

Laws and Rules Regulating the Practice of Physical Therapy as of May 1, 2009



Chapter 4755. of the Ohio Revised Code
Chapters 4755-21 to 4755-29 of the Ohio Administrative Code

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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 Fees credited to occupational licensing and regulatory fund.

Except as provided in section 4755.99 of the Revised Code, all fees collected and assessed under this chapter by the appropriate 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

[PHYSICAL THERAPY SECTION]

4755.40 Definitions.

As used in sections 4755.40 to 4755.56 and 4755.99 of the Revised Code:

(A) "Physical therapy" means the evaluation and treatment of a person by physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating any disability. If performed by a person who is adequately trained, physical therapy includes all of the following:

- (1) The design, fabrication, revision, education, and instruction in the use of various assistive devices including braces, splints, ambulatory or locomotion devices, wheelchairs, prosthetics, and orthotics;
- (2) The 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;
- (3) The establishment and modification of physical therapy programs, treatment planning, patient education and instruction, and consultative services;
- (4) Physiotherapy.

Physical measures include massage, heat, cold, air, light, water, electricity, sound, and the performance of test of neuromuscular function as an aid to such treatment.

Physical therapy does not include the medical diagnosis of a patient's disability, the use of Roentgen rays or radium for diagnostic or therapeutic purposes, or the use of electricity for cauterization or other surgical purposes.

(B) "Physical therapist" means a person who practices or provides patient education and instruction physical therapy and includes a physiotherapist.

(C) "Physical therapist assistant" means a person who assists in the provision of physical therapy treatments, including the provision of patient education and instruction, under the supervision of a physical therapist.

(D) "Supervision" means the availability and responsibility of the supervisor for direction of the actions of the person supervised.

Effective 4/6/07

4755.41 General duties of physical therapy section; books and records as evidence.

(A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall license persons desiring to practice physical therapy or to practice as physical therapist assistants in this state.

(B) An investigation, inquiry, or hearing which the section is authorized to undertake or hold may be undertaken or held in accordance with section 4755.02 of the Revised Code. Any finding or order shall be confirmed or approved by the section.

(C) The physical therapy section shall:

- (1) Keep a record of its proceedings;
- (2) Keep a register of applicants showing the name and location of the institution granting the applicant's degree or certificate in physical therapy and whether or not a license was issued;
- (3) Maintain a register of every physical therapist and physical therapist assistant in this state, including the licensee's last known place of business, the licensee's last known residence, and the date and number of the licensee's license;
- (4) Deposit all fees collected by the section in accordance with section 4755.03 of the Revised Code;
- (5) On receipt of an application for a license to practice as a physical therapists or physical therapist assistant, provide to the applicant the section's address, dates of upcoming section meetings, and a list of names of the section members.

Effective 4/6/07

4755.411 Rules to be adopted by physical therapy section.

The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:

- (A) Fees for the verification of a license and license reinstatement, and other fees established by the section;
- (B) Provisions for the section's government and control of its actions and business affairs;
- (C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;
- (D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;
- (E) The form and manner for filing applications for licensure with the section;
- (F) For purposes of section 4755.46 of the Revised Code, all of the following:
 - (1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;
 - (2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;
 - (3) The conditions under which the license of a person who files a late application for renewal will be reinstated.
- (G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;
- (H) Appropriate ethical conduct in the practice of physical therapy;
- (I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;
- (J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;
- (K) For purposes of section 4755.45 of the Revised Code, both of the following:
 - (1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.
 - (2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational

requirements that were in force for licensure in this state as a physical therapist on the date of the applicant's initial licensure or registration in another state or country.

(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;

(M) Appropriate display of a license;

(N) Procedures for a licensee to follow in notifying the section within thirty days of a change in name or address, or both.

Effective 4/6/07

4755.412 Excess fees by physical therapy section authorized.

The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by sections 4755.42, 4755.421, 4755.45, 4755.451, and 4755.46 of the Revised Code, provided that such fees do not exceed those amounts by more than fifty per cent.

Effective 4/6/07

4755.42 License qualifications.

(A) Each person who desires to practice physical therapy shall file with the secretary of the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board a notarized application that includes the following:

- (1) Name;
- (2) Current address;
- (3) Physical description and photograph;
- (4) Proof of completion of a master's or doctorate program of physical therapy education that is accredited by a national physical therapy accreditation agency recognized by the United States department of education and that includes:
 - (a) A minimum of one hundred twenty academic semester credits or its equivalent, including courses in the biological and other physical sciences;
 - (b) A course in physical therapy education that has provided instruction in basic sciences, clinical sciences, and physical therapy theory and procedures.

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C) The physical therapy section shall approve an application to sit for the examination required under division (A) of section 4755.43 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:

- (1) Requested documents relevant to the section's evaluation of the application;
- (2) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.

(D) If the section fails to comply with division (C) of this section, the section shall refund one-half of the application fee to the applicant.

Effective 4/6/07

4755.421 Physical therapist assistant application.

(A) Each applicant seeking licensure as a physical therapist assistant shall file with the secretary of the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board a notarized application that includes the following:

- (1) Name;
- (2) Current address;
- (3) Physical description and photograph;
- (4) Proof of completion of a two-year program of education that is accredited by a national physical therapy accreditation agency recognized by the United States department of education.

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C)(1) The physical therapy section shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:

(a) Requested documents relevant to the section's evaluation of the application;

(b) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.

(2) If the section fails to comply with division (C)(1) of this section, the section shall refund half of the application fee to the applicant.

Effective 4/6/07

4755.43 Physical therapist examinations.

Except as provided in section 4755.45 of the Revised Code, to be eligible to receive a license to practice as a physical therapist, an applicant must pass both of the following:

(A) A national physical therapy examination for physical therapists approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board that tests the applicant's knowledge of the basic and applied sciences as they relate to physical therapy and physical therapy theory and procedures.

(B) A jurisprudence examination on Ohio's laws and rules governing the practice of physical therapy that is approved by the physical therapy section.

Effective 4/6/07

4755.431 Physical therapist assistant examinations.

Except as provided in section 4755.451 of the Revised Code, to be eligible to receive a license to practice as a physical therapist assistant, an applicant must pass both of the following:

(A) A national physical therapy examination for physical therapist assistants approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(B) A jurisprudence examination approved by the physical therapy section on Ohio's laws and rules governing the practice of physical therapy.

Effective 4/6/07

4755.44 Issuance of physical therapist license.

If an applicant passes the examination or examinations required under section 4755.43 of the Revised Code and pays the fee required by division (B) of section 4755.42 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license, attested by the seal of the board, to the applicant to practice as a physical therapist.

Effective 4/6/07

4755.441 Issuance of physical therapist assistant license.

If an applicant passes the examination or examinations required under section 4755.431 of the Revised Code and pays the fee required by division (B) of section 4755.421 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license, attested by the seal of the board, to the applicant to practice as physical therapist assistant.

Effective 4/6/07

4755.45 Physical therapist license – reciprocity.

(A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license to practice as a physical therapist without requiring the applicant to have passed the national examination for physical therapists described in division (A) of section 4755.43 of the Revised Code within one year of filing an application described in section 4755.42 of the Revised Code if all of the following are true:

(1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.43 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.43 of the Revised Code;

(3) The applicant holds a current and valid license or registration to practice physical therapy in another state or country;

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other state or country;

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) For purposes of division (A)(4) of this section, if, after receiving the results of an equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that regardless of the results of the evaluation the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in another state or foreign country, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes that determination.

Effective 4/6/07

4755.451 Physical therapist assistant license – reciprocity.

The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license as a physical therapist assistant without requiring the applicant to have passed the national examination for physical therapist assistants described in division (A) of section 4755.431 of the Revised Code within one year of filing an application described in section 4755.421 of the Revised Code if all of the following are true:

(A) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.431 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(B) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.431 of the Revised Code;

(C) The applicant holds a current and valid license or registration to practice as a physical therapist assistant in another state;

(D) The applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other state;

(E) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code;

(F) The applicant is not in violation of any section of this chapter or rule adopted under it.

