaboration log.

(6) The supervising occupational therapy assistant is accountable and responsible at all times for the actions of all student occupational therapy assistants and unlicensed personnel supervised by the supervising occupational therapy assistant.

(D) Student occupational therapist.

(1) A student occupational therapist shall be supervised by an occupational therapist who has completed at least one year of clinical practice as a fully licensed occupational therapist.

(2) The student occupational therapist, who is being supervised in accordance with the laws and rules governing the practice of occupational therapy, may supervise unlicensed personnel.

(E) Student occupational therapy assistant.

(1) A student occupational therapy assistant shall be supervised by an occupational therapist or occupational therapy assistant who has completed at least one year of clinical practice as a fully licensed occupational therapist or occupational therapy assistant.

(2) The student occupational therapy assistant, who is being supervised in accordance with the laws and rules governing the practice of occupational therapy, may supervise unlicensed personnel.

(F) Supervising occupational therapists shall confirm that all occupational therapy assistants they supervise hold current, valid licenses to practice occupational therapy in this state prior to allowing the occupational therapy assistant to engage in the practice of occupational therapy.

(G) Occupational therapy assistants shall confirm that all occupational therapists by whom they are supervised hold current, valid licenses to practice occupational therapy in this state prior to engaging in the practice of occupational therapy.

(H) Any documentation written by an occupational therapy assistant, student occupational therapist, or student occupational therapy assistant for inclusion in the client's official record shall be co-signed by the supervising occupational therapist.

Effective 7/1/10 119.032 Review Date 4/1/14

4755-7-05 ***Rescinded 5/1/11***

4755-7-06 ***Rescinded 5/1/11***

4755-7-07 ***Rescinded 5/1/11***

4755-7-08 Code of ethical conduct.

(A) Operations.

Licensees shall use the provisions contained in paragraphs (A)(1) to (A)(9) of this rule as guidelines for promoting ethical integrity and professionalism. Failure to comply with paragraphs (A)(1) to (A)(9) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code an in accordance with Chapter 119. of the Revised Code.

(1) Licensees shall familiarize themselves with, seek to understand, and comply with the laws and rules governing the practice of occupational therapy.

(2) Licensees shall remain abreast of revisions in the laws and rules governing the practice of occupational therapy and shall inform employers, employees, and colleagues of those revisions.

(3) Licensees shall achieve and continually maintain high standards of competence by doing the following:

(a) Maintain and document competency by participating in professional development, continuing competence, and other education activities.

(b) Critically examine and keep current with emerging knowledge relevant to the practice of occupational therapy. A licensee shall not perform or attempt to perform techniques and/or procedures in which the licensee is untrained by education or experience.

(4) An individual shall not practice occupational therapy without a valid license, or without holding student status, including:

(a) Practicing occupational therapy while an individual's license is suspended or revoked.

(b) Practicing occupational therapy with an expired license or when no longer enrolled as a student in an accredited occupational therapy educational program.

(5) Licensees shall ensure that an individual supervised or directed by the licensee possesses a valid license or is a student occupational therapist or student occupational therapy assistant, as those terms are defined in rule 4755-7-01 of the Administrative Code.

(6) Licensees shall not aid, abet, authorize, condone, or allow the practice of occupational therapy by any person not legally authorized to provide services.

(7) An applicant or licensee shall not cheat or assist others in conspiring to cheat on the certification examination referenced in paragraph (C)(2) of rule 4755-3-01 of the Administrative Code or the state jurisprudence examination.

(8) Licensees shall not permit another person to use an individual's wall certificate, license number, or national provider identifier for any illegal purpose.

(9) Licensees shall report to the occupational therapy section any unprofessional, incompetent, or illegal behavior of an occupational therapist or occupational therapy assistant of which the licensee has knowledge.

(B) Professionalism of licensee.

Professionalism of the licensee includes conforming to the minimal standards of acceptable and prevailing occupational therapy practice, including practicing in a manner that is moral and honorable. Conduct may be considered unethical regardless of whether or not actual injury to a client occurred. Failure to comply with paragraphs (B)(1) to (B)(17) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A licensee shall not:

(a) Forge the signature of other practitioners.

(b) Forge a wall certificate or any other proof of current licensure.

(2) An occupational therapy assistant shall not provide occupational therapy services without a supervising occupational therapist.

(3) All occupational therapy documentation, including, but not limited to, evaluations, assessments, intervention plans, treatment notes, discharge summaries, and transfers of care must be in written or electronic format.

(4) A licensee shall not falsify, alter, or destroy client records, medical records, or billing records without authorization. The licensee shall maintain accurate client and/or billing records.

