

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 403

**Representatives Fessler, Reidelbach, Seitz, McGregor, J., Peterson, Brown,
Allen, Strahorn, Barrett**

—

A B I L L

To amend sections 1705.03, 1705.04, 1705.53, 1785.01, 1
1785.02, 1785.03, 3701.881, 3902.22, 4723.16, 2
4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 3
4755.01 to 4755.13, 4755.40 to 4755.43, 4755.45 to 4
4755.48, 4755.50 to 4755.52, 4755.56, 4755.61 to 5
4755.66, and 4755.99; to amend, for the purpose of 6
adopting new section numbers as indicated in 7
parentheses, sections 4755.01 (4755.04), 4755.02 8
(4755.05), 4755.03 (4755.01), 4755.04 (4755.02), 9
4755.05 (4755.06), 4755.06 (4755.07), 4755.07 10
(4755.08), 4755.08 (4755.09), 4755.09 (4755.10), 11
4755.10 (4755.11), 4755.11 (4755.12), 4755.12 12
(4755.13), and 4755.13 (4755.03); to enact new 13
section 4755.44 and sections 4755.021, 4755.411, 14
4755.412, 4755.421, 4755.431, 4755.441, 4755.451, 15
4755.482, and 4755.511; and to repeal section 16
4755.44 of the Revised Code to make changes to the 17
occupational therapy, physical therapy, and 18
athletic trainers licensing laws. 19

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

Section 1. That sections 1705.03, 1705.04, 1705.53, 1785.01, 20

1785.02, 1785.03, 3701.881, 3902.22, 4723.16, 4729.161, 4731.226, 21
4731.65, 4732.28, 4734.17, 4755.01, 4755.02, 4755.03, 4755.04, 22
4755.05, 4755.06, 4755.07, 4755.08, 4755.09, 4755.10, 4755.11, 23
4755.12, 4755.13, 4755.40, 4755.41, 4755.42, 4755.43, 4755.45, 24
4755.46, 4755.47, 4755.48, 4755.50, 4755.51, 4755.52, 4755.56, 25
4755.61, 4755.62, 4755.63, 4755.64, 4755.65, 4755.66, and 4755.99 26
be amended, sections 4755.01 (4755.04), 4755.02 (4755.05), 4755.03 27
(4755.01), 4755.04 (4755.02), 4755.05 (4755.06), 4755.06 28
(4755.07), 4755.07 (4755.08), 4755.08 (4755.09), 4755.09 29
(4755.10), 4755.10 (4755.11), 4755.11 (4755.12), 4755.12 30
(4755.13), and 4755.13 (4755.03) be amended for the purpose of 31
adopting new section numbers as indicated in parentheses, and new 32
section 4755.44 and sections 4755.021, 4755.411, 4755.412, 33
4755.421, 4755.431, 4755.441, 4755.451, 4755.482, and 4755.511 of 34
the Revised Code be enacted to read as follows: 35

Sec. 1705.03. (A) A limited liability company may sue and be 36
sued. 37

(B) Unless otherwise provided in its articles of 38
organization, a limited liability company may take property of any 39
description or any interest in property of any description by 40
gift, devise, or bequest and may make donations for the public 41
welfare or for charitable, scientific, or educational purposes. 42

(C) In carrying out the purposes stated in its articles of 43
organization or operating agreement and subject to limitations 44
prescribed by law or in its articles of organization or its 45
operating agreement, a limited liability company may do all of the 46
following: 47

(1) Purchase or otherwise acquire, lease as lessee or lessor, 48
invest in, hold, use, encumber, sell, exchange, transfer, and 49
dispose of property of any description or any interest in property 50

of any description;	51
(2) Make contracts;	52
(3) Form or acquire the control of other domestic or foreign limited liability companies;	53 54
(4) Be a shareholder, partner, member, associate, or participant in other profit or nonprofit enterprises or ventures;	55 56
(5) Conduct its affairs in this state and elsewhere;	57
(6) Render in this state and elsewhere a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 <u>4755.56</u> of the Revised Code, <u>occupational therapists authorized under</u> <u>sections 4755.04 to 4755.13 of the Revised Code</u> , mechanotherapists authorized under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code;	58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73
(7) Borrow money;	74
(8) Issue, sell, and pledge its notes, bonds, and other evidences of indebtedness;	75 76
(9) Secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property;	77 78
(10) Guarantee or secure obligations of any person;	79
(11) Do all things permitted by law and exercise all	80

authority within or incidental to the purposes stated in its 81
articles of organization. 82

(D) In addition to the authority conferred by division (C) of 83
this section and irrespective of the purposes stated in its 84
articles of organization or operating agreement but subject to any 85
limitations stated in those articles or its operating agreement, a 86
limited liability company may invest funds not currently needed in 87
its business in any securities if the investment does not cause 88
the company to acquire control of another enterprise whose 89
activities and operations are not incidental to the purposes 90
stated in the articles of organization of the company. 91

(E)(1) No lack of authority or limitation upon the authority 92
of a limited liability company shall be asserted in any action 93
except as follows: 94

(a) By the state in an action by it against the company; 95

(b) By or on behalf of the company in an action against a 96
manager, an officer, or any member as a member; 97

(c) By a member as a member in an action against the company, 98
a manager, an officer, or any member as a member; 99

(d) In an action involving an alleged improper issue of a 100
membership interest in the company. 101

(2) Division (E)(1) of this section applies to any action 102
commenced in this state upon any contract made in this state by a 103
foreign limited liability company. 104

Sec. 1705.04. (A) One or more persons, without regard to 105
residence, domicile, or state of organization, may form a limited 106
liability company. The articles of organization shall be signed 107
and filed with the secretary of state and shall set forth all of 108
the following: 109

(1) The name of the company;	110
(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;	111 112
(3) Any other provisions that are from the operating agreement or that are not inconsistent with applicable law and that the members elect to set out in the articles for the regulation of the affairs of the company.	113 114 115 116
The legal existence of the company begins upon the filing of the articles of organization or on a later date specified in the articles of organization that is not more than ninety days after the filing.	117 118 119 120
(B) If the articles of organization or operating agreement do not set forth the period of the duration of the limited liability company, its duration shall be perpetual.	121 122 123
(C) If a limited liability company is formed under this chapter for the purpose of rendering a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 <u>4755.56</u> of the Revised Code, <u>occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code</u> , mechanotherapists authorized under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, the following apply:	124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140

(1) Each member, employee, or other agent of the company who renders a professional service in this state and, if the management of the company is not reserved to its members, each manager of the company who renders a professional service in this state shall be licensed, certificated, or otherwise legally authorized to render in this state the same kind of professional service; if applicable, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code; or, if applicable, any of the kinds of professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.53 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, or doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code.

(2) Each member, employee, or other agent of the company who renders a professional service in another state and, if the management of the company is not reserved to its members, each manager of the company who renders a professional service in another state shall be licensed, certificated, or otherwise legally authorized to render that professional service in the other state.

