

As Introduced

**125th General Assembly
Regular Session
2003-2004**

S. B. No. 35

Senators Nein, Mumper, Spada, Blessing, Miller, Dann, Fingerhut

A B I L L

To amend sections 4755.40 and 4755.48 and to enact 1
section 4755.481 of the Revised Code to permit, 2
under certain circumstances, the practice of 3
physical therapy other than pursuant to the 4
prescription or referral of a physician, dentist, 5
podiatrist, or chiropractor. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4755.40 and 4755.48 be amended and 7
section 4755.481 of the Revised Code be enacted to read as 8
follows: 9

Sec. 4755.40. As used in sections 4755.40 to 4755.56 and 10
4755.99 of the Revised Code: 11

(A) "Physical therapy" means the evaluation and treatment of 12
a person by physical measures and the use of therapeutic exercises 13
and rehabilitative procedures, with or without assistive devices, 14
for the purpose of preventing, correcting, or alleviating any 15
disability. If performed by a person who is adequately trained, 16
physical therapy includes the design, fabrication, revision, 17
education, and instruction in the use of various assistive devices 18
including braces, splints, ambulatory or locomotion devices, 19
wheelchairs, prosthetics, and orthotics. Physical therapy includes 20

the administration of topical drugs that have been prescribed by a 21
licensed health professional authorized to prescribe drugs, as 22
defined in section 4729.01 of the Revised Code. Physical therapy 23
also includes the establishment and modification of physical 24
therapy programs, treatment planning, instruction, and 25
consultative services. Physical measures include massage, heat, 26
cold, air, light, water, electricity, sound, and the performance 27
of tests of neuromuscular function as an aid to such treatment. 28
Physical therapy does not include the medical diagnosis of a 29
patient's disability, the use of Roentgen rays or radium for 30
diagnostic or therapeutic purposes, or the use of electricity for 31
cauterization or other surgical purposes. Physical therapy 32
includes physiotherapy. 33

(B) "Physical therapist" means a person who practices or 34
teaches physical therapy and includes physiotherapist. 35

(C) "Physical therapist assistant" means a person who assists 36
in the provision of physical therapy treatments under the 37
supervision of a physical therapist, or teaches physical therapy 38
under the supervision of a physical therapist, and includes 39
physical therapy assistant. 40

(D) "Supervision" means the availability and responsibility 41
of the supervisor for direction of the actions of the person 42
supervised. 43

Sec. 4755.48. (A) No person shall employ fraud or deception 44
in applying for or securing a license to practice physical therapy 45
or to be a physical therapist assistant. 46

(B) No person shall practice or in any way claim to the 47
public to be able to practice physical therapy, including practice 48
as a physical therapist assistant, unless the person holds a valid 49
license under sections 4755.40 to 4755.56 of the Revised Code or 50
except as provided in section 4755.53 of the Revised Code. 51

(C) No person shall use the words or letters, physical 52
therapist, physical therapy, physiotherapist, licensed physical 53
therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., 54
M.S.P.T., P.T.A., physical therapy assistant, physical therapist 55
assistant, physical therapy technician, licensed physical 56
therapist assistant, L.P.T.A., R.P.T.A., or any other letters, 57
words, abbreviations, or insignia, indicating or implying that the 58
person is a physical therapist or physical therapist assistant 59
without a valid license under sections 4755.40 to 4755.56 of the 60
Revised Code. 61

(D) No person who practices physical therapy or assists in 62
the provision of physical therapy treatments under the supervision 63
of a physical therapist shall fail to display the person's current 64
license granted under sections 4755.40 to 4755.56 of the Revised 65
Code in a conspicuous location in the place where the person 66
spends the major part of the person's time so engaged. 67

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 68
Code shall affect or interfere with the performance of the duties 69
of any physical therapist or physical therapist assistant in 70
active service in the army, navy, coast guard, marine corps, air 71
force, public health service, or marine hospital service of the 72
United States, while so serving. 73

(F) No person shall practice physical therapy other than on 74
the prescription of, or the referral of a patient by, a person who 75
is licensed in this or another state to practice medicine and 76
surgery, chiropractic, dentistry, osteopathic medicine and 77
surgery, or ~~podiatry~~ podiatric medicine and surgery, within the 78
scope of such practices, and whose license is in good standing, 79
unless either of the following conditions is met: 80

(1) The person holds a master's or doctorate degree from an accredited institution recognized by the Ohio occupational therapy, physical therapy, and athletic trainers board. 81
82
83

(2) The person has completed at least two years of practical experience as a physical therapist. 84
85

(G) 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. 86
87
88
89
90

Sec. 4755.481. (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, or podiatric medicine and surgery, all of the following apply: 91
92
93
94
95
96

(1) The physical therapist shall, upon consent of the patient, inform the patient's physician, chiropractor, dentist, or podiatrist of the evaluation within a reasonable period of time after the evaluation is made. 97
98
99
100

(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 physician, chiropractor, dentist, or podiatrist, unless either of the following applies: 101
102
103
104
105
106
107

(a) The evaluation, treatment, or services are being provided for fitness, wellness, or prevention purposes. 108
109

(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, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the physical therapist's expertise, the physical therapist shall refer the patient to a health care practitioner with the appropriate expertise.

(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 4121.443 of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a physician, chiropractor, dentist, or podiatrist.

Section 2. That existing sections 4755.40 and 4755.48 of the Revised Code are hereby repealed.