(5) A licensee shall not deliver, obtain, or attempt to obtain medications through means of misrepresentation, fraud, forgery, deception, and/or subterfuge.

(6) A licensee shall not initiate, participate in, or encourage the filing of complaints against colleagues that are unwarranted or intended to harm another practitioner.

(7) A licensee shall not practice occupational 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 or applicant shall submit to a physical or mental examination or drug/alcohol screen as requested by the occupational therapy section to determine the applicant's or licensee's qualifications to practice occupational therapy.

(8) A licensee shall preserve, respect, and safeguard confidential information about colleagues, staff, and students, unless otherwise mandated by national, state, or local laws.

(9) A licensee shall exercise sound judgment and act in a trustworthy manner in all aspects of occupational therapy practice. Regardless of practice setting, the occupational therapy practitioner shall maintain the ability to make independent judgments. A licensee shall strive to effect changes that benefit the client.

(10) A licensee shall accurately represent the qualifications, views, contributions, and findings of colleagues and students.

(11) A licensee shall not misrepresent the credential, title, qualifications, education, experience, training, and/or specialty certifications held by the licensee.

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

(13) A licensee shall provide appropriate supervision to individuals for whom the practitioner has supervisory responsibility.

(14) A licensee shall only seek compensation that is reasonable for the occupational therapy services delivered. A licensee shall never place the licensee's own financial interests above the welfare of the licensee's clients. A licensee, regardless of the practice setting, shall safeguard the public from unethical and unlawful business practices.

(15) 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 client occurred, includes, but is not limited to:

(a) Documenting or billing for services not actually performed.

(b) Performing techniques/procedures in which the licensee cannot demonstrate and document competency, either by experience or education.

(c) 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.

(d) Delegating occupational therapy functions or responsibilities to an individual lacking the ability or knowledge to perform the function or responsibility in question.

(e) Failing to ensure that duties assumed by or assigned to other occupational therapy practitioners match credentials, qualifications, experience, and scope of practice.

(16) A licensee shall respect the rights, knowledge, and skills of colleagues and other health care professionals.

(17) A licensee shall not use or participate in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.

(C) Licensee and client interactions.

The licensee shall demonstrate concern for the well-being of the client. Failure to comply with paragraphs (C)(1) to (C)(17) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) 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 client occurred, includes, but is not limited to:

(a) Failing to assess and evaluate a client's status or establishing an occupational therapy intervention plan prior to commencing treatment/intervention of an individual client.

(b) Providing treatment interventions that are not warranted by the client's condition or continuing treatment beyond the point of reasonable benefit to the client.

(c) Providing substandard care as an occupational therapy assistant by exceeding the authority to perform components of interventions selected by the supervising occupational therapist.

(d) Abandoning the client by inappropriately terminating the practitioner-client relationship by the licensee.

(e) Causing, or permitting another person to cause, physical or emotional injury to the client, or depriving the client of the individual's dignity.

(2) A licensee shall transfer the care of the client, as appropriate, to another health care provider in either of the following events:

(a) Elective termination of occupational therapy services by the client; or

(b) Elective termination of the practitioner-client relationship by the licensee.

(3) A licensee shall ensure the client's rights to participate fully in the client's care, including the client's right to select the occupational therapy provider, regardless of the practice setting.

(4) A licensee shall respect the individual's right to refuse professional services or involvement in research or educational activities.

(5) A licensee shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom the licensee may establish a professional, contractual, or other working relationship.

(6) A licensee shall not influence a client or the client's family to utilize, purchase, or rent any equipment based on direct or indirect financial interests of the licensee. Recommendations of equipment must be based solely on the therapeutic value of that equipment to the client. A licensee who owns or has a direct financial interest in an equipment or supply company must disclose the financial interest to the client if the licensee sells or rents, or intends to sell or rent, to that client.

(7) 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 clients or patronage, regardless of the source of the compensation.

(8) A licensee shall refer to or consult with other service providers whenever such a referral or consultation would be beneficial to care of the client. The referral or consultation process should be done in collaboration with the client.

(9) A licensee shall not exploit a client, or the parent/guardian of a minor client, sexually, physically, emotionally, financially, socially, or in any other manner.

(10) A licensee shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, clients, the parent/guardian of a minor client, students, and/or colleagues.

(11) A licensee shall not engage in any sexual relationship or conduct, including dating, with any client, or engage in any conduct that may reasonably be interpreted by the client to be sexual, whether consensual or nonconsensual, while a practitioner-client relationship exists and for six months immediately following the termination of the practitioner-client relationship. In the case of minors, the practitioner-client relationship extends to the minor's parent or guardian.

