

**As Reported by the House Health Committee**

**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**

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**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 15  
a person by physical measures and the use of therapeutic exercises 16  
and rehabilitative procedures, with or without assistive devices, 17  
for the purpose of preventing, correcting, or alleviating any 18

disability. If performed by a person who is adequately trained, 19  
physical therapy includes the design, fabrication, revision, 20  
education, and instruction in the use of various assistive devices 21  
including braces, splints, ambulatory or locomotion devices, 22  
wheelchairs, prosthetics, and orthotics. Physical therapy includes 23  
the administration of topical drugs that have been prescribed by a 24  
licensed health professional authorized to prescribe drugs, as 25  
defined in section 4729.01 of the Revised Code. Physical therapy 26  
also includes the establishment and modification of physical 27  
therapy programs, treatment planning, instruction, and 28  
consultative services. Physical measures include massage, heat, 29  
cold, air, light, water, electricity, sound, and the performance 30  
of tests of neuromuscular function as an aid to such treatment. 31  
Physical therapy does not include the medical diagnosis of a 32  
patient's disability, the use of Roentgen rays or radium for 33  
diagnostic or therapeutic purposes, or the use of electricity for 34  
cauterization or other surgical purposes. Physical therapy 35  
includes physiotherapy. 36

(B) "Physical therapist" means a person who practices or 37  
teaches physical therapy and includes physiotherapist. 38

(C) "Physical therapist assistant" means a person who assists 39  
in the provision of physical therapy treatments under the 40  
supervision of a physical therapist, or teaches physical therapy 41  
under the supervision of a physical therapist, and includes 42  
physical therapy assistant. 43

(D) "Supervision" means the availability and responsibility 44  
of the supervisor for direction of the actions of the person 45  
supervised. 46

**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 public to be able to practice physical therapy, 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 as provided in section ~~4755.53~~ 4755.56 of the Revised Code.

(C) No person shall use the words or letters, physical therapist, physical therapy, physiotherapist, 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) 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 81  
practice nursing as a certified registered nurse anesthetist, 82  
clinical nurse specialist, certified nurse-midwife, or certified 83  
nurse practitioner, within the scope of such practices, and whose 84  
license is in good standing, unless either of the following 85  
conditions is met: 86

(1) The person holds a master's or doctorate degree from a 87  
professional physical therapy program that is accredited by a 88  
national accreditation agency recognized by the United States 89  
department of education and by the Ohio occupational therapy, 90  
physical therapy, and athletic trainers board. 91

(2) On or before December 31, 2003, the person has completed 92  
at least two years of practical experience as a licensed physical 93  
therapist. 94

(G) In the prosecution of any person for violation of 95  
division (B) or (C) of this section, it is not necessary to allege 96  
or prove want of a valid license to practice physical therapy or 97  
to practice as a physical therapist assistant, but such matters 98  
shall be a matter of defense to be established by the accused. 99

**Sec. 4755.481.** (A) If a physical therapist evaluates and 100  
treats a patient without the prescription of, or the referral of 101  
the patient by, a person who is licensed to practice medicine and 102  
surgery, chiropractic, dentistry, osteopathic medicine and 103  
surgery, podiatric medicine and surgery, or to practice nursing as 104  
a certified registered nurse anesthetist, clinical nurse 105  
specialist, certified nurse-midwife, or certified nurse 106  
practitioner, all of the following apply: 107

(1) The physical therapist shall, upon consent of the 108  
patient, inform the patient's physician, chiropractor, dentist, 109  
podiatrist, certified registered nurse anesthetist, clinical nurse 110  
specialist, certified nurse-midwife, or certified nurse 111

practitioner of the evaluation not later than five business days 112  
after the evaluation is made. 113

(2) If the physical therapist determines, based on reasonable 114  
evidence, that no substantial progress has been made with respect 115  
to that patient during the thirty-day period immediately following 116  
the date of the patient's initial visit with the physical 117  
therapist, the physical therapist shall consult with or refer the 118  
patient to a licensed physician, chiropractor, dentist, 119  
podiatrist, certified registered nurse anesthetist, clinical nurse 120  
specialist, certified nurse-midwife, or certified nurse 121  
practitioner, unless either of the following applies: 122

(a) The evaluation, treatment, or services are being provided 123  
for fitness, wellness, or prevention purposes. 124

(b) The patient previously was diagnosed with chronic, 125  
neuromuscular, or developmental conditions and the evaluation, 126  
treatment, or services are being provided for problems or symptoms 127  
associated with one or more of those previously diagnosed 128  
conditions. 129

(3) If the physical therapist determines that orthotic 130  
devices are necessary to treat the patient, the physical therapist 131  
shall be limited to the application of the following orthotic 132  
devices: 133

(a) Upper extremity adaptive equipment used to facilitate the 134  
activities of daily living; 135

(b) Finger splints; 136

(c) Wrist splints; 137

(d) Prefabricated elastic or fabric abdominal supports with 138  
or without metal or plastic reinforcing stays and other 139  
prefabricated soft goods requiring minimal fitting; 140

(e) Nontherapeutic accommodative inlays; 141

(f) Shoes that are not manufactured or modified for a particular individual; 142  
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(g) Prefabricated foot care products; 144

(h) Custom foot orthotics; 145

(i) Durable medical equipment. 146

(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. 147  
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(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 licensed physician, chiropractor, dentist, podiatrist, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner. 153  
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(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. 165  
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**Section 2.** That existing sections 4755.40 and 4755.48 of the Revised Code are hereby repealed. 169  
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