(D) Except for the provisions of this chapter pertaining to the personal liability of members, employees, or other agents of a limited liability company and, if the management of the company is not reserved to its members, the personal liability of managers of

the company, this chapter does not restrict, limit, or otherwise 173
affect the authority or responsibilities of any agency, board, 174
commission, department, office, or other entity to license, 175
certificate, register, and otherwise regulate the professional 176
conduct of individuals or organizations of any kind rendering 177
professional services in this state or to regulate the practice of 178
any profession that is within the jurisdiction of the agency, 179
board, commission, department, office, or other entity, 180
notwithstanding that the individual is a member or manager of a 181
limited liability company and is rendering the professional 182
services or engaging in the practice of the profession through the 183
limited liability company or that the organization is a limited 184
liability company. 185

(E) No limited liability company formed for the purpose of 186
providing a combination of the professional services, as defined 187
in section 1785.01 of the Revised Code, of optometrists authorized 188
under Chapter 4725. of the Revised Code, chiropractors authorized 189
under Chapter 4734. of the Revised Code, psychologists authorized 190
under Chapter 4732. of the Revised Code, registered or licensed 191
practical nurses authorized under Chapter 4723. of the Revised 192
Code, pharmacists authorized under Chapter 4729. of the Revised 193
Code, physical therapists authorized under sections 4755.40 to 194
~~4755.53~~ 4755.56 of the Revised Code, occupational therapists 195
authorized under sections 4755.04 to 4755.13 of the Revised Code, 196
mechanotherapists authorized under section 4731.151 of the Revised 197
Code, and doctors of medicine and surgery, osteopathic medicine 198
and surgery, or podiatric medicine and surgery authorized under 199
Chapter 4731. of the Revised Code shall control the professional 200
clinical judgment exercised within accepted and prevailing 201
standards of practice of a licensed, certificated, or otherwise 202
legally authorized optometrist, chiropractor, psychologist, nurse, 203
pharmacist, physical therapist, occupational therapist, 204

mechanotherapist, or doctor of medicine and surgery, osteopathic 205
medicine and surgery, or podiatric medicine and surgery in 206
rendering care, treatment, or professional advice to an individual 207
patient. 208

This division does not prevent a hospital, as defined in 209
section 3727.01 of the Revised Code, insurer, as defined in 210
section 3999.36 of the Revised Code, or intermediary organization, 211
as defined in section 1751.01 of the Revised Code, from entering 212
into a contract with a limited liability company described in this 213
division that includes a provision requiring utilization review, 214
quality assurance, peer review, or other performance or quality 215
standards. Those activities shall not be construed as controlling 216
the professional clinical judgment of an individual practitioner 217
listed in this division. 218

Sec. 1705.53. Subject to any contrary provisions of the Ohio 219
Constitution, the laws of the state under which a foreign limited 220
liability company is organized govern its organization and 221
internal affairs and the liability of its members. A foreign 222
limited liability company may not be denied a certificate of 223
registration as a foreign limited liability company in this state 224
because of any difference between the laws of the state under 225
which it is organized and the laws of this state. However, a 226
foreign limited liability company that applies for registration 227
under this chapter to render a professional service in this state, 228
as a condition to obtaining and maintaining a certificate of 229
registration, shall comply with the requirements of division (C) 230
of section 1705.04 of the Revised Code and shall comply with the 231
requirements of Chapters 4703. and 4733. of the Revised Code if 232
the kinds of professional services authorized under those chapters 233
are to be rendered or with the requirements of Chapters 4723., 234
4725., 4729., 4731., 4732., 4734., and 4755. of the Revised Code 235
if a combination of the professional services of optometrists 236

authorized under Chapter 4725. of the Revised Code, chiropractors 237
authorized under Chapter 4734. of the Revised Code, psychologists 238
authorized under Chapter 4732. of the Revised Code, registered or 239
licensed practical nurses authorized under Chapter 4723. of the 240
Revised Code, pharmacists authorized under Chapter 4729. of the 241
Revised Code, physical therapists authorized under sections 242
4755.40 to ~~4755.53~~ 4755.56 of the Revised Code, occupational 243
therapists authorized under sections 4755.04 to 4755.13 of the 244
Revised Code, mechanotherapists authorized under section 4731.151 245
of the Revised Code, and doctors of medicine and surgery, 246
osteopathic medicine and surgery, or podiatric medicine and 247
surgery authorized under Chapter 4731. of the Revised Code are to 248
be rendered. 249

Sec. 1785.01. As used in this chapter: 250

(A) "Professional service" means any type of professional 251
service that may be performed only pursuant to a license, 252
certificate, or other legal authorization issued pursuant to 253
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 254
4731., 4732., 4733., 4734., or 4741., sections ~~4755.01~~ 4755.04 to 255
~~4755.12~~ 4755.13, or 4755.40 to 4755.56 of the Revised Code to 256
certified public accountants, licensed public accountants, 257
architects, attorneys, dentists, nurses, optometrists, 258
pharmacists, physician assistants, doctors of medicine and 259
surgery, doctors of osteopathic medicine and surgery, doctors of 260
podiatric medicine and surgery, practitioners of the limited 261
branches of medicine specified in section 4731.15 of the Revised 262
Code, mechanotherapists, psychologists, professional engineers, 263
chiropractors, veterinarians, occupational therapists, ~~and~~ 264
physical therapists, and occupational therapists. 265

(B) "Professional association" means an association organized 266
under this chapter for the sole purpose of rendering one of the 267

professional services authorized under Chapter 4701., 4703., 268
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 269
4734., or 4741., sections ~~4755.01~~ 4755.04 to ~~4755.12~~ 4755.13, or 270
4755.40 to 4755.56 of the Revised Code, a combination of the 271
professional services authorized under Chapters 4703. and 4733. of 272
the Revised Code, or a combination of the professional services of 273
optometrists authorized under Chapter 4725. of the Revised Code, 274
chiropractors authorized under Chapter 4734. of the Revised Code, 275
psychologists authorized under Chapter 4732. of the Revised Code, 276
registered or licensed practical nurses authorized under Chapter 277
4723. of the Revised Code, pharmacists authorized under Chapter 278
4729. of the Revised Code, physical therapists authorized under 279
sections 4755.40 to ~~4755.53~~ 4755.56 of the Revised Code, 280
occupational therapists authorized under sections 4755.04 to 281
4755.13 of the Revised Code, mechanotherapists authorized under 282
section 4731.151 of the Revised Code, and doctors of medicine and 283
surgery, osteopathic medicine and surgery, or podiatric medicine 284
and surgery authorized under Chapter 4731. of the Revised Code. 285

Sec. 1785.02. An individual or group of individuals each of 286
whom is licensed, certificated, or otherwise legally authorized to 287
render within this state the same kind of professional service, a 288
group of individuals each of whom is licensed, certificated, or 289
otherwise legally authorized to render within this state the 290
professional service authorized under Chapter 4703. or 4733. of 291
the Revised Code, or a group of individuals each of whom is 292
licensed, certificated, or otherwise legally authorized to render 293
within this state the professional service of optometrists 294
authorized under Chapter 4725. of the Revised Code, chiropractors 295
authorized under Chapter 4734. of the Revised Code, psychologists 296
authorized under Chapter 4732. of the Revised Code, registered or 297
licensed practical nurses authorized under Chapter 4723. of the 298
Revised Code, pharmacists authorized under Chapter 4729. of the 299