Effective 4/6/07

4755.46 Renewal of license.

(A) Every license to practice as a physical therapist or physical therapist assistant expires biennially in accordance with the schedule established in rules adopted by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.411 of the Revised Code.

Each individual holding a valid and current license may apply to the physical therapy section to renew the license in accordance with rules adopted by the board under section 4755.411 of the Revised Code. Each application for license renewal shall be accompanied by a biennial renewal fee of not more than one hundred twenty-five dollars and, if applicable, the applicant's signed statement that the applicant completed the continuing education required under section 4755.51 or 4755.551 of the Revised Code within the time frame established in rules adopted by the physical therapy section under section 4755.411 of the Revised Code.

A license that is not renewed by the last day for renewal established in rules shall automatically expire on that date.

(B) Each licensee shall report to the section in writing a change in name, business address, or home address not later than thirty days after the date of the change.

Effective 4/6/07

4755.47 Disciplinary actions.

(A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, or place a license holder on probation, on any of the following grounds:

- (1) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol to an extent that affects the individual's professional competency;
- (2) Conviction of a felony or a crime involving moral turpitude, regardless of the state or country in which the conviction occurred;
- (3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including making of a false, fraudulent, deceptive, or misleading statement;
- (4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose;
- (5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section;
- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;
- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;
- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;
- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;
- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;
- (11) Willful betrayal of a professional confidence;
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;
- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;
- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;
- (16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;
- (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;
- (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;
- (19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;
- (20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;
- (21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;

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

(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical 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.

(25) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the physical therapist or physical therapist assistant, in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;

(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;

(27) 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 physical 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 physical therapy, would otherwise be required to pay.

(28) Violation of any section of this chapter or rule adopted under it.

(B) Sanctions shall not be imposed under division (A)(27) 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 physical therapy section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section.

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

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

(D) When an application for an initial or renewed license is refused under this section, the physical therapy section shall notify the applicant in writing of the section's decision to refuse issuance of a license and the reason for its decision.

(E) On receipt of a complaint that a person licensed by the physical therapy section has committed any of the actions listed in division (A) of this section, the physical therapy section may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section shall notify the person of the suspension in accordance with section 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the physical therapy section shall enter a final order permanently revoking the person's license.

Effective 4/6/07

4755.471 Authorized forms of business entities for providing services.

(A) An individual whom the physical therapy section of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board licenses, certificates, or otherwise legally authorizes to engage in the practice of physical therapy may render the professional services of a physical therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a physical therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with sections 4755.40 to 4755.53 of the Revised Code, another chapter of the Revised Code, or rules of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board adopted pursuant to sections 4755.40 to 4755.53 of the Revised Code.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

- (1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;
- (2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;
- (3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;
- (4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;
- (5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;
- (6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;
- (7) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code.
- (8) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of physical therapy.

Effective 8/22/07

4755.48 Violations.

(A) No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

(B) No person shall practice or in any way imply or claim to the public by words, actions, or the use of letters as described in division (C) of this section to be able to practice physical therapy or to provide physical therapy services, including practice as a physical therapist assistant, unless the person holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except for submission of claims as provided in section 4755.56 of the Revised Code.

(C) No person shall use the words or letters, physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a physical therapist or physical therapist assistant without a valid license under sections 4755.40 to 4755.56 of the Revised Code.

(D) No person who practices physical therapy or assists in the provision of physical therapy treatments under the supervision of a physical therapist shall fail to display the person's current license granted under sections 4755.40 to 4755.56 of the Revised Code in a conspicuous location in the place where the person spends the major part of the person's time so engaged.

(E) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall affect or interfere with the performance of the duties of any physical therapist or physical therapist assistant in active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States, while so serving.

(F) Nothing sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services a person pursuing a course of study leading to a degree in physical therapy in an accredited or approved educational program if the activities or services constitute a part of a supervised course of study and the person designated by a title that clearly indicates the person's status as a student

(G) No person shall practice physical therapy other than on the prescription of, or the referral of a patient by a person who is licensed in this or another state to practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery, or to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife or certified nurse practitioner, within the scope of such practices, and whose license is in good standing, unless either of the following conditions are met:

(1) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency recognized by the United States department of education.

(2) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist.

(H) In the prosecution of any person for violation of division (B) or (C) of this section, it is not necessary to allege or prove want of a valid license to practice physical therapy or to practice as a physical therapist assistant, but such matters shall be a matter of defense to be established by the accused.

Effective 4/6/07

4755.481 Practice without a prescription or referral.

(A) If a physical therapist evaluates and treats a patient without the prescription of, or the referral of the patient by, a person who is licensed to practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery, or to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, all of the following apply:

(1) The physical therapist shall, upon consent of the patient, inform the patient's physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner of the evaluation not later than five business days after the evaluation is made.

(2) If the physical therapist determines, based on reasonable evidence, that no substantial progress has been made with respect to that patient during the thirty-day period immediately following the date of the patient's initial visit with the physical therapist, the physical therapist shall consult with or refer the patient to a licensed physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, unless either of the following applies:

(a) The evaluation, treatment, or services are being provided for fitness, wellness, or prevention purposes.

(b) The patient previously was diagnosed with chronic, neuromuscular, or developmental conditions and the evaluation, treatment, or services are being provided for problems or symptoms associated with one or more of those previously diagnosed conditions

(3) If the physical therapist determines that orthotic devices are necessary to treat the patient, the physical therapist shall be limited to the application of the following orthotic devices:

(a) Upper extremity adaptive equipment used to facilitate the activities of daily living;

(b) Finger splints;

(c) Wrist splints;

(d) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting;

(e) Nontherapeutic accommodative inlays;

(f) Shoes that are not manufactured or modified for a particular individual;

(g) Prefabricated foot care products;

(h) Custom foot orthotics;

(i) Durable medical equipment.

(4) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.

(B) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall be construed to require reimbursement under any health insuring corporation policy, contract, or agreement, any sickness and accident insurance policy, the medical assistance program as defined in section 5111.01 of the Revised Code, or the health partnership program or qualified health plans established pursuant to sections 4121.44 to 4121.442 of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a licensed physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(C) For purposes of this section, "business day" means any calendar day that is not a Saturday, Sunday, or legal holiday. "Legal holiday" has the same meaning as in section 1.14 of the Revised Code.

Effective 6/27/05

4755.482 Requirements for teaching physical therapy - violations – sanctions.

(A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education without obtaining a license as a physical therapist from the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(B) A person who is registered or licensed as a physical therapist under the laws of another state shall not teach a physical therapy theory and procedures course in physical therapy education for more than one year without obtaining a license as a physical therapist from the physical therapy section.

(C) A person who is registered or licensed as a physical therapist under the laws of a foreign country and is not registered or licensed as a physical therapist in any state who wishes to teach a physical therapy theory and procedures course in physical therapy education in this state, or an institution that wishes the person to teach such a course at the institution, may apply to the physical therapy section to request authorization for the person to teach such a course for a period of not more than one year. Any member of the physical therapy section may approve the person's or institution's application. No person described in this division shall teach such a course for longer than one year without obtaining a license from the physical therapy section.

(D) The physical therapy section may investigate any person who allegedly has violated this section. The physical therapy section has the same powers to investigate an alleged violation of this section as those powers specified in section 4755.02 of the Revised Code. If, after investigation, the physical therapy section determines that reasonable evidence exists that a person has violated this section, within seven days after that determination, the physical therapy section shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

The physical therapy section shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the physical therapy section, after the hearing, determines a violation has occurred, the physical therapy section may discipline the person in the same manner as the physical therapy section disciplines licensees under section 4755.47 of the Revised Code. The physical therapy section's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

If a person who allegedly committed a violation of this section fails to appear for a hearing, the physical therapy section may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the physical therapy section for a hearing. If the physical therapy section assesses a person a civil penalty for a violation of this section and the person fails to pay that civil penalty within the time period prescribed by the physical therapy section, the physical therapy section shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

Effective 4/6/07

4755.50 Exemption of other licensed health care professionals.

Nothing in this chapter shall be construed to prevent or restrict the practice of any person who is a licensed health care professional in this state while practicing within the scope of the person's license and according to the standards and ethics of the person's profession, or of any person employed by or acting under the supervision or in the

employment of a licensed health care professional. Services rendered by a person acting under the supervision of a licensed health care professional shall not be designated physical therapy.