(a) A licensee shall not intentionally expose or view a completely or partially disrobed client in the course of treatment if the exposure of viewing is not related to the client diagnosis or treatment under current practice standards.

(b) A licensee shall not engage in a conversation with a client that is sexually explicit and unrelated to the occupational therapy intervention plan.

(12) A licensee shall not engage in sexual harassment of clients, the parent/guardian of a minor client, 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 occupational therapy services to a client;

(b) Creating an intimidating, hostile, or offensive environment; or

(c) Interfering with the client's ability to recover.

(13) A licensee shall advocate for clients to obtain needed services through available means.

(14) A licensee shall provide accurate and relevant information to clients about the clients' care and to the public about occupational therapy services.

(a) A licensee shall not guarantee the results of any therapy, consultation, or therapeutic procedure. A guarantee of any sort, expressed or implied, oral or written, is contrary to professional ethics.

(b) A reasonable statement of prognosis is not improper, but successful results are dependent upon many uncontrollable factors. Hence, any warranty is deceptive and unethical.

(15) A licensee shall obtain informed consent from the client.

(a) A licensee, unless otherwise allowed by law, shall not provide care without disclosing to the client or the client's representative, the benefits, substantial risks, if any, or alternatives to the recommended evaluation or intervention.

(b) Information relating to the practitioner-client relationship is confidential and may not be communicated to a third party not involved in that client's care without the prior written consent of the client or the client's representative or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the client or the public.

(16) A licensee shall safeguard the public from underutilization or overutilization of occupational therapy services.

(17) A licensee shall respect the rights and dignity of all clients and provide care as described in paragraphs (C)(17)(a), (C)(17)(b), and (C)(17)(c) of this rule.

(a) A licensee shall recognize individual differences with clients 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 clients.

(c) A licensee shall recognize and understand the impact of the cultural components of age, economics, gender, geography, race, ethnicity, religious and political factors, marital status, sexual orientation, and disability of all clients.

(D) Cooperation.

In accordance with division (A)(19) of section 4755.11 of the Revised Code, licensees shall cooperate with an investigation by the occupational 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 occupational therapy section and providing copies of the medical records and other documents requested by the occupational therapy section. Failure to comply with paragraphs (D)(1) to (D)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.11 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 occupational therapy section.

(2) A licensee shall comply with a subpoena issued by the occupational therapy section.

(3) A licensee shall provide information or documents within the time frame specified by the occupational therapy section.

(4) A licensee shall appear and provide information at an interview requested by the occupational therapy section.

(5) A licensee shall not deceive, or attempt to deceive, the occupational 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 occupational therapy section, or by use of threats or harassment against any client or witness to prevent the client 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.

(E) A licensee shall self report to the occupational therapy section, within thirty days, any of the items outlined in paragraphs (E)(1) to (E)(7) of this rule. Failure to comply with paragraphs (E)(1) to (E)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) 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.

(2) Conviction of a felony.

(3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of occupational therapy.

(4) The termination, revocation, or suspension of membership by a state or national occupational therapy professional association.

(5) The termination, revocation, suspension, or sanctioning of a credential issued by a state or national occupational therapy credentialing organization.

(6) A positive drug and/or alcohol screening.

(7) A finding of malpractice by a court of competent jurisdiction.

Effective 5/1/11 ***119.032 Review Date 4/1/14***

4755-7-09 ***Rescinded 7/1/10***

4755-7-10 Documentation.

(A) All occupational therapists shall use the following credential following their signature to indicate licensure as an occupational therapist:

(1) "OT/L" if the occupational therapist does not hold current NBCOT certification; or

(2) "OTR/L" if the occupational therapist holds current NBCOT certification.

(B) All occupational therapy assistants shall use the following credential following their signature to indicate licensure as an occupational therapy assistant:

(1) "OTA/L" if the occupational therapy assistant does not hold current NBCOT certification; or

(2) "COTA/L" if the occupational therapy assistant holds current NBCOT certification.

(C) All student occupational therapists shall use one of the following to indicate student status:

(1) Student occupational therapist;

(2) Student OT; or

(3) S/OT.

(D) All student occupational therapy assistants shall use one of the following to indicate student status:

(1) Student occupational therapy assistant;

(2) Student OTA; or

(3) S/OTA.

Effective 7/1/10 ***119.032 Review Date 4/1/14***

4755-7-11 ***Rescinded 5/1/11***

CHAPTER 4755-8
Personal Information Systems

4755-8-01 Personal information systems.