Revised Code, physical therapists authorized under sections 300
4755.40 to ~~4755.53~~ 4755.56 of the Revised Code, occupational 301
therapists authorized under sections 4755.04 to 4755.13 of the 302
Revised Code, mechanotherapists authorized under section 4731.151 303
of the Revised Code, or doctors of medicine and surgery, 304
osteopathic medicine and surgery, or podiatric medicine and 305
surgery authorized under Chapter 4731. of the Revised Code may 306
organize and become a shareholder or shareholders of a 307
professional association. Any group of individuals described in 308
this section who may be rendering one of the professional services 309
as an organization created otherwise than pursuant to this chapter 310
may incorporate under and pursuant to this chapter by amending the 311
agreement establishing the organization in a manner that the 312
agreement as amended constitutes articles of incorporation 313
prepared and filed in the manner prescribed in section 1785.08 of 314
the Revised Code and by otherwise complying with the applicable 315
requirements of this chapter. 316

Sec. 1785.03. A professional association may render a 317
particular professional service only through officers, employees, 318
and agents who are themselves duly licensed, certificated, or 319
otherwise legally authorized to render the professional service 320
within this state. As used in this section, "employee" does not 321
include clerks, bookkeepers, technicians, or other individuals who 322
are not usually and ordinarily considered by custom and practice 323
to be rendering a particular professional service for which a 324
license, certificate, or other legal authorization is required and 325
does not include any other person who performs all of that 326
person's employment under the direct supervision and control of an 327
officer, agent, or employee who renders a particular professional 328
service to the public on behalf of the professional association. 329

No professional association formed for the purpose of 330
providing a combination of the professional services, as defined 331

in section 1785.01 of the Revised Code, of optometrists authorized 332
under Chapter 4725. of the Revised Code, chiropractors authorized 333
under Chapter 4734. of the Revised Code, psychologists authorized 334
under Chapter 4732. of the Revised Code, registered or licensed 335
practical nurses authorized under Chapter 4723. of the Revised 336
Code, pharmacists authorized under Chapter 4729. of the Revised 337
Code, physical therapists authorized under sections 4755.40 to 338
~~4755.53~~ 4755.56 of the Revised Code, occupational therapists 339
authorized under sections 4755.04 to 4755.13 of the Revised Code, 340
mechanotherapists authorized under section 4731.151 of the Revised 341
Code, and doctors of medicine and surgery, osteopathic medicine 342
and surgery, or podiatric medicine and surgery authorized under 343
Chapter 4731. of the Revised Code shall control the professional 344
clinical judgment exercised within accepted and prevailing 345
standards of practice of a licensed, certificated, or otherwise 346
legally authorized optometrist, chiropractor, psychologist, nurse, 347
pharmacist, physical therapist, occupational therapist, 348
mechanotherapist, or doctor of medicine and surgery, osteopathic 349
medicine and surgery, or podiatric medicine and surgery in 350
rendering care, treatment, or professional advice to an individual 351
patient. 352

This division does not prevent a hospital, as defined in 353
section 3727.01 of the Revised Code, insurer, as defined in 354
section 3999.36 of the Revised Code, or intermediary organization, 355
as defined in section 1751.01 of the Revised Code, from entering 356
into a contract with a professional association described in this 357
division that includes a provision requiring utilization review, 358
quality assurance, peer review, or other performance or quality 359
standards. Those activities shall not be construed as controlling 360
the professional clinical judgment of an individual practitioner 361
listed in this division. 362

Sec. 3701.881. (A) As used in this section:	363
(1) "Applicant" means both of the following:	364
(a) A person who is under final consideration for appointment <u>to</u> or employment with a home health agency in a position as a person responsible for the care, custody, or control of a child;	365 366 367
(b) A person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an older adult. With regard to persons providing direct care to older adults, "applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.	368 369 370 371 372 373 374
(2) "Criminal records check" and "older adult" have the same meanings as in section 109.572 of the Revised Code.	375 376
(3) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, or hospice care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:	377 378 379 380 381
(a) Skilled nursing care;	382
(b) Physical therapy;	383
(c) Speech-language pathology;	384
(d) Occupational therapy;	385
(e) Medical social services;	386
(f) Home health aide services.	387
(4) "Home health aide services" means any of the following services provided by an individual employed with or contracted for by a home health agency:	388 389 390
(a) Hands-on bathing or assistance with a tub bath or shower;	391

(b) Assistance with dressing, ambulation, and toileting;	392
(c) Catheter care but not insertion;	393
(d) Meal preparation and feeding.	394
(5) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	395 396
(6) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	397 398 399
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	400 401
(8) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	402 403 404
(9) "Occupational therapy" has the same meaning as in section 4755.01 <u>4755.04</u> of the Revised Code.	405 406
(10) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	407 408
(11) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	409 410 411
(12) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	412 413
(B)(1) Except as provided in division (I) of this section, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to each applicant. If the position may involve both responsibility for the care, custody, or control of a child and provision of direct care to an older adult, the chief administrator shall	414 415 416 417 418 419 420

request that the superintendent conduct a single criminal records 421
check for the applicant. If an applicant for whom a criminal 422
records check request is required under this division does not 423
present proof of having been a resident of this state for the 424
five-year period immediately prior to the date upon which the 425
criminal records check is requested or does not provide evidence 426
that within that five-year period the superintendent has requested 427
information about the applicant from the federal bureau of 428
investigation in a criminal records check, the chief administrator 429
shall request that the superintendent obtain information from the 430
federal bureau of investigation as a part of the criminal records 431
check for the applicant. Even if an applicant for whom a criminal 432
records check request is required under this division presents 433
proof that the applicant has been a resident of this state for 434
that five-year period, the chief administrator may request that 435
the superintendent include information from the federal bureau of 436
investigation in the criminal records check. 437

(2) Any person required by division (B)(1) of this section to 438
request a criminal records check shall provide to each applicant 439
for whom a criminal records check request is required under that 440
division a copy of the form prescribed pursuant to division (C)(1) 441
of section 109.572 of the Revised Code and a standard impression 442
sheet prescribed pursuant to division (C)(2) of section 109.572 of 443
the Revised Code, obtain the completed form and impression sheet 444
from each applicant, and forward the completed form and impression 445
sheet to the superintendent of the bureau of criminal 446
identification and investigation at the time the chief 447
administrator requests a criminal records check pursuant to 448
division (B)(1) of this section. 449

(3) An applicant who receives pursuant to division (B)(2) of 450
this section a copy of the form prescribed pursuant to division 451
(C)(1) of section 109.572 of the Revised Code and a copy of an 452

impression sheet prescribed pursuant to division (C)(2) of that 453
section and who is requested to complete the form and provide a 454
set of fingerprint impressions shall complete the form or provide 455
all the information necessary to complete the form and shall 456
provide the impression sheets with the impressions of the 457
applicant's fingerprints. If an applicant, upon request, fails to 458
provide the information necessary to complete the form or fails to 459
provide fingerprint impressions, the home health agency shall not 460
employ that applicant for any position for which a criminal 461
records check is required by division (B)(1) of this section. 462

(C)(1) Except as provided in rules adopted by the department 463
of health in accordance with division (F) of this section and 464
subject to division (C)(3) of this section, no home health agency 465
shall employ a person as a person responsible for the care, 466
custody, or control of a child if the person previously has been 467
convicted of or pleaded guilty to any of the following: 468