Effective 4/6/07

4755.51 Physical therapist continuing education requirements.

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

On request of the physical therapy section, an applicant for license renewal shall submit evidence satisfactory to the section of completion of the required continuing physical therapy education.

Effective 4/6/07

4755.511 Physical therapist assistant continuing education requirements.

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

On request of the physical therapy section, an applicant for license renewal shall submit evidence satisfactory to the section of completion of the required continuing physical therapist assistant education.

Effective 4/6/07

4755.52 Administrative rules for approval of continuing education activities.

(A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules specifying standards, in addition to the standards specified by division (B) of this section, for approval of continuing education courses, programs, and activities for physical therapists and physical therapist assistants.

(B) To be eligible for approval by the physical therapy section, a continuing education course, program, or activity shall meet all of the following requirements:

- (1) Include significant intellectual or practical content, the primary objective of which is to improve the professional competence of the participant;
- (2) Be an organized program of learning dealing with matters directly related to the practice of physical therapy, professional responsibility, ethical obligations, or similar subjects that the section determines maintain and improve the quality of physical therapy services in this state;
- (3) Consist of in-person instruction or other methods of instruction, including the use of self-study materials prepared and conducted by an individual or a group qualified by practical or academic experience as determined by the section;
- (4) Be presented in a setting physically suited to the educational activity of the course, program, or activity;
- (5) Include thorough, high-quality written material;
- (6) Meet any other standards established by rule of the section adopted under division (A) of this section.

(C) The physical therapy section shall review physical therapy continuing education programs, courses, and activities and grant approval to those that meet the standards established under divisions (A) and (B) of this section. If the section denies approval of a course, program, or activity, it shall give a written explanation of the reason for denial to the person requesting approval.

The physical therapy section may approve continuing education courses, programs, and activities that have been approved by an agency in another state that governs the licensure of physical therapists and physical therapist assistants if the section determines that the standards for continuing education courses established by the agency are comparable to those established pursuant to this section.

The physical therapy section may contract with the Ohio chapter of the American Physical Therapy Association for assistance in performance of the section's duties under this section.

Effective 4/6/07

4755.53 Granting of continuing education units.

(A) Subject to division (B) of this section, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall grant continuing education units to a licensed physical therapist or physical therapist assistant as follows:

- (1) For completing an approved continuing education course, program, or activity one unit for each hour of instruction received;
- (2) For teaching as a faculty member of an institution of higher education a course that is part of the curriculum of the institution, one-half unit for each semester hour of the course, or an equivalent portion of a unit, as determined by the section, for each quarter or trimester hour of the course;
- (3) For teaching an approved course that is part of the curriculum of an institution of higher education other than as a faculty member, one unit for each hour of teaching the course;
- (4) For teaching an approved course, program, or activity, other than a course that is part of the curriculum of an institution of higher education, three units for each hour of teaching the course, program, or activity the first time and one-half unit for each hour of teaching the course, program, or activity any time after the first time;
- (5) For authoring a published article or book, up to ten units as determined by the physical therapy section.

(B) The physical therapy section shall grant no more than twelve units of continuing education for teaching during a biennial renewal period.

(C) The physical therapy section may contract with the Ohio chapter of the American Physical Therapy Association for assistance in performance of the section's duties under this section.

Effective 4/16/93

4755.56 Physical therapy insurance claims to specify national provider identifier.

(A) As used in this section:

- (1) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.
- (2) "Third-Party Payer" has the same meaning as in section 3901.38 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, each person and governmental entity, when submitting to a governmental health care program or third-party payer a claim for payment for services rendered in this state that are designated in the claim as physical therapy, shall specify in the claim one of the following:

- (a) The national provider identifier that is assigned by the United State secretary of health and human services or the secretary's designee pursuant to 45 C.F.R. 162.406 and 162.408 to the physical therapist licensed under this chapter who rendered the services;
- (b) The national provider identifier that is assigned by the United States secretary of health and human services or the secretary's designee pursuant to 45 C.F.R. 162.406 and 162.408 to the health care professional who rendered the services in accordance with section 4755.50 of the Revised Code.

(2) The requirement of division (B)(1) of this section to specify the national provider identifiers on claims for services designated as physical therapy does not apply to a hospital, as defined in section 3727.01 of the Revised Code, or to any entity submitting a claim on behalf of a hospital unless otherwise required by federal law.

(C) Each physical therapist licensed under this chapter who renders or supervises physical therapy, and each health care professional licensed in this state who renders services in accordance with section 4755.50 of the Revised Code designated as physical therapy, shall provide a patient, when the patient is responsible for submitting a claim to a governmental health care program or third-party payer, with the physical therapist's or health care professional's national provider identifier and a written explanation of the provisions of divisions (B)(1) and (D) of this section.

(D) A governmental health care program or third-party payer is not required to pay a claim for payment for services designated as physical therapy that does not specify the national provider identifiers required by division (B)(1) of this section. If the claim was submitted by the physical therapist who rendered or supervised the services, another health care professional who rendered or supervised the services in accordance with section 4755.50 of the Revised Code, or an entity other than a patient on behalf of the therapist or health care professional, the patient is not required to pay any amount for the services specified in the claim.

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

4755.99 Penalties.

(A) Whoever violates sections 4755.05 or 4755.62 or divisions (A), (B), (C), (D), or (G) 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 4/6/07

OHIO ADMINISTRATIVE CODE

[PHYSICAL THERAPY SECTION]

CHAPTER 4755-21

Notice; Denial, Suspension, or Revocation of License

4755-21-01 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://www.otptat.ohio.gov>;
- (2) E-mailing the board at board@otptat.state.oh.us;
- (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 5/1/07 119.032 Review Date 4/1/12

4755-21-02 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, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall give public notice of its intention to consider adoption, amendment, or rescission of a rule at least thirty days prior to the date set for the public hearing. Notice shall be given by publication on the register of Ohio. The physical therapy section may also issue any notice of 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 physical therapy section's intention 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;
- (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) Notice of the section's intention to consider adoption, amendment, or rescission of a rule shall be given at least thirty days prior to the date set for the public hearing to any person who requests it and who supplies the section with stamped, pre-addressed envelopes.

(C) The section shall make reasonable rules relating, but not limited to:

- (1) The form and manner for filing applications for licensure under sections 4755.40 to 4755.56 of the Revised Code;
- (2) License and examination fees;
- (3) The issuance, suspension, and revocation of licenses; and
- (4) Standards of ethical conduct in the practice and supervision of physical therapy.

Effective 5/1/05 119.032 Review Date 4/1/10

4755-21-03 Denial and disciplinary action procedures

(A) Denial of an application for licensure or examination 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 physical 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 physical therapy section within thirty days of the mailing of the 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 4755.47 or 4755.482 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 physical therapy section may deny, limit, suspend, or revoke the license of any person or reprimand, fine, or place a license holder on probation for violation of any provision of sections 4755.40 to 4755.56 of the Revised Code or any lawful order or rule of the section.

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

(D) In accordance with division (E) of section 4755.47 of the Revised Code, if the physical therapy section determines that a license holder poses an immediate threat to the public, the section shall immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code. The section shall notify the licensee of the suspension in accordance with section 119.07 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.

(E) The hearings and investigations related to sections 4755.40 to 4755.56 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 physical 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 occurred are confidential and are not subject to discovery in any civil action.

(F) If requested by the physical 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.

(G) In addition to any other remedy provided in Chapter 4755. of the Revised Code, the physical 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 3/20/08

119.032 Review Date 4/1/12

CHAPTER 4755-23

Licensing, Examination, and Continuing Education

4755-23-01 Applications for initial license.

