

**As Reported by the Senate Insurance, Commerce and Labor  
Committee**

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

**Sub. S. B. No. 35**

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

---

**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 ~~pediatry~~ 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 a 81

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.

82  
83  
84  
85

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

86  
87  
88

(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.

89  
90  
91  
92  
93

**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:

94  
95  
96  
97  
98  
99

(1) The physical therapist shall, upon consent of the  
patient, inform the patient's physician, chiropractor, dentist, or  
podiatrist of the evaluation within thirty days after the  
evaluation is made.

100  
101  
102  
103

(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, or  
podiatrist, unless either of the following applies:

104  
105  
106  
107  
108  
109  
110

(a) The evaluation, treatment, or services are being provided

111

for fitness, wellness, or prevention purposes. 112

(b) The patient previously was diagnosed with chronic, 113  
neuromuscular, or developmental conditions and the evaluation, 114  
treatment, or services are being provided for problems or symptoms 115  
associated with one or more of those previously diagnosed 116  
conditions. 117

(3) If, at any time, the physical therapist has reason to 118  
believe that the patient has symptoms or conditions that require 119  
treatment or services beyond the physical therapist's expertise, 120  
the physical therapist shall refer the patient to a health care 121  
practitioner with the appropriate expertise. 122

(B) Nothing in sections 4755.40 to 4755.56 of the Revised 123  
Code shall be construed to require reimbursement under any health 124  
insuring corporation policy, contract, or agreement, any sickness 125  
and accident insurance policy, the medical assistance program as 126  
defined in section 5111.01 of the Revised Code, or the health 127  
partnership program or qualified health plans established pursuant 128  
to sections 4121.44 to 4121.443 of the Revised Code, for any 129  
physical therapy service rendered without the prescription of, or 130  
the referral of the patient by, a licensed physician, 131  
chiropractor, dentist, or podiatrist. 132

**Section 2.** That existing sections 4755.40 and 4755.48 of the 133  
Revised Code are hereby repealed. 134