(a) A violation of section 2903.01, 2903.02, 2903.03, 469
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 470
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 471
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 472
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 473
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 474
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 475
2925.06, or 3716.11 of the Revised Code, a violation of section 476
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 477
violation of section 2919.23 of the Revised Code that would have 478
been a violation of section 2905.04 of the Revised Code as it 479
existed prior to July 1, 1996, had the violation been committed 480
prior to that date, a violation of section 2925.11 of the Revised 481
Code that is not a minor drug possession offense, or felonious 482
sexual penetration in violation of former section 2907.12 of the 483
Revised Code; 484

(b) A violation of an existing or former law of this state, 485
any other state, or the United States that is substantially 486
equivalent to any of the offenses listed in division (C)(1)(a) of 487
this section. 488

(2) Except as provided in rules adopted by the department of 489
health in accordance with division (F) of this section and subject 490
to division (C)(3) of this section, no home health agency shall 491
employ a person in a position that involves providing direct care 492
to an older adult if the person previously has been convicted of 493
or pleaded guilty to any of the following: 494

(a) A violation of section 2903.01, 2903.02, 2903.03, 495
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 496
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 497
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 498
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 499
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 500
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 501
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 502
2925.22, 2925.23, or 3716.11 of the Revised Code. 503

(b) A violation of an existing or former law of this state, 504
any other state, or the United States that is substantially 505
equivalent to any of the offenses listed in division (C)(2)(a) of 506
this section. 507

(3)(a) A home health agency may employ conditionally an 508
applicant for whom a criminal records check request is required 509
under division (B) of this section as a person responsible for the 510
care, custody, or control of a child until the criminal records 511
check regarding the applicant required by this section is 512
completed and the agency receives the results of the criminal 513
records check. If the results of the criminal records check 514
indicate that, pursuant to division (C)(1) of this section, the 515

applicant does not qualify for employment, the agency shall 516
release the applicant from employment unless the agency chooses to 517
employ the applicant pursuant to division (F) of this section. 518

(b)(i) A home health agency may employ conditionally an 519
applicant for whom a criminal records check request is required 520
under division (B) of this section in a position that involves 521
providing direct care to an older adult or in a position that 522
involves both responsibility for the care, custody, and control of 523
a child and the provision of direct care to older adults prior to 524
obtaining the results of a criminal records check regarding the 525
individual, provided that the agency shall request a criminal 526
records check regarding the individual in accordance with division 527
(B)(1) of this section not later than five business days after the 528
individual begins conditional employment. In the circumstances 529
described in division (I)(2) of this section, a home health agency 530
may employ conditionally in a position that involves providing 531
direct care to an older adult an applicant who has been referred 532
to the home health agency by an employment service that supplies 533
full-time, part-time, or temporary staff for positions involving 534
the direct care of older adults and for whom, pursuant to that 535
division, a criminal records check is not required under division 536
(B) of this section. In the circumstances described in division 537
(I)(4) of this section, a home health agency may employ 538
conditionally in a position that involves both responsibility for 539
the care, custody, and control of a child and the provision of 540
direct care to older adults an applicant who has been referred to 541
the home health agency by an employment service that supplies 542
full-time, part-time, or temporary staff for positions involving 543
both responsibility for the care, custody, and control of a child 544
and the provision of direct care to older adults and for whom, 545
pursuant to that division, a criminal records check is not 546
required under division (B) of this section. 547

(ii) A home health agency that employs an individual 548
conditionally under authority of division (C)(3)(b)(i) of this 549
section shall terminate the individual's employment if the results 550
of the criminal records check requested under division (B)(1) of 551
this section or described in division (I)(2) or (4) of this 552
section, other than the results of any request for information 553
from the federal bureau of investigation, are not obtained within 554
the period ending thirty days after the date the request is made. 555
Regardless of when the results of the criminal records check are 556
obtained, if the individual was employed conditionally in a 557
position that involves the provision of direct care to older 558
adults and the results indicate that the individual has been 559
convicted of or pleaded guilty to any of the offenses listed or 560
described in division (C)(2) of this section, or if the individual 561
was employed conditionally in a position that involves both 562
responsibility for the care, custody, and control of a child and 563
the provision of direct care to older adults and the results 564
indicate that the individual has been convicted of or pleaded 565
guilty to any of the offenses listed or described in division 566
(C)(1) or (2) of this section, the agency shall terminate the 567
individual's employment unless the agency chooses to employ the 568
individual pursuant to division (F) of this section. Termination 569
of employment under this division shall be considered just cause 570
for discharge for purposes of division (D)(2) of section 4141.29 571
of the Revised Code if the individual makes any attempt to deceive 572
the agency about the individual's criminal record. 573

(D)(1) Each home health agency shall pay to the bureau of 574
criminal identification and investigation the fee prescribed 575
pursuant to division (C)(3) of section 109.572 of the Revised Code 576
for each criminal records check conducted in accordance with that 577
section upon the request pursuant to division (B)(1) of this 578
section of the chief administrator of the home health agency. 579

(2) A home health agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section, unless the medical assistance program established under Chapter 5111. of the Revised Code reimburses the agency for the costs. A fee charged under division (D)(2) of this section shall not exceed the amount of fees the agency pays under division (D)(1) of this section. If a fee is charged under division (D)(2) of this section, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the agency will not consider the applicant for employment.

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (B)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The individual who is the subject of the criminal records check or the individual's representative;

(2) The home health agency requesting the criminal records check or its representative;

(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home health agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1), (2), (3), or (4) of this

section.

611

(F) The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the home health agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but who meets standards in regard to rehabilitation set by the department or employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section but meets personal character standards set by the department.

612
613
614
615
616
617
618
619
620
621

(G) Any person required by division (B)(1) of this section to request a criminal records check shall inform each person, at the time of initial application for employment that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

622
623
624
625
626
627
628
629
630

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home health agency employs in a position that involves providing direct care to older adults, all of the following shall apply:

631
632
633
634
635

(1) If the agency employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

636
637
638
639
640
641

(2) If the agency employed the individual in good faith on a conditional basis pursuant to division (C)(3)(b) of this section, the agency shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the agency in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the agency shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C)(1) or (2) of this section.

(I)(1) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves the provision of direct care to older adults if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home health agency chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home health agency is not 673
required to request that the superintendent of the bureau of 674
criminal identification and investigation conduct a criminal 675
records check of an applicant for a position that involves 676
providing direct care to older adults and may employ the applicant 677
conditionally in a position of that nature as described in this 678
division, if the applicant has been referred to the agency by an 679
employment service that supplies full-time, part-time, or 680
temporary staff for positions involving the direct care of older 681
adults and if the chief administrator receives from the employment 682
service or the applicant a letter from the employment service that 683
is on the letterhead of the employment service, dated, and signed 684
by a supervisor or another designated official of the employment 685
service and that states that the employment service has requested 686
the superintendent to conduct a criminal records check regarding 687
the applicant, that the requested criminal records check will 688
include a determination of whether the applicant has been 689
convicted of or pleaded guilty to any offense listed or described 690
in division (C)(2) of this section, that, as of the date set forth 691
on the letter, the employment service had not received the results 692
of the criminal records check, and that, when the employment 693
service receives the results of the criminal records check, it 694
promptly will send a copy of the results to the home health 695
agency. If a home health agency employs an applicant conditionally 696
in accordance with this division, the employment service, upon its 697
receipt of the results of the criminal records check, promptly 698
shall send a copy of the results to the home health agency, and 699
division (C)(3)(b) of this section applies regarding the 700
conditional employment. 701