(A) All applications for initial licensure shall be submitted to the physical therapy section on forms provided by the section. All applications, fees, 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 rule 4755-24-03 of the Administrative Code; and
- (4) Accompanied by such evidence, statements, or documents as specified on the application form and in the instructions from the section.

(C) 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.

Effective 3/20/08

119.032 Review Date 4/1/10

4755-23-02 Educational requirements.

(A) To be eligible for examination or licensure as a physical therapist, an applicant must complete a program in physical therapy accredited by the commission on accreditation of physical therapy education that includes:

- (1) A minimum of one hundred twenty academic semester credits, or the equivalent academic quarter hours, with a specific distribution in humanities, social sciences, biological sciences, and other physical sciences;
- (2) Instruction in basic sciences, clinical sciences, and physical therapy theory and procedures; and
- (3) Satisfactory completion of all clinical education curriculum requirements.

(B) To be eligible for examination or licensure as a physical therapist assistant an applicant must provide evidence that he/she satisfactorily completed a two-year program for physical therapist assistants accredited by the commission on accreditation of physical therapy education. The educational program shall include all clinical education curriculum requirements and courses in anatomical, biological, and other physical sciences and a distribution of course work as found in an accredited physical therapist assistant program.

(C) In accordance with division (A)(4) of section 4755.45 and division (D) of section 4755.451 of the Revised Code, an applicant holding a license or registration to practice as a physical therapist or physical therapist assistant in another state or foreign country is eligible for licensure in Ohio if the applicant’s education is reasonably equivalent to the educational requirements that were in force for licensure in Ohio on the date of the applicant’s initial licensure or registration in the other state or foreign country.

Effective 3/20/08

119.032 Review Date 4/1/10

4755-23-03 License by examination.

(A) To be licensed by examination as a physical therapist an applicant must pass the following examinations:

- (1) The national physical therapy examination (NPTE) for physical therapists administered by the federation of state boards of physical therapy; and
- (2) The examination approved by the physical therapy section on the laws and rules governing the practice of physical therapy in the state of Ohio.

(B) To be licensed by examination as a physical therapist assistant an applicant must pass the following examinations:

- (1) The NPTE for physical therapist assistants administered by the federation of state boards of physical therapy; and
- (2) The examination approved by the physical therapy section on the laws and rules governing the practice of physical therapy in the state of Ohio.

(C) Applicants failing the NPTE may be approved by the physical therapy section to re-take the NPTE following the submission of the application for licensure by examination.

(D) In addition to the other requirements of this rule, a foreign educated applicant shall meet the requirements established in rule 4755-23-12 of the Administrative Code.

(E) An applicant who passes the examinations specified in:

- (1) Paragraphs (A)(1) and (A)(2) of this rule shall be issued a license to practice as a physical therapist.
- (2) Paragraphs (B)(1) and (B)(2) of this rule shall be issued a license to practice as a physical therapist assistant.

(F) Pursuant to division (A)(1) of section 4755.45 and division (A) of section 4755.451 of the Revised Code, an applicant who passed the NPTE under the approval of another state physical therapy regulatory entity is eligible for a license by examination provided the applicant meets all other requirements contained in sections 4755.40 to 4755.56 of the Revised Code and any rule adopted by the physical therapy section and provided that the applicant was never issued a license to practice in the state that approved the applicant to sit for the NPTE.

Effective 5/1/09

119.032 Review Date 4/1/10

4755-23-04 License by endorsement.

(A) The physical therapy section may issue a license by endorsement to an applicant who is currently licensed as a physical therapist or physical therapist assistant under the laws of another state, provided the requirements for registration or licensure under the appropriate category in that state, including minimal education and passing score on the national physical therapy examination (NPTE) were reasonably equal to the requirements in force in this state on the date of the applicant's initial licensure in the other state.

(B) In addition to the other requirements of this rule, a foreign educated applicant for licensure by endorsement shall meet the requirements established in rule 4755-23-12 of the Administrative Code.

(C) An applicant who has not practiced physical therapy for a period of five or more years shall retake and pass the NPTE.

(D) An applicant who fulfills the requirements listed in paragraphs (A) to (C) of this rule shall be issued a license to practice as a physical therapist or physical therapist assistant.

Effective 5/1/09

119.032 Review Date 4/1/10

4755-23-05 Certificate of license; display.

In accordance with Revised Code section 4755.48 (D) each applicant who is approved for licensure shall receive a certificate of license for office display, and a wallet-size identification card showing the license expiration date. An identification card shall be issued each time the license is renewed and shall be carried by the licensee during working hours as proof of current licensure. Replacement copies of certificates shall be made available to approved applicants as prescribed in the rules of the physical therapy section.

Effective 5/1/07

119.032 Review Date 4/1/10

4755-23-06 Biennial renewal of licensure.

(A) Renewal of a physical therapist or physical therapist assistant license shall be in accordance with section 4755.46 of the Revised Code.

(1) The entire licensure renewal application, including any required forms, compliance with the continuing education requirement specified in rule 4755-23-08 of the Administrative Code, and payment of the renewal fee prescribed by rule 4755-24-04 of the Administrative Code, shall be completed to satisfy the requirements of the renewal procedure.

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

(B) All individuals licensed as a physical therapist shall renew their license by the thirty-first day of January in each even-numbered year. When a license to practice as a physical therapist is issued by the board on or after October first of an odd-numbered year, that license shall be valid through the thirty-first day of January of the second even-numbered year.

(C) All individuals licensed as a physical therapist assistant shall renew their license by the thirty-first day of January in each odd-numbered year. When a license to practice as a physical therapist assistant is issued by the board on or after October first of an even-numbered year, that license shall be valid through the thirty-first day of January of the second odd-numbered year.

(D) Persons who fail to submit the renewal fee, completed application, any other required forms, and/or comply with the continuing education requirements specified in rule 4755-23-08 of the Administrative Code, by the thirty-first day of January of the appropriate year shall have their license automatically expire.

(1) A license holder whose license expires for failure to renew must submit a reinstatement application in accordance with rule 4755-23-10 of the Administrative Code before the individual may legally practice as a physical therapist or physical therapist assistant in Ohio.

(2) A licensee who continues to practice physical therapy or physical therapy assisting with an expired license shall be subject to disciplinary action pursuant to section 4755.47 of the Revised Code.

(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 9/10/07

119.032 Review Date 4/1/10

4755-23-07 Notice of change of name; place of business; address.

(A) A licensee shall notify the physical therapy section in writing 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 3/20/08

119.032 Review Date 4/1/10

4755-23-08 Continuing education.

Pursuant to sections 4755.5 and 4755.511 of the Revised Code, no person shall qualify for license renewal as a physical therapist or physical therapist assistant unless the individual completed the required continuing education units (CEU's) outlined in paragraph (A) of this rule. A "unit" is one clock hour spent in a continuing education activity meeting the requirements established in section 4755.52 of the Revised Code.

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

- (1) A physical therapist must complete twenty-four units of continuing education activities within the two year renewal cycle.
- (2) A physical therapist assistant must complete twelve units of continuing education activities within the two year renewal cycle.

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

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

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

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

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

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

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

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

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

(G) Completion of residencies, fellowships, and tools for continuing education credit.

(1) Passing the following specialty examinations will qualify for twenty-four contact hours of continuing education in the year the examination is taken:

- (a) Specialty examinations administered by the American board of physical therapy specialties (ABPTS).

- (b) The hand therapy certification commission (HTCC) certification examination.
- (2) The successful completion of an American physical therapy association credentialed residency or fellowship program will qualify for twenty-four contact hours of continuing education in the year the residency or fellowship is completed.
- (3) The successful completion of a practice review tool of the federation of state boards of physical therapy pertaining to continued competence will qualify for continuing education.
 - (a) Twelve contact hours of continuing education will be awarded for completion of a practice review tool.
 - (b) Licensees may use a practice review tool identified in paragraph (G)(3) of this rule no more than every other renewal period.
- (4) Continuing education activities identified in paragraph (G) of this rule do not require an Ohio approval number. Continuing education will be granted in the reporting period in which the tool, residency, or fellowship is completed.

