

As Passed by the House

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

Sub. S. B. No. 35

**Senators Nein, Mumper, Spada, Blessing, Miller, Dann, Fingerhut, Prentiss,
Robert Gardner**

**Representatives Martin, Beatty, Jerse, Fessler, Olman, Kearns, Jolivette,
Allen, Barrett, Brinkman, Callender, Chandler, Daniels, DeBose, Driehaus,
D. Evans, Flowers, Gibbs, Gilb, Hagan, Harwood, Hughes, Key, Kilbane,
Koziura, Mason, McGregor, Miller, Otterman, T. Patton, Price, Reidelbach,
Schlichter, Seitz, J. Stewart, Taylor, Ujvagi, Widener, Widowfield, Williams**

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, chiropractor, certified registered 6
nurse anesthetist, clinical nurse specialist, 7
certified nurse-midwife, or certified nurse 8
practitioner. 9

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

Section 1. That sections 4755.40 and 4755.48 be amended and 10
section 4755.481 of the Revised Code be enacted to read as 11
follows: 12

Sec. 4755.40. As used in sections 4755.40 to 4755.56 and 13
4755.99 of the Revised Code: 14

(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 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. Physical therapy includes 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. Physical therapy also includes the establishment and modification of physical therapy programs, treatment planning, instruction, and consultative services. Physical measures include massage, heat, cold, air, light, water, electricity, sound, and the performance of tests 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. Physical therapy includes physiotherapy.

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

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

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

Sec. 4755.48. (A) No person shall employ fraud or deception 47
in applying for or securing a license to practice physical therapy 48
or to be a physical therapist assistant. 49

(B) No person shall practice or in any way claim to the 50
public to be able to practice physical therapy, including practice 51
as a physical therapist assistant, unless the person holds a valid 52
license under sections 4755.40 to 4755.56 of the Revised Code or 53
except as provided in section ~~4755.53~~ 4755.56 of the Revised Code. 54

(C) No person shall use the words or letters, physical 55
therapist, physical therapy, physiotherapist, licensed physical 56
therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., 57
M.S.P.T., P.T.A., physical therapy assistant, physical therapist 58
assistant, physical therapy technician, licensed physical 59
therapist assistant, L.P.T.A., R.P.T.A., or any other letters, 60
words, abbreviations, or insignia, indicating or implying that the 61
person is a physical therapist or physical therapist assistant 62
without a valid license under sections 4755.40 to 4755.56 of the 63
Revised Code. 64

(D) No person who practices physical therapy or assists in 65
the provision of physical therapy treatments under the supervision 66
of a physical therapist shall fail to display the person's current 67
license granted under sections 4755.40 to 4755.56 of the Revised 68
Code in a conspicuous location in the place where the person 69
spends the major part of the person's time so engaged. 70

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 71
Code shall affect or interfere with the performance of the duties 72
of any physical therapist or physical therapist assistant in 73
active service in the army, navy, coast guard, marine corps, air 74
force, public health service, or marine hospital service of the 75
United States, while so serving. 76

(F) 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, ~~or podiatry~~ 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 is met:

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

(2) On or before December 31, 2003, the person has completed at least two years of practical experience as a licensed physical therapist.

(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.

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, 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;

<u>(d) Prefabricated elastic or fabric abdominal supports with</u>	138
<u>or without metal or plastic reinforcing stays and other</u>	139
<u>prefabricated soft goods requiring minimal fitting;</u>	140
<u>(e) Nontherapeutic accommodative inlays;</u>	141
<u>(f) Shoes that are not manufactured or modified for a</u>	142
<u>particular individual;</u>	143
<u>(g) Prefabricated foot care products;</u>	144
<u>(h) Custom foot orthotics;</u>	145
<u>(i) Durable medical equipment.</u>	146
<u>(4) If, at any time, the physical therapist has reason to</u>	147
<u>believe that the patient has symptoms or conditions that require</u>	148
<u>treatment or services beyond the scope of practice of a physical</u>	149
<u>therapist, the physical therapist shall refer the patient to a</u>	150
<u>licensed health care practitioner acting within the practitioner's</u>	151
<u>scope of practice.</u>	152
<u>(B) Nothing in sections 4755.40 to 4755.56 of the Revised</u>	153
<u>Code shall be construed to require reimbursement under any health</u>	154
<u>insuring corporation policy, contract, or agreement, any sickness</u>	155
<u>and accident insurance policy, the medical assistance program as</u>	156
<u>defined in section 5111.01 of the Revised Code, or the health</u>	157
<u>partnership program or qualified health plans established pursuant</u>	158
<u>to sections 4121.44 to 4121.443 of the Revised Code, for any</u>	159
<u>physical therapy service rendered without the prescription of, or</u>	160
<u>the referral of the patient by, a licensed physician,</u>	161
<u>chiropractor, dentist, podiatrist, certified registered nurse</u>	162
<u>anesthetist, clinical nurse specialist, certified nurse-midwife,</u>	163
<u>or certified nurse practitioner.</u>	164
<u>(C) For purposes of this section, "business day" means any</u>	165
<u>calendar day that is not a Saturday, Sunday, or legal holiday.</u>	166
<u>"Legal holiday" has the same meaning as in section 1.14 of the</u>	167

Revised Code.

168

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

169

170