(3) The chief administrator of a home health agency is not 702
required to request that the superintendent of the bureau of 703
criminal identification and investigation conduct a criminal 704

records check of an applicant for a position that involves both 705
responsibility for the care, custody, and control of a child and 706
the provision of direct care to older adults if the applicant has 707
been referred to the agency by an employment service that supplies 708
full-time, part-time, or temporary staff for positions involving 709
both responsibility for the care, custody, and control of a child 710
and the provision of direct care to older adults and both of the 711
following apply: 712

(a) The chief administrator receives from the employment 713
service or applicant a report of a criminal records check of the 714
type described in division (I)(1)(a) of this section; 715

(b) The report of the criminal records check demonstrates 716
that the person has not been convicted of or pleaded guilty to an 717
offense listed or described in division (C)(1) or (2) of this 718
section, or the report demonstrates that the person has been 719
convicted of or pleaded guilty to one or more of those offenses, 720
but the home health agency chooses to employ the individual 721
pursuant to division (F) of this section. 722

(4) The chief administrator of a home health agency is not 723
required to request that the superintendent of the bureau of 724
criminal identification and investigation conduct a criminal 725
records check of an applicant for a position that involves both 726
responsibility for the care, custody, and control of a child and 727
the provision of direct care to older adults and may employ the 728
applicant conditionally in a position of that nature as described 729
in this division, if the applicant has been referred to the agency 730
by an employment service that supplies full-time, part-time, or 731
temporary staff for positions involving both responsibility for 732
the care, custody, and control of a child and the direct care of 733
older adults and if the chief administrator receives from the 734
employment service or the applicant a letter from the employment 735
service that is on the letterhead of the employment service, 736

dated, and signed by a supervisor or another designated official 737
of the employment service and that states that the employment 738
service has requested the superintendent to conduct a criminal 739
records check regarding the applicant, that the requested criminal 740
records check will include a determination of whether the 741
applicant has been convicted of or pleaded guilty to any offense 742
listed or described in division (C)(1) or (2) of this section, 743
that, as of the date set forth on the letter, the employment 744
service had not received the results of the criminal records 745
check, and that, when the employment service receives the results 746
of the criminal records check, it promptly will send a copy of the 747
results to the home health agency. If a home health agency employs 748
an applicant conditionally in accordance with this division, the 749
employment service, upon its receipt of the results of the 750
criminal records check, promptly shall send a copy of the results 751
to the home health agency, and division (C)(3)(b) of this section 752
applies regarding the conditional employment. 753

Sec. 3902.22. The superintendent of insurance shall develop a 754
standard claim form to be used by all third-party payers and 755
providers for reimbursement of health care services and supplies, 756
taking into consideration the special needs of, and differences 757
between, third-party payers. The standard claim form shall be 758
prescribed in rules the superintendent shall adopt in accordance 759
with Chapter 119. of the Revised Code. The superintendent may 760
prescribe a separate claim form for each third-party payer. If a 761
national standard claim form is established by the sickness and 762
accident insurance industry, the superintendent shall amend the 763
rules to comply with the national standards. The standard claim 764
form shall include a method to specify the ~~license numbers of~~ 765
national provider identifiers assigned to the physical therapists 766
and other health care professionals rendering services designated 767
as physical therapy, as required under section 4755.56 of the 768

Revised Code. 769

Sec. 4723.16. (A) An individual whom the board of nursing 770
licenses, certificates, or otherwise legally authorizes to engage 771
in the practice of nursing as a registered nurse or as a licensed 772
practical nurse may render the professional services of a 773
registered or licensed practical nurse within this state through a 774
corporation formed under division (B) of section 1701.03 of the 775
Revised Code, a limited liability company formed under Chapter 776
1705. of the Revised Code, a partnership, or a professional 777
association formed under Chapter 1785. of the Revised Code. This 778
division does not preclude an individual of that nature from 779
rendering professional services as a registered or licensed 780
practical nurse through another form of business entity, 781
including, but not limited to, a nonprofit corporation or 782
foundation, or in another manner that is authorized by or in 783
accordance with this chapter, another chapter of the Revised Code, 784
or rules of the board of nursing adopted pursuant to this chapter. 785

(B) A corporation, limited liability company, partnership, or 786
professional association described in division (A) of this section 787
may be formed for the purpose of providing a combination of the 788
professional services of the following individuals who are 789
licensed, certificated, or otherwise legally authorized to 790
practice their respective professions: 791

(1) Optometrists who are authorized to practice optometry 792
under Chapter 4725. of the Revised Code; 793

(2) Chiropractors who are authorized to practice chiropractic 794
under Chapter 4734. of the Revised Code; 795

(3) Psychologists who are authorized to practice psychology 796
under Chapter 4732. of the Revised Code; 797

(4) Registered or licensed practical nurses who are 798

authorized to practice nursing as registered nurses or as licensed practical nurses under this chapter;	799 800
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	801 802
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 <u>4755.56</u> of the Revised Code;	803 804 805
(7) <u>Occupational therapists who are licensed to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	806 807 808
(8) <u>Mechanotherapists</u> who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	809 810
(8) (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices under Chapter 4731. of the Revised Code.	811 812 813 814
This division shall apply notwithstanding a provision of a code of ethics applicable to a nurse that prohibits a registered or licensed practical nurse from engaging in the practice of nursing as a registered nurse or as a licensed practical nurse in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, psychology, pharmacy, physical therapy, <u>occupational therapy</u> , 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 nursing as a registered nurse or as a licensed practical nurse.	815 816 817 818 819 820 821 822 823 824 825 826
Sec. 4729.161. (A) An individual registered with the state board of pharmacy to engage in the practice of pharmacy may render	827 828

the professional services of a pharmacist within this state 829
through a corporation formed under division (B) of section 1701.03 830
of the Revised Code, a limited liability company formed under 831
Chapter 1705. of the Revised Code, a partnership, or a 832
professional association formed under Chapter 1785. of the Revised 833
Code. This division does not preclude an individual of that nature 834
from rendering professional services as a pharmacist through 835
another form of business entity, including, but not limited to, a 836
nonprofit corporation or foundation, or in another manner that is 837
authorized by or in accordance with this chapter, another chapter 838
of the Revised Code, or rules of the state board of pharmacy 839
adopted pursuant to this chapter. 840

(B) A corporation, limited liability company, partnership, or 841
professional association described in division (A) of this section 842
may be formed for the purpose of providing a combination of the 843
professional services of the following individuals who are 844
licensed, certificated, or otherwise legally authorized to 845
practice their respective professions: 846

(1) Optometrists who are authorized to practice optometry 847
under Chapter 4725. of the Revised Code; 848

(2) Chiropractors who are authorized to practice chiropractic 849
under Chapter 4734. of the Revised Code; 850

(3) Psychologists who are authorized to practice psychology 851
under Chapter 4732. of the Revised Code; 852

(4) Registered or licensed practical nurses who are 853
authorized to practice nursing as registered nurses or as licensed 854
practical nurses under Chapter 4723. of the Revised Code; 855