Effective 5/1/09 119.032 Review Date 4/1/10

4755-23-09 Waivers for continuing education.

The physical therapy section of the Ohio occupational therapy, physical therapy and athletic trainer board may grant a waiver of the continuing education requirements in the case of illness, disability or undue hardship. A request for waiver form, as provided by the physical therapy section, must be completed in full. In the case of illness or disability, a physician's statement is required. All completed forms must be received by the section for consideration no later than the first day of October of the year preceding the renewal date. A waiver may be granted for any period of time not to exceed one renewal cycle. In the event that the illness, disability or hardship continues to the next renewal cycle, then a new waiver request is required.

Should a waiver be granted due to disability or illness, the section may require the individual to provide appropriate documentation from a physician or another qualified and appropriate practitioner to verify the individuals competency and ability to practice physical therapy in the state of Ohio prior to the return to active practice of physical therapy in Ohio.

Effective 5/25/03 119.032 Review Date 4/1/10

4755-23-10 Reinstatement of License.

(A) Reinstatement is mandatory for any person wishing to practice who held a license to practice as a physical therapist or physical therapist assistant in the state of Ohio according to section 4755.40 of the Revised Code.

(B) A reinstatement application must be completed and returned to the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board for review.

(C) The application must be accompanied by the fee prescribed by rule 4755-24-08 of the Administrative Code.

(D) The applicant must meet the appropriate continuing education requirements.

(1) For reinstatement applications submitted before March 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 in accordance with rule 4755-23-08 of the Administrative Code. Contact hours used to meet the requirement of this paragraph shall not be used to renew the reinstated license.

(2) For reinstatement applications submitted on or after March first of the year in which the applicant's license expired, the applicant shall complete the number of contact hours specified in paragraph (A) of rule 4755-23-08 of the Administrative Code within the two year period immediately preceding the date the board receives the application for reinstatement. All contact hours used to reinstate the license shall be in accordance with rule 4755-23-08 of the Administrative Code. Contact hours used to meet the requirement of this paragraph shall not be used to renew the reinstated license.

(E) An applicant who has not practiced physical therapy for a period of five or more years shall retake and pass the national physical therapy examination.

(F) The applicant must take and pass the Ohio laws and rules examination as specified in section 4755.43 of the Revised Code.

(G) The physical therapy section may require persons filing reinstatement applications to appear in person before the section.

Effective 5/1/09

119.032 Review Date 4/1/10

4755-23-11 Verification of licensure.

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

- (1) Receipt of a written request from a licensee; and
- (2) Payment of the verification of license fee specified in rule 4755-24-06 of the Administrative Code.

(B) Official verifications 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 date of the license.

Effective 5/1/06

119.032 Review Date 4/1/10

4755-23-12 Requirements for foreign educated applicants.

(A) A "foreign-educated applicant" is a person whose education in physical therapy was obtained in a program not accredited by the commission on accreditation of physical therapy education.

(B) All foreign-educated applicants must show an educational background deemed by the physical therapy section to be reasonably equivalent to the requirements established in section 4755.42 of the Revised Code, division (A)(4) of section 4755.45 of the Revised Code, and paragraph (A) of rule 4755-23-02 of the Administrative Code.

(C) All foreign-educated applicants must submit to the section an evaluation of education credentials prepared by a professional education evaluating service approved by the section.

(1) Evaluations of the applicant's foreign education coursework content and required semester credits shall be completed utilizing the appropriate coursework evaluation tool adopted by the federation of state boards of physical therapy. The appropriate coursework evaluation tool means the latest edition coursework evaluation tool that applies to the period when the applicant was initially licensed as a physical therapist in the initial country or state of license.

(2) The following professional education evaluating services are approved by the section to conduct and submit an evaluation of education credentials to the section:

- (a) Foreign credentialing commission on physical therapy, inc. (FCCPT).
- (b) International consultants of Delaware, inc. (ICD).
- (c) International education research foundation, inc. (IERF).

(3) A list of approved professional education evaluating services shall also be available on the board's website (<http://otptat.ohio.gov>).

(D) To be considered reasonably equivalent to the requirements established in rule 4755-23-02 of the Administrative Code, the applicant's foreign education must contain evidence of coursework in:

- (1) Humanities;
- (2) Physical sciences, including two one-semester courses in chemistry with laboratory and two one-semester courses in physics with laboratory;
- (3) Biological sciences;
- (4) Social sciences;
- (5) Behavioral sciences; and
- (6) Mathematics.

(E) The distribution of the coursework listed in paragraphs (D)(1) to (D)(6) of this rule shall be reasonably equivalent to the distribution of the same coursework completed in a commission on accreditation of physical therapy education accredited physical therapist program in Ohio.

(F) The general education requirements established in rule 4755-23-02 of the Administrative Code may be satisfied by credits earned through successful completion of college level examination program (CLEP) or advanced placement (AP) credits.

(1) CLEP or AP credits are limited to a total of fifteen academic semester credit hours of the equivalent, with a maximum of six academic semester credit hours in any one of the general education categories listed in paragraphs (D)(1) to (D)(6) of this rule.

(2) CLEP or AP credits shall not be used to meet the professional education requirements established in rule 4755-23-02 of the Administrative Code.

(G) Evaluations prepared pursuant to paragraph (C) of this rule reflect only the findings and conclusions of the evaluating service and shall not be binding upon the physical therapy section. In accordance with division (B) of section 4755.45 of the Revised Code, if the physical therapy section determines that an applicant's education is not reasonably equivalent to the educational requirements that were in force for license in Ohio on the date of the of the applicant's initial license or registration in another state or foreign country, the physical therapy section shall send written notice via certified mail stating the reasons why the applicant's education is not reasonably equivalent.

(H) All foreign-educated applicants shall demonstrate that the individual met the requirements to practice physical therapy in the country of education, including passage of the country's physical therapy examination and evidence of eligible licensure in that country. Applicants seeking to waive the requirements of this paragraph shall submit a written waiver request.

(I) All foreign-educated applicants shall demonstrate a working knowledge of English by obtaining:

(1) Scores of at least:

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

(b) 50 on the test of spoken English (TSE); and

(c) 220 on the computer based test of English as a foreign language (TOEFL) or 560 on the paper based TOEFL; or

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

(a) 24 on the writing section;

(b) 26 on the speaking section;

(c) 18 on the reading comprehension section;

(d) 21 on the listening comprehension section; and

(e) 89 on the overall examination.

(3) A foreign-educated applicant whose native language is English and who graduated from a physical therapy education program located in Australia, Canada (except Quebec), Ireland, New Zealand, or the United Kingdom shall not be required to demonstrate a working knowledge of English.

(J) An applicant who submits either of the following meets the requirements of paragraphs (H) and (I) of this rule.

(1) A notarized copy of a type I comprehensive credentials evaluation, prepared for the applicant by the foreign credentialing commission on physical therapy (FCCPT); or

(2) A notarized copy of a visascreen certificate, prepared for the applicant by the international commission on healthcare professions (CGFNS/ICHP).

Effective 3/20/08

119.032 Review Date 4/1/10

4755-23-13 Requirements for teaching physical therapy.

(A) Pursuant to section 4755.482 of the Revised Code, no individual shall teach a physical therapy theory and procedures course in physical therapy education as the faculty of record without obtaining a license to practice physical therapy in Ohio.

(B) Notwithstanding paragraph (A) of this rule, an individual may teach a physical therapy theory and procedures course as the faculty of records without holding an Ohio physical therapy license in the following situations:

(1) A physical therapist who holds a current, valid license to practice physical therapy in another U.S. state or territory may teach physical therapy theory and procedures for up to one year without obtaining a license in Ohio.

(2) A physical therapist who holds a current, valid license or registration to practice physical therapy in another country who is not licensed as a physical therapist in any U.S. state or territory may teach a physical therapy theory and procedures course without holding an Ohio physical therapy license if the following apply:

(a) Either the foreign licensed individual or the physical therapy educational institution apply to the physical therapy section for authorization for the individual to teach for up to one year; and

(b) A designated member(s) of the physical therapy section approves the application.