(A) The occupational 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 of 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 occupational 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 this rule to be accompanied by one 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 occupational 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 occupational therapy section shall monitor its personal information system by:

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

(2) Eliminating unnecessary information from the system.

(D) The occupational 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 the request; and,

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

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

(3) Permit the disputant, if he/she is not satisfied with the determination made by the occupational 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 occupational therapy section shall maintain a copy of all statements made by a disputant.

(E) The occupational 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 occupational 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 occupational 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.

Effective 5/15/91 119.032 Review Date 4/1/14

4755-8-02 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 n1347.01 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.

Effective 1/3/11 119.032 Review Date 4/1/14

4755-8-03 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 identity 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 related 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 discover 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 [sic] 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 n1347.15 of the Revised Code an [sic] 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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4755-8-04 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 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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4755-8-05 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 n1347.15 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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4755-8-06 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 the [sic] be retained.

(5) Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

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CHAPTER 4755-9
Continuing Education

4755-9-01 Continuing education.

(A) Pursuant to division (C) of section 4755.06 of the Revised Code, no person shall qualify for licensure renewal as an occupational therapist or occupational therapy assistant unless the licensee has shown to the satisfaction of the occupational therapy section that the licensee has completed twenty contact hours of continuing education activities within the two year renewal cycle.

(1) If the license was valid for a period of twelve months or less, the licensee shall complete ten contact hours of continuing education within the renewal cycle, including one contact hour of ethics pursuant to paragraph (A)(5) of this rule. The category limits contained in paragraph (B) of this rule do not apply if the license was valid for twelve months or less.

(2) Any person who obtains an initial license by examination in Ohio pursuant to paragraph (C) of rule 4755-3-01 of the Administrative Code within twelve months of graduation from an entry level occupational therapy/occupational therapy assistant program is not required to obtain any continuing education units for the first renewal.

(3) A "contact hour" is one hour spent in a continuing education activity meeting the requirements of this rule. Contact hours exclude refreshment breaks, receptions, social gatherings, and meals that do not include an acceptable activity.

(4) All continuing education activities must be earned in the two year period immediately preceding the thirtieth day of June of the year in which licensure renewal is required. Contact hours may not be carried over from one renewal period to the next.

(5) Licensees shall complete at least one contact hour of ethics education per renewal cycle. The one hour ethics requirement may be fulfilled by completing an acceptable activity outlined in paragraph (B) of this rule that contains at least one hour addressing professional ethics. In addition, any presentation by the occupational therapy section meets the ethics requirement.

(B) Acceptable continuing education activities may include:

(1) Attending professional workshops, seminars, and/or conferences. There is no limit of contact hours in this category.

(a) Credit is obtained by attending presentations that have either been sponsored or approved by the occupational therapy section, the American occupational therapy association (AOTA), the Ohio occupational therapy association, offered by an AOTA approved provider, or which meets the following criteria:

(i) It contributes directly to professional competency;

(ii) It relates directly to the clinical practice, management, or education of occupational therapy practitioners; and

(iii) It is conducted by individuals who have demonstrated expertise in the subject matter of the program.

(b) Prior approval from the section is not required if paragraphs (B)(1)(a)(i) to (B)(1)(a)(iii) of this rule have been met.

(c) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, notes, or materials given to participants during the presentations.

(d) Copies of continuing education unit certificates or other original documents indicating credits awarded may also be used as verification of participation. If no other form of verification is available, licensees may obtain from the board verification of participation forms, which are to be signed by each presenter at the conclusion of each presentation. If a presentation is made by a panel of individuals, only one signature is required.

(2) Presentations of occupational therapy programs, workshops, or seminars. The presentation must be to health or education professionals and/or students, be at least one contact hour in length and relate to the clinical practice, management, or education of occupational therapy practitioners. Two contact hours will be awarded for each hour of presentation. A maximum of eight contact hours may be earned in this category. Proof of presentation is the workshop, conference, or seminar contract, or the brochure, agenda, or other printed materials describing

content and audience. Continuing education credit will not be awarded for subsequent presentations of the same material.

(3) Preparation to teach a clinical course in occupational therapy. The course must be taught in an occupational therapy program accredited by the accreditation council for occupational therapy education (ACOTE). Credit will only be awarded for preparation for a new course or substantive changes to an existing course. One contact hour will be awarded for each hour of preparation. A maximum of eight contact hours may be earned in this category. Proof of presentation is the course syllabus or other printed materials describing the content and goals of the course.