(5) Pharmacists who are authorized to practice pharmacy under 856
Chapter 4729. of the Revised Code; 857

(6) Physical therapists who are authorized to practice 858
physical therapy under sections 4755.40 to ~~4755.53~~ 4755.56 of the 859

Revised Code;	860
(7) <u>Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	861 862 863
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	864 865
(8) (9) 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.	866 867 868 869
This division shall apply notwithstanding a provision of a code of ethics applicable to a pharmacist that prohibits a pharmacist from engaging in the practice of pharmacy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, psychology, nursing, physical therapy, <u>occupational therapy</u> , 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 pharmacy.	870 871 872 873 874 875 876 877 878 879
Sec. 4731.226. (A)(1) An individual whom the state medical board licenses, certificates, or otherwise legally authorizes to engage in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery may render the professional services of a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery 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. Division (A)(1) of this section does	880 881 882 883 884 885 886 887 888 889 890

not preclude an individual of that nature from rendering 891
professional services as a doctor of medicine and surgery, 892
osteopathic medicine and surgery, or podiatric medicine and 893
surgery through another form of business entity, including, but 894
not limited to, a nonprofit corporation or foundation, or in 895
another manner that is authorized by or in accordance with this 896
chapter, another chapter of the Revised Code, or rules of the 897
state medical board adopted pursuant to this chapter. 898

(2) An individual whom the state medical board authorizes to 899
engage in the practice of mechanotherapy may render the 900
professional services of a mechanotherapist within this state 901
through a corporation formed under division (B) of section 1701.03 902
of the Revised Code, a limited liability company formed under 903
Chapter 1705. of the Revised Code, a partnership, or a 904
professional association formed under Chapter 1785. of the Revised 905
Code. Division (A)(2) of this section does not preclude an 906
individual of that nature from rendering professional services as 907
a mechanotherapist through another form of business entity, 908
including, but not limited to, a nonprofit corporation or 909
foundation, or in another manner that is authorized by or in 910
accordance with this chapter, another chapter of the Revised Code, 911
or rules of the state medical board adopted pursuant to this 912
chapter. 913

(B) A corporation, limited liability company, partnership, or 914
professional association described in division (A) of this section 915
may be formed for the purpose of providing a combination of the 916
professional services of the following individuals who are 917
licensed, certificated, or otherwise legally authorized to 918
practice their respective professions: 919

(1) Optometrists who are authorized to practice optometry 920
under Chapter 4725. of the Revised Code; 921

(2) Chiropractors who are authorized to practice chiropractic 922

under Chapter 4734. of the Revised Code;	923
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	924
(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;	926
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	927
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.53 <u>4755.56</u> of the Revised Code;	928
(7) <u>Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;</u>	929
(8) <u>Mechanotherapists</u> who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	930
(8) (9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter.	931
(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following:	932
(1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, psychology, nursing, pharmacy, physical therapy, <u>occupational therapy</u> , or mechanotherapy, but who is not also licensed, certificated, or	933
	934
	935
	936
	937
	938
	939
	940
	941
	942
	943
	944
	945
	946
	947
	948
	949
	950
	951
	952

otherwise legally authorized to practice medicine and surgery, 953
osteopathic medicine and surgery, or podiatric medicine and 954
surgery. 955

(2) A mechanotherapist from engaging in the practice of 956
mechanotherapy in combination with a person who is licensed, 957
certificated, or otherwise legally authorized to engage in the 958
practice of optometry, chiropractic, psychology, nursing, 959
pharmacy, physical therapy, occupational therapy, medicine and 960
surgery, osteopathic medicine and surgery, or podiatric medicine 961
and surgery, but who is not also licensed, certificated, or 962
otherwise legally authorized to engage in the practice of 963
mechanotherapy. 964

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 965
Revised Code: 966

(A)(1) "Clinical laboratory services" means either of the 967
following: 968

(a) Any examination of materials derived from the human body 969
for the purpose of providing information for the diagnosis, 970
prevention, or treatment of any disease or impairment or for the 971
assessment of health; 972

(b) Procedures to determine, measure, or otherwise describe 973
the presence or absence of various substances or organisms in the 974
body. 975

(2) "Clinical laboratory services" does not include the mere 976
collection or preparation of specimens. 977

(B) "Designated health services" means any of the following: 978

(1) Clinical laboratory services; 979

(2) Home health care services; 980

(3) Outpatient prescription drugs. 981

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	982
	983
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	984
	985
	986
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	987
	988
	989
	990
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, the medical assistance program established under Chapter 5111. of the Revised Code, and the disability medical assistance program established under Chapter 5115. of the Revised Code.	991
	992
	993
	994
	995
	996
	997
	998
	999
	1000
(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of	1001
	1002
	1003
	1004
	1005
	1006
	1007
	1008
	1009
	1010
	1011
	1012

providing a combination of the professional services of 1013
optometrists who are licensed, certificated, or otherwise legally 1014
authorized to practice optometry under Chapter 4725. of the 1015
Revised Code, chiropractors who are licensed, certificated, or 1016
otherwise legally authorized to practice chiropractic under 1017
Chapter 4734. of the Revised Code, psychologists who are licensed, 1018
certificated, or otherwise legally authorized to practice 1019
psychology under Chapter 4732. of the Revised Code, registered or 1020
licensed practical nurses who are licensed, certificated, or 1021
otherwise legally authorized to practice nursing under Chapter 1022
4723. of the Revised Code, pharmacists who are licensed, 1023
certificated, or otherwise legally authorized to practice pharmacy 1024
under Chapter 4729. of the Revised Code, physical therapists who 1025
are licensed, certificated, or otherwise legally authorized to 1026
practice physical therapy under sections 4755.40 to ~~4755.53~~ 1027
4755.56 of the Revised Code, occupational therapists who are 1028
licensed, certificated, or otherwise legally authorized to 1029
practice occupational therapy under sections 4755.04 to 4755.13 of 1030
the Revised Code, mechanotherapists who are licensed, 1031
certificated, or otherwise legally authorized to practice 1032
mechanotherapy under section 4731.151 of the Revised Code, and 1033
doctors of medicine and surgery, osteopathic medicine and surgery, 1034
or podiatric medicine and surgery who are licensed, certificated, 1035
or otherwise legally authorized for their respective practices 1036
under this chapter, to which all of the following apply: 1037

(a) Each physician who is a member of the group practice 1038
provides substantially the full range of services that the 1039
physician routinely provides, including medical care, 1040
consultation, diagnosis, or treatment, through the joint use of 1041
shared office space, facilities, equipment, and personnel. 1042

(b) Substantially all of the services of the members of the 1043
group are provided through the group and are billed in the name of 1044

the group and amounts so received are treated as receipts of the group. 1045
1046

(c) The overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group. 1047
1048
1049

(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code. 1050
1051
1052

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan. 1053
1054
1055
1056
1057
1058
1059

(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of the Revised Code. 1060
1061
1062