(C) One year means three hundred sixty-five consecutive days from the first day that the individual teaches in Ohio.

(D) If a non-Ohio licensed physical therapist plans on teaching physical therapy theory and procedures for more than one year, the individual must obtain an Ohio physical therapist license prior to the completion of the one year period.

(E) An individual teaching physical therapy theory and procedures as the faculty of record without a current Ohio license pursuant to paragraph (B) of this rule must notify the physical therapy section. The notification shall include:

- (1) The individual's name;
- (2) The physical therapy education institution where the individual will teach;
- (3) The name and number of the course(s) that the individual will teach;
- (4) The date that the individual will commence teaching in Ohio; and
- (5) The license number for all valid physical therapy licenses held in the United States or any foreign country.

Effective 5/1/09

119.032 Review Date 4/1/10

4755-23-14 Criminal records check.

(A) In addition to the requirements established in rules 4755-23-01 to 4755-23-04 of the Administrative Code, all applicants for initial licensure as a physical therapist or physical therapist assistant shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4755.70 of the Revised Code. The results of the criminal records check shall be received by the board prior to the approval to sit for the national physical therapy examination or issuance of a license to practice as a physical therapist or physical therapist 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 physical 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 4/1/10

CHAPTER 4755-24

Fees

4755-24-01 Rescinded 5/1/06

4755-24-03 Initial license fee.

(A) The initial licensing fee for a physical therapist or a physical therapist assistant shall not exceed one hundred twenty-five dollars. The prescribed fee shall be submitted to the physical therapy section with the application for initial license, including license by endorsement. The initial fee is not refundable and does not include any fee for license renewal. Failure to pass the exam will require payment of the initial license fee for each subsequent exam attempt.

(B) In accordance with divisions (C) and (D) of section 4755.42 and division (C) of section 4755.421 of the Revised Code, the physical therapy section shall refund one half of the examination application fee if either of the following occurs:

- (1) The physical therapy section does not approve the applicant to sit for the NPTE within one hundred twenty days of receiving a completed application; or
- (2) The physical therapy section does not notify the applicant of the section's intent to deny the application in accordance with Chapter 119. of the Revised Code within one hundred twenty days of receiving a completed application.

(C) For the purposes of paragraph (B) of this rule, an application is considered complete once all materials are received by the section, including any additional documents or information requested by the section relevant to the section's evaluation of the application.

Effective 3/20/08 *119.032 Review Date 4/1/11*

4755-24-04 Biennial license renewal fee.

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

Effective 3/20/08 *119.032 Review Date 3/1/10*

4755-24-05 License re-issuance fee.

The physical therapy section may issue a new wall-certificate upon receipt of the original wall-certificate or a notarized statement signed by the licensee and a fee not to exceed fifty dollars. The physical therapy section may issue a new pocket identification card upon request to a physical therapist or physical therapist assistant for a fee not to exceed ten dollars.

Effective 7/15/95 *119.032 Review Date 3/1/10*

4755-24-06 Verification of licensure fee.

The fee to verify a license shall not exceed fifty dollars. The fee shall be submitted in a manner determined by the physical therapy section. Verification of licensure fees are not refundable.

Effective 5/1/06 *119.032 Review Date 4/1/10*

4755-24-07 Fee for mailing lists.

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

(B) Any person may obtain a copy of the desired licensee list by:

(1) Writing the board at "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Columbus, Ohio, 43215-6108;"

(2) E-mailing the board at board@otptat.state.oh.us; or

(3) Calling the board at (614) 466-3774

(C) The fee to obtain a paper copy of the licensee list shall not exceed the actual cost of duplication and mailing.

(1) The board may require payment prior to producing the list.

(2) Payments shall be made payable to "Treasurer, State of Ohio."

(D) There is no fee to obtain an electronic copy of the licensure list via e-mail.

Effective 5/1/07 *119.032 Review Date 4/1/11*

4755-24-08 Reinstatement Fee.

The reinstatement fee shall be one hundred dollars. The prescribed fee shall be submitted to the board with the reinstatement application.

Effective 5/1/07 *119.032 Review Date 4/1/11*

4755-24-09 Waiver of fees

The physical 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 4/1/10*

**CHAPTER 4755-26
Personal Information Systems**

4755-26-01 Personal Information Systems.

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

(1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and,

(2) Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information; and,

(3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the physical therapy section as required or authorized by statute, ordinance, code or rule; and,

(4) Provide all persons, asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,

(5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:

(a) Inform the person of any personal information in the system of which he/she is the subject;

(b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;

(c) Inform the person of the uses made of the personal information and identify other users who have access to the system;

(d) Allow a person who wishes to exercise his/her rights as provided by the rule to be accompanied by an individual of his/her choice;

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

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

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

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

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

(2) Eliminating unnecessary information from the system.

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

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

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

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

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

(b) A brief statement that he/she finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.

(4) The physical therapy section shall maintain a copy of all statements made by a disputant.

(E) The physical therapy section shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.

(F) The physical therapy section shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the section.

(G) The physical therapy section shall make available, upon request, all information concerning charges made by the section for reproduction of materials contained in its personal information system.

Effective 8/14/00

119.032 Review Date 2/1/14

CHAPTER 4755-27 Conduct of Licensees

4755-27-01 Physical therapy practice defined.

(A) In accordance with section 4755.48 of the Revised Code, only individuals licensed by the physical therapy section of the board may imply or claim to be able to practice physical therapy or provide physical therapy services.

(1) Only individuals licensed by the physical therapy section may use the words physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, physical therapy assistant, physical therapist assistant, physical therapy technician, or other words or insignia indicating or implying that the person is a physical therapist or physical therapist assistant.

(2) Only individuals licensed by the physical therapy section may use the letters PT, PhT, PTT, RPT, LPT, MPT, DPT, MSPT, PTA, or any other letters or insignia to indicate or imply that the person is licensed to practice as a physical therapist or physical therapist assistant.

(B) The practice of physical therapy, as used in Chapter 4755. of the Revised code, means engaging in physical therapy, as defined in division (A) of section 4755.40 of the Revised Code, including providing consultative services.

(C) For the purpose of Chapters 4755-21 to 4755-29 of the Administrative Code, the following definitions shall apply:

(1) "Physical therapist" means an individual who performs the initial examination unless that physical therapist has transferred the responsibility for the management of the patient's care to another physical therapist and that physical therapist agrees to the transfer.

(2) "Physical therapist assistant" means an individual holding a valid license under section 4755.40 to 4755.56 to assist in the provision of physical therapy treatments, including the provision of patient education and instruction under the supervision of a physical therapist.

(3) "Other licensed personnel" means any person holding an Ohio license to practice as a health care practitioner in a profession other than physical therapy, and not holding a valid license under section 4755.40 to 4755.56 of the Revised Code, who is working under the direct supervision of a physical therapist or physical therapist assistant, as delegated by the physical therapist, and is performing tasks and duties related to the delivery of physical therapy.

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

(5) "Student physical therapist" means a student enrolled in an accredited or candidacy status entry level physical therapist education program who is completing a required clinical education course.

(6) "Student physical therapist assistant" means a student enrolled in an accredited or candidacy status entry level physical therapist assistant education program who is completing a required clinical education course.

(7) "Supervising physical therapist" means the physical therapist who is available to supervise the physical therapist assistant, the student physical therapist or student physical therapist assistant, other licensed personnel, or unlicensed personnel. The supervising physical therapist may be the physical therapist who performed the initial examination or another physical therapist with whom that physical therapist has a formal or informal agreement.

(8) "Supervising physical therapist assistant" means the physical therapist assistant who is appropriately available to supervise the student physical therapist assistant, other licensed personnel, or unlicensed personnel.

(9) "Direct supervision" means the physical therapist or physical therapist assistant is in the same building and available to immediately respond to the needs of the patient. The physical therapist or physical therapist assistant shall have direct contact with the patient during each visit.