(4) Publications of books, articles, or films related to clinical practice, management, or education of occupational therapy. A maximum of five contact hours for each published article, ten contact hours for a published book, five contact hours for a chapter in a book, and ten contact hours for a film may be earned in these categories. Co-authorship is acceptable. The item must be published within the current renewal cycle. Proof of completion is the published article, title page of the book, or film.

(5) Undergraduate or graduate courses. A maximum of ten contact hours may be earned per completed course. Courses must be related to the management, practice, or education of occupational therapy. Proof of completion is an unofficial college or university transcript. An official college or university transcript may be requested at the discretion of the Occupational Therapy Section. Proof of content is the catalog description. There is no limit of contact hours in this category.

(6) Supervision of fieldwork. Continuing education credit can be earned by supervising level II students. One contact hour may be earned for every eighty hours of student supervision completed, with a maximum of eight contact hours per renewal cycle. Proof of student supervision will be a certificate of supervision from the student's school or the student's completed evaluation form.

(7) Self-study. Formal study packages, such as printed text, multi-media, or Internet based activities, related to the clinical practice, management, or education of occupational therapy are acceptable. There is no limit of contact hours in this category. Proof of completion is the certificate of completion and/or a copy of the post test results.

(8) Distance learning. Credit for distance learning requires that there be opportunity for interaction with the program presenter and that the content is related to the clinical practice, management, or education of occupational therapy. The agenda and certificate of participation are required to verify completion. There is no limit of contact hours in this category.

(9) Apprenticeships. Supervised clinical experience aimed at developing specialized skills in occupational therapy is acceptable. Five contact hours shall be credited for each forty hour week. There is no limit to the amount of contact hours that can be earned under this category. Proof of completion is a signed letter from the clinical supervisor describing length and type of education experiences and an evaluation of the occupational therapist's or occupational therapy assistant's performance.

Apprenticeships must be served under the supervision of licensed occupational therapist whose license is in good standing and who has demonstrated expertise in the practice of occupational therapy or other individuals who have demonstrated expertise in specialized techniques as approved by the occupational therapy section.

(10) Research projects. A maximum of ten contact hours may be earned in this category. The hours will be granted only for completed, published or unpublished research projects related to the theory, clinical practice, management, or education of occupational therapy. Proof of completion is the published article or unpublished manuscript.

(11) Informal independent study. One contact hour will be given for reading an evidence based book chapter or research journal article relating to the clinical practice, management, or education of occupational therapy practitioners and identifying how the information presented can be applied to one's own practice, management, or education situation. Proof of completion is a copy of the article's title page and the first page, and a written report summarizing the information and outlining how it can be applied by the licensee. One hour will be awarded for each chapter/article. A maximum of four contact hours may be earned in this category per renewal cycle.

(12) Jurisprudence examination. One contact hour may be earned for completing and passing the Ohio occupational therapy jurisprudence examination. This contact hour may be utilized only once per renewal cycle for continuing education credit. Proof of completion is the graded examination. This contact hour may be used to fulfill the ethics requirement established in paragraph (A)(5) of this rule.

(13) Mentorship. Continuing education credit can be earned by mentoring a student completing a graduate level research/capstone project at an ACOTE accredited entry-level or a post-professional occupational therapist

education program. One contact hour may be earned for every eighty hours of mentorship completed, with a maximum of four contact hours per renewal cycle. Proof of mentorship will be a certificate from the student's school and a time log documenting the mentor's activities and the time spent completing those activities. Faculty members mentoring students enrolled in the faculty member's own program are not eligible for continuing education credit for mentorship.

(C) The occupational therapy section shall conduct an audit of the continuing education records of not less than five percent of the licensees each renewal year.

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

(2) Failure to provide proof of the required number of continuing education hours, in the appropriate categories, 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.

(D) An occupational therapist or occupational therapy assistant license shall not be renewed unless the licensee certifies that the individual completed the required number of continuing education hours specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the occupational therapy section for violating section 4755.11 of the Revised Code.

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4755-9-02 Waivers; exemptions for continuing education.

In individual cases involving disability, illness or undue hardship, the occupational therapy section may grant waivers of the continuing education requirements, or extensions of time within which to fulfill these requirements not to exceed two calendar years.

(A) To apply for a waiver or extension due to undue hardship, the licensee must submit a signed letter to the section describing the hardship no later than April first of the renewal year.

(B) To apply for a waiver or extension due to disability or illness, the licensee must obtain, complete, and submit the waiver or extension form to the occupational therapy section no later than April first of the renewal year. This form or appropriate letter must also be signed by a licensed physician in good standing verifying that the licensee suffers from a disability or illness.

(C) The deadlines in paragraphs (A) and (B) of this rule may be waived at the discretion of the occupational therapy section.

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