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 1063
1064

(H) A "referral" includes both of the following: 1065

(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician; 1066
1067
1068
1069

(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services. 1070
1071
1072

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 1073
1074

Sec. 4732.28. (A) An individual whom the state board of 1075
psychology licenses, certificates, or otherwise legally authorizes 1076
to engage in the practice of psychology may render the 1077
professional services of a psychologist within this state through 1078
a corporation formed under division (B) of section 1701.03 of the 1079
Revised Code, a limited liability company formed under Chapter 1080
1705. of the Revised Code, a partnership, or a professional 1081
association formed under Chapter 1785. of the Revised Code. This 1082
division does not preclude an individual of that nature from 1083
rendering professional services as a psychologist through another 1084
form of business entity, including, but not limited to, a 1085
nonprofit corporation or foundation, or in another manner that is 1086
authorized by or in accordance with this chapter, another chapter 1087
of the Revised Code, or rules of the state board of psychology 1088
adopted pursuant to this chapter. 1089

(B) A corporation, limited liability company, partnership, or 1090
professional association described in division (A) of this section 1091
may be formed for the purpose of providing a combination of the 1092
professional services of the following individuals who are 1093
licensed, certificated, or otherwise legally authorized to 1094
practice their respective professions: 1095

(1) Optometrists who are authorized to practice optometry 1096
under Chapter 4725. of the Revised Code; 1097

(2) Chiropractors who are authorized to practice chiropractic 1098
under Chapter 4734. of the Revised Code; 1099

(3) Psychologists who are authorized to practice psychology 1100
under this chapter; 1101

(4) Registered or licensed practical nurses who are 1102
authorized to practice nursing as registered nurses or as licensed 1103
practical nurses under Chapter 4723. of the Revised Code; 1104

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code; 1105
1106

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to ~~4755.53~~ 4755.56 of the Revised Code; 1107
1108
1109

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 1110
1111
1112

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 1113
1114

~~(8)~~(9) 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. 1115
1116
1117
1118

This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, nursing, pharmacy, physical therapy, occupational therapy, 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 psychology. 1119
1120
1121
1122
1123
1124
1125
1126
1127
1128

Sec. 4734.17. (A) An individual whom the state chiropractic board licenses to engage in the practice of chiropractic may render the professional services of a chiropractor 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 1129
1130
1131
1132
1133
1134

professional association formed under Chapter 1785. of the Revised 1135
Code. This division does not preclude a chiropractor from 1136
rendering professional services as a chiropractor through another 1137
form of business entity, including, but not limited to, a 1138
nonprofit corporation or foundation, or in another manner that is 1139
authorized by or in accordance with this chapter, another chapter 1140
of the Revised Code, or rules of the state chiropractic board 1141
adopted pursuant to this chapter. 1142

(B) A corporation, limited liability company, partnership, or 1143
professional association described in division (A) of this section 1144
may be formed for the purpose of providing a combination of the 1145
professional services of the following individuals who are 1146
licensed, certificated, or otherwise legally authorized to 1147
practice their respective professions: 1148

(1) Optometrists who are authorized to practice optometry, 1149
under Chapter 4725. of the Revised Code; 1150

(2) Chiropractors who are authorized to practice chiropractic 1151
under this chapter; 1152

(3) Psychologists who are authorized to practice psychology 1153
under Chapter 4732. of the Revised Code; 1154

(4) Registered or licensed practical nurses who are 1155
authorized to practice nursing as registered nurses or as licensed 1156
practical nurses under Chapter 4723. of the Revised Code; 1157

(5) Pharmacists who are authorized to practice pharmacy under 1158
Chapter 4729. of the Revised Code; 1159

(6) Physical therapists who are authorized to practice 1160
physical therapy under sections 4755.40 to ~~4755.53~~ 4755.56 of the 1161
Revised Code; 1162

(7) Occupational therapists who are authorized to practice 1163
occupational therapy under sections 4755.04 to 4755.13 of the 1164

<u>Revised Code;</u>	1165
<u>(8)</u> Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1166 1167
(8) <u>(9)</u> 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.	1168 1169 1170 1171
This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy, physical therapy, <u>occupational therapy</u> , mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed under this chapter to engage in the practice of chiropractic.	1172 1173 1174 1175 1176 1177 1178 1179 1180 1181
Sec. 4755.03 <u>4755.01</u>. (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.	1182 1183 1184 1185 1186 1187
<u>(1)</u> 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	1188 1189 1190 1191 1192 1193 1194 1195

qualifications as the members of the board sitting on the physical 1196
therapy section, but who are not members of the board. Of the 1197
additional physical therapy section members whose terms commence 1198
on August 28, 2007, one shall be for a term of one year, one for a 1199
term of two years, one for a term of three years, and one for a 1200
term of four years. Such additional members of the physical 1201
therapy section are vested with only such powers and shall perform 1202
only such duties as relate to the affairs of that section, ~~shall~~ 1203
~~serve for the same terms as do members of the board sitting on the~~ 1204
~~physical therapy section, and shall subscribe to and file with the~~ 1205
~~secretary of state the constitutional oath of office.~~ 1206

(2) Four members of the board shall be occupational 1207
therapists and one member shall be a licensed occupational therapy 1208
assistant, all of whom have been engaged in or actively associated 1209
with the practice of occupational therapy or practice as an 1210
occupational therapy assistant in this state for at least five 1211
years immediately preceding appointment. Such members of the board 1212
shall sit on the occupational therapy section. 1213

(3) Four members of the board shall be athletic trainers who 1214
have been engaged in the practice of athletic training in Ohio for 1215
at least five years immediately preceding appointment. One member 1216
of the board shall be a physician licensed to practice medicine 1217
and surgery in this state. Such members of the board shall sit on 1218
the athletic trainers section. 1219

(4) One member of the board shall represent the public ~~and~~ 1220
~~shall be at least sixty years of age.~~ This member shall sit on the 1221
board and shall attend each year at least three meetings of the 1222
physical therapy section, three meetings of the occupational 1223
therapy section, and three meetings of the athletic trainers 1224
section. 1225

~~Terms~~ (B) Except of the terms of office specified in division 1226
(A)(1) of this section for the additional members of the physical 1227

therapy section commencing on August 28, 2007, terms for the 1228
members of the board and the additional members of the physical 1229
therapy section are for three years,~~each~~. Each member's term 1230
~~commencing~~ shall commence on the twenty-eighth day of August and 1231
~~ending~~ end on the twenty-seventh day of August. Each member shall 1232
serve subsequent to the expiration of the member's term until the 1233
member's successor is appointed and qualifies, or until a period 1234
of sixty days has elapsed, whichever occurs first. ~~Each member,~~ 1235
~~before entering upon official duties, shall subscribe to and file~~ 1236
~~with the secretary of state the constitutional oath of office~~ A 1237
member shall not serve for more than three consecutive terms. All 1238
vacancies shall be filled in the manner prescribed for the regular 1239
appointments ~~to the board~~ and are limited to the unexpired terms. 1240

(C) Each member of the board and each additional member of 1241
the physical therapy section, before entering upon the official 1242
duties of office, shall do both of the following: 1243

(1) Subscribe to and file with the secretary of state the 1244
constitutional oath of office; 1245

(2) Sign and file with the executive director of the board a 1246
notarized statement that the member has read and understands 1247
sections 121.22 and 149.43 of the Revised Code and the provisions 1248
of Chapter 119. of the Revised Code that are applicable to the 1249
duties of the board. 1250

(D) Annually, upon the qualification of the member or members 1251
appointed in that year, the board shall organize by selecting from 1252
its members a president and secretary. Each section of the board 1253
shall independently organize by selecting from its members a 1254
chairperson and secretary. 1255