Effective 5/1/08

119.032 Review Date 2/1/14

4755-27-02 Physical therapist assistant.

(A) The physical therapist assistant, defined in division (C) of section 4755.40, of the Revised Code, is a skilled, technical person who assists in physical therapy treatment and related duties as assigned by the physical therapist. These duties are carried out under the supervision of the physical therapist, as defined in division (D) of section 4755.40 of the Revised Code and rule 4755-27-04 of the Administrative Code. The duties assigned may vary in accordance with the setting and organizational structure of the service, the scope, size, and volume of the services, and the needs of the patients to be served. The physical therapist assistant may carry out patient related duties, as well as responsibilities appropriate to the established physical therapy services.

(B) Physical therapist assistants are not qualified to:

- (1) Interpret physician referrals;
- (2) Conduct initial patient evaluations;
- (3) Write initial or ongoing patient plans of care;
- (4) Conduct re-evaluations of the patient or make changes to the patient plan of care; or
- (5) Perform the discharge evaluation and complete the final discharge summary.

(C) The physical therapist assistant may review medical information and/or review the patient's medical history and past functional ability through verbal contact with medical persons, family or the patient. This information may then be used by the physical therapist to determine the need for a patient evaluation.

(D) The physical therapist assistant may progress a patient treatment program within the parameters of the plan of care as established by the supervising physical therapist.

(E) The physical therapist may assign treatment procedures beyond the scope of entry level physical therapist assistant practice in accordance with the physical therapist assistant's ability, provided that both the supervising physical therapist and the physical therapist assistant have documented training and demonstrated competency in the procedure.

Effective 5/1/08

119.032 Review Date 2/1/14

4755-27-03 Delegation.

(A) Delegation in physical therapy is the sole responsibility of the physical therapist.

(B) The responsibility for physical therapy care rendered by the physical therapist assistant and other licensed personnel rests with the supervising physical therapist.

(C) The physical therapist performs the following, none of which may be delegated:

- (1) Interpreting available information concerning the referral;
- (2) Providing the initial evaluation;
- (3) Developing the plan of care, including the short term and long term goals;
- (4) Identifying and documenting precautions, special problems, contraindications, anticipated progress, and plans for reevaluation;
- (5) Selecting and delegating only appropriate tasks in the plan of care;
- (6) Designating or establishing channels of written and oral communication;
- (7) Assessing the competence of the physical therapist assistant, other licensed personnel, and unlicensed personnel to perform assigned tasks;
- (8) Directing and supervising the physical therapist assistant, other licensed personnel, and unlicensed personnel in delegated tasks; and
- (9) Reevaluating and adjusting the plan of care, when necessary, and performing the final evaluation, determining discharge, and establishing the follow-up plan.

(D) The physical therapist may refer patients to another discipline, which is not considered delegation. A referral to another discipline, including a physician, shall be documented in the medical record.

(E) Delegation of duties or tasks to the physical therapist assistant must be done in accordance with the scope of practice of the physical therapist assistant.

(1) A physical therapist assistant may not initiate or alter the plan of care without prior evaluation by and approval of the supervising physical therapist.

(2) A physical therapist assistant may adjust a treatment procedure in accordance with a change in patient status within the established plan of care.

(3) A physical therapist assistant may respond to inquiries regarding patient status to appropriate parties within the healthcare system and within the protocol established by the supervising physical therapist.

(4) The physical therapist assistant shall refer inquiries regarding a patient's prognosis to the supervising physical therapist. The physical therapist assistant may reinforce the physical therapist's position regarding the patient's prognosis.

(5) The physical therapist assistant may gather historical information about a patient to perform a screening that may determine the need for physical therapy intervention. This type of screening does not include physical contact with the patient.

(6) The physical therapist assistant shall document in the medical record according to the established protocols. All documentation shall be co-signed by the supervising physical therapist.

(F) Delegation of tasks related to the operation and delivery of physical therapy to other licensed personnel must be done in accordance with the scope of practice of the other licensed personnel's professional license, education and training, the level of competence as determined by the supervising physical therapist, and in consideration of the patient's overall needs and medical status.

(1) The physical therapist or physical therapist assistant shall demonstrate involvement, in accordance with paragraph (F) of rule 4755-27-04 of the Administrative Code, in each treatment session in which a component of care is delegated.

(2) Documentation by the other licensed personnel is restricted to an accounting of the activities provided, which includes the patient's response to intervention. The remainder of the documentation is the responsibility of the supervising physical therapist or supervising physical therapist assistant.

(G) The unlicensed personnel may be assigned routine duties that assist in the delivery of physical therapy care and operations, such as:

(1) Maintenance and care of equipment and supplies;

(2) Preparation, maintenance, and cleaning of treatment areas;

(3) Transportation of patients;

(4) Office and clerical functions;

(5) Assisting patients preparing for, during, and at the conclusion of treatment (such as changing clothes, assisting during transfer, and altering position during treatment);

(6) Personally assisting the physical therapist, physical therapist assistant, student physical therapist, and/or student physical therapist assistant while the physical therapist, physical therapist assistant, student physical therapist, and/or student physical therapist assistant is concurrently providing services to the same patient.

Effective 5/1/09

119.032 Review Date 4/1/14

4755-27-04 Supervision.

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

(1) Physical therapist assistant;

(2) Student physical therapist;

(3) Student physical therapist assistant;

(4) Other licensed personnel; and

(5) Unlicensed personnel.

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

(1) Student physical therapist assistant;

(2) Other licensed personnel; and

(3) Unlicensed personnel.

(C) Supervision of the physical therapist assistant.

(1) In accordance with division (C) of section 4755.40 of the Revised Code, a physical therapist assistant may only be supervised by a physical therapist and may not be supervised by any other person, including those persons licensed to practice in any other profession.

(2) Supervision for a physical therapist assistant does not require the supervising physical therapist to be on-site or on location. The supervising physical therapist must be available by telecommunication at all times and able to respond appropriately to the needs of the patient.

(D) Supervising of the student physical therapist.

(1) A student physical therapist may only be supervised by a physical therapist licensed pursuant to Chapter 4755. of the Revised Code.

(2) The supervising physical therapist is required to be on-site and available to immediately respond to the needs of the patient whenever the student physical therapist is performing patient examinations, evaluations, and interventions.

(E) Supervision of the student physical therapist assistant.

(1) A student physical therapist assistant may only be supervised by a physical therapist or physical therapist assistant licensed pursuant to Chapter 4755. of the Revised Code.

(2) The supervising physical therapist or supervising physical therapist assistant is required to be on-site and available to immediately respond to the needs of the patient whenever the student physical therapist assistant is performing patient intervention.

(F) Supervision of other licensed personnel.

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

(G) Supervision of unlicensed personnel.

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

Effective 5/1/09

119.032 Review Date 4/1/14

4755-27-05 Code of ethical conduct for physical therapists and physical therapist assistants.

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

(A) Ethical integrity.

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

(1) A licensee shall respect the rights and dignity of all patients and provide compassionate care as described in paragraphs (A)(1)(a) and (A)(1)(b) of this rule.

(a) A licensee shall recognize individual differences with patients and shall respect and be responsive to those differences.

(b) A licensee shall be guided by concern for the physical, psychosocial, and socioeconomic welfare of patients.

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

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

(4) A licensee shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the source of the compensation.

(5) A licensee shall not influence a patient or the patient's family to utilize, purchase, or rent any equipment based on the direct or indirect financial interests of the licensee. Recommendations of equipment must be based solely on the therapeutic value of that equipment to the patient. A licensee who owns or has a direct

financial interest in an equipment or supply company must disclose the financial interest to the patient if the licensee sells or rents, or intends to sell or rent, to the patient.

(6) A licensee shall ensure the patient's rights to participate fully in their care, including the patient's right to select the physical therapy provider, regardless of the practice setting.

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

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

(9) A licensee shall provide accurate and relevant information to patients about the patients' care and to the public about physical therapy services.

(10) A licensee shall report to the physical therapy section any unprofessional, incompetent, or illegal behavior of a physical therapist or physical therapist assistant of which the licensee has knowledge.

(B) Ethical conduct.

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

(1) A licensee shall adhere to the standards of ethical practice by practicing in a manner that is moral and honorable. A licensee may be disciplined for violating any provision contained in division (A) of section 4755.47 of the Revised Code.

(2) A licensee shall not cheat or assist others in conspiring to cheat on the national physical therapy examination or the state jurisprudence examination.

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

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

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

(4) A licensee shall obtain informed consent from the patient.

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

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

(5) A licensee shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a patient occurred, includes, but is not limited to:

(a) Failing to assess and evaluate a patient's status;

(b) Performing or attempting to perform techniques, procedures, or both in which the licensee is untrained by education or experience;

(c) Delegating physical therapy functions or responsibilities to an individual lacking the ability or knowledge to perform the function or responsibility in question;

(d) Causing, or permitting another person to cause, physical or emotional injury to the patient, or depriving the patient of the individual's dignity;

(e) Providing treatment interventions that are not warranted by the patient's condition or continuing treatment beyond the point of reasonable benefit to the patient;

(f) Practicing in a pattern of negligent conduct, which means a continued course of negligent conduct or of negligent conduct in performing the duties of the profession.

(g) Providing substandard care as a physical therapist assistant by exceeding the authority to perform components of physical therapy interventions selected by the supervising physical therapist or through a deliberate or negligent act or failure to act, whether or not actual injury to any person occurred.

(h) Abandoning the patient by inappropriately terminating the patient practitioner relationship by the licensee.

(i) Documenting or billing for services not actually provided.

(6) A licensee shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, patients, students, and/or colleagues.

(7) A licensee shall not engage in any sexual relationship or conduct, including dating, with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a therapist-patient relationship exists.

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

(b) A licensee shall not engage in a conversation with a patient that is sexually explicit and unrelated to the physical therapy plan of care.

(8) A licensee shall not engage in sexual harassment of patients, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature that results in:

(a) Withholding physical therapy services to a patient;

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

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

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

(10) A licensee shall not practice physical therapy while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If a licensee's or applicant's ability to practice is in question, the licensee shall submit to a physical or mental examination or drug/alcohol screen as requested by the physical therapy section to determine the applicant's or licensee's qualifications to practice physical therapy.

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

(12) A licensee shall transfer the continuum of care of the patient, as appropriate, to another health care provider in the event of elective termination of physical therapy services by the licensee.

(13) A licensee shall not aid, abet, authorize, condone, or allow the practice of physical therapy by any person not legally authorized to provide services.

(14) A licensee shall not permit another person to use an individual's wall certificate, pocket identification card, license number, or national provider identifier, as defined in section 4755.56 of the Revised Code, for any illegal purpose.

(15) A licensee shall not misrepresent the credential, title, and/or specialty certifications held by the licensee.

(C) Cooperation.

In accordance with division (A)(24) of section 4755.47 of the Revised Code, licensees shall cooperate with an investigation by the physical therapy section. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the physical therapy section and providing copies of the medical records and other documents requested by the physical therapy section. Failure to comply with paragraphs (C)(1) to (C)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.47 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A licensee shall respond fully and truthfully to a request for information from the physical therapy section.

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

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

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

(5) A licensee shall not deceive, or attempt to deceive, the physical therapy section regarding any matter, including by altering or destroying any record or document.

(6) A licensee shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the physical therapy section, or by use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any other legal action.

(7) A licensee shall not refuse to provide testimony in an administrative hearing.

Effective 3/20/09 119.032 Review Date 4/1/14

4755-27-06 Reporting requirements.

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

(A) Impairment by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or licensee's ability to practice with reasonable skill and safety.

(B) Conviction of a felony.

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

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

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

Effective 3/20/09 119.032 Review Date 4/1/14

4755-27-07 Documentation.

(A) All physical therapists shall use the credential "PT" following their signature to indicate licensure as a physical therapist.

(B) All physical therapist assistants shall use the credential "PTA" following their signature to indicate license as a physical therapist assistant.

(C) All student physical therapist shall use one of the following to indicate student status:

(1) Student physical therapist;

(2) Student PT; or

(3) SPT.

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

(1) Student physical therapist assistant;

(2) Student PTA; or

(3) SPTA.

(E) All documentation by student physical therapists and student physical therapist assistants shall be cosigned by the supervising physical therapist.

(F) Appropriate documentation is integral to all facets of physical therapy care. Reports written by the physical therapist assistant for inclusion in the patient's record shall be cosigned by the supervising physical therapist. The cosignature shall indicate that the supervising physical therapist reviewed the written note and agrees with the patient information in the written note. A handwritten signature or electronic signature is acceptable whenever a physical therapist or physical therapist assistant signs his or her name.

(1) Electronic signature means any of the following attached to or associated with an electronic record by an individual to authenticate the record:

(a) A code consisting of a combination of letters, numbers, characters, or symbols that is adapted or executed by an individual as that individual's electronic signature.

(b) A computer generated signature code created for an individual.

(c) An electronic image of an individual's handwritten signature created by using a digital writing apparatus.

(2) If an electronic documentation system is not capable of dual signatures, a physical therapist may enter a separate note within the same documentation system. This note shall:

(a) Reference the date(s) of the note(s) being reviewed with documentation referencing the review; and

(b) Document agreement with the notes entered by the physical therapist assistant and/or changes needed in the treatment plan.

(3) The physical therapist or physical therapist assistant must assure that the electronic signature can be tracked to a unique log in code used only by that individual.

Effective 5/1/09 119.032 Review Date 4/1/14

CHAPTER 4755-28

Surrender of License

4755-28-01 Surrender of license.

In the event the license of a physical therapist or physical therapist assistant is suspended or revoked by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board pursuant to violation of any provision of sections 4755.40 to 4755.56 of the Revised Code or violation of any lawful order or rule of the physical therapy section, the physical therapist or physical therapist assistant shall, upon receipt of the final order of the physical therapy section, immediately surrender to the board office all evidence of his/her license, including his/her wall certificate and current pocket identification card.

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

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

Effective 8/14/00 119.032 Review Date 2/1/14

**CHAPTER 4755-29
Prescriptions, Referrals, Orders**

4755-29-01 Referrals.

(A) Pursuant to division (F) of section 4755.48 of the Revised Code, physical therapists may provide services to a patient upon a referral from a person who is licensed or registered in this state or any other state to practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery, or to practice nursing as a certified registered nurse anesthetist, a clinical nurse specialist, a certified nurse-midwife, or a certified nurse practitioner within the scope of such practices, and whose license is in good standing.

(B) Physical therapists may directly receive such referrals by telephone, fax, e-mail, or other electronic means. Physical therapist may accept faxed referrals as an original. The therapist may at anytime require an original written referral from the referring practitioner with a signature for inclusion in the patient's official record.

(C) Physical therapist assistants may also directly receive referrals by telephone, fax, e-mail, or other electronic means, however, in accordance with rule 4755-27-02 and paragraph (B) of rule 4755-27-03 of the Administrative Code, only the physical therapist shall interpret prescriptions, referrals, or orders and perform initial patient evaluations, initial and ongoing treatment plans, periodic re-evaluation of the patient, and adjustment of the treatment plan.

(D) A physical therapist meeting the requirements established in sections 4755.48 and 4755.481 of the Revised Code may evaluate and treat without the prescription of, or the referral of a patient by a person who is licensed in this or another state to practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery, or to practice nursing as a certified nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.

(E) Two years of practical experience, as specified in division (G)(2) of section 4755.48 of the Revised Code, means both of the following:

- (1) The individual was registered or licensed to practice as a physical therapist under the laws of another state or U.S. territory during the two years of practical experience; and
- (2) The individual was actively engaged in the practice of physical therapy, as defined in section 4755.40 of the Revised Code, for at least two years on or before December 31, 2004.

Effective 3/20/08 119.032 Review Date 4/1/10