~~The~~ (E) A majority of the members of the board constitutes a 1256
quorum to transact and vote on the business of the board. A 1257
majority of the members of each section constitutes a quorum to 1258

transact and vote on the affairs of that section. 1259

(F) Each member of the board and each additional member of 1260
the physical therapy section shall receive an amount fixed 1261
pursuant to division (J) of section 124.15 of the Revised Code for 1262
each day employed in the discharge of official duties. In 1263
addition, each member of the board and each additional member of 1264
the physical therapy section shall receive the member's actual and 1265
necessary expenses incurred in the performance of official duties. 1266

(G) The board of trustees of the Ohio occupational therapy 1267
association, ~~inc.~~, may recommend, after any term expires or 1268
vacancy occurs in an occupational therapy position, at least three 1269
persons to fill each such position or vacancy on the board, and 1270
the governor may make the appointment from the persons so 1271
recommended. The executive board of the Ohio chapter, ~~inc.~~, of the 1272
American physical therapy association may recommend, after any 1273
term expires or vacancy occurs in a physical therapy position, at 1274
least three persons to fill each such vacancy on the board, and 1275
the governor may make appointments from the persons so 1276
recommended. ~~The Ohio athletic trainers association shall~~ 1277
~~recommend to the governor at least three persons for each of the~~ 1278
~~initial appointments to an athletic trainer's position.~~ The Ohio 1279
athletic trainers association shall also recommend to the governor 1280
at least three persons when any term expires or any vacancy occurs 1281
in ~~such a~~ an athletic trainer position. The governor may select 1282
one of the association's recommendations in making such an 1283
appointment. 1284

(H) The board shall meet as a whole to determine all 1285
administrative, personnel, and budgetary matters. The executive 1286
director of the board appointed by the board shall not be a 1287
physical therapist, an occupational therapist, or an athletic 1288
trainer who has been licensed to practice physical therapy, 1289
occupational therapy, or as an athletic trainer in this state 1290

within three years immediately preceding appointment. The 1291
executive director shall serve at the pleasure of the board. 1292

(I) The occupational therapy section of the board shall have 1293
the ~~full~~ authority to act on behalf of the board on ~~all~~ matters 1294
concerning the practice of occupational therapy and, in 1295
particular, the examination, licensure, and suspension or 1296
revocation of licensure of applicants, occupational therapists, 1297
and occupational therapy assistants. The physical therapy section 1298
of the board shall have the ~~full~~ authority to act on behalf of the 1299
board on ~~all~~ matters concerning the practice of physical therapy 1300
and, in particular, the examination, licensure, and suspension or 1301
revocation of licensure of applicants, physical therapists, and 1302
physical therapist assistants. The athletic trainers section of 1303
the board shall have the ~~full~~ authority to act on behalf of the 1304
board on ~~all~~ matters concerning the practice of athletic training 1305
and, in particular, the examination, licensure, and suspension or 1306
revocation of licensure of applicants and athletic trainers. All 1307
actions taken by any section of the board under this ~~paragraph~~ 1308
division shall be in accordance with Chapter 119. of the Revised 1309
Code. 1310

Sec. ~~4755.04~~ 4755.02. (A) The appropriate section of the Ohio 1311
occupational therapy, physical therapy, and athletic trainers 1312
board shall investigate ~~complaints concerning the violation of~~ 1313
~~section 4755.02, 4755.48, or 4755.62 of the Revised Code,~~ 1314
compliance with this chapter or any rule or order issued under 1315
this chapter and ~~concerning~~ shall investigate alleged grounds for 1316
the suspension, revocation, or refusal to issue or renew licenses 1317
under section 3123.47, ~~4755.10~~ 4755.11, 4755.47, or 4755.64 of the 1318
Revised Code, ~~and~~. The appropriate section may subpoena witnesses 1319
and documents in connection with its investigations. ~~The~~ 1320

(B) Through the attorney general or an appropriate 1321

prosecuting attorney, the appropriate section may apply to an 1322
appropriate court for an order enjoining the violation of ~~section~~ 1323
~~4755.02, 4755.48, or 4755.62 of the Revised Code, and upon the~~ 1324
~~this chapter. On the filing of a verified petition, the court~~ 1325
~~shall conduct a hearing on the petition and give the same~~ 1326
~~preference to the proceeding as is given to all proceedings under~~ 1327
~~Chapter 119. of the Revised Code, irrespective of the position of~~ 1328
~~the proceeding on the court's calendar. On a showing by the~~ 1329
~~section that any a person has violated or is about to violate~~ 1330
~~section 4755.02, or 4755.48, or 4755.62 of the Revised Code this~~ 1331
~~chapter, the court shall grant an injunction, restraining order,~~ 1332
~~or ~~such~~ other order as ~~is~~ appropriate. The injunction proceedings~~ 1333
~~provided by this division are in addition to all penalties and~~ 1334
~~other remedies provided in this chapter.~~ 1335

(C) When requested by the appropriate section, the 1336
prosecuting attorney of a county, or the village solicitor or city 1337
director of law of a municipal corporation, where a violation of 1338
this chapter allegedly occurs, shall take charge of and conduct 1339
the prosecution. 1340

(D) The appropriate section may employ investigators who 1341
shall, ~~under the direction of the secretary of the section, make~~ 1342
~~investigations of investigate complaints and ~~such, conduct~~~~ 1343
~~inspections, and ~~other~~ make inquiries as in the judgment of the~~ 1344
~~section are appropriate to enforce sections 3123.41 to 3123.50 ~~or~~~~ 1345
~~section 4755.02, 4755.10, 4755.47, 4755.48, 4755.62, or 4755.64 of~~ 1346
~~the Revised Code or this chapter. These investigators have the~~ 1347
~~right to review, obtain copies, and audit the patient records and~~ 1348
~~personnel files of licensees at the place of business of the~~ 1349
~~licensees or any other place where such ~~records~~ documents may be~~ 1350
~~and shall be given access to such ~~records~~ documents during normal~~ 1351
~~business hours. ~~Information obtained by investigators concerning a~~~~ 1352
~~licensee shall be held in confidence by the appropriate section~~ 1353

and its employees, except pursuant to an order of a court. 1354

(E)(1) Subject to division (E)(2) of this section, 1355
information and records received or generated by the board 1356
pursuant to an investigation are confidential, are not public 1357
records as defined in section 149.43 of the Revised Code, and are 1358
not subject to discovery in any civil or administrative action. 1359

(2) For good cause, the board may disclose information 1360
gathered pursuant to an investigation to any federal, state, or 1361
local law enforcement, prosecutorial, or regulatory agency or its 1362
officers or agents engaging in an investigation the board believes 1363
is within the agency's jurisdiction. An agency that receives 1364
confidential information shall comply with the same requirements 1365
regarding confidentiality as those with which the board must 1366
comply, notwithstanding any conflicting provision of the Revised 1367
Code or procedure of the agency that applies when the agency is 1368
dealing with other information in its possession. The information 1369
may be admitted into evidence in a criminal trial in accordance 1370
with the Rules of Evidence, or in an administrative hearing 1371
conducted by an agency, but the court or agency shall require that 1372
appropriate measures be taken to ensure that confidentiality is 1373
maintained with respect to any part of the information that 1374
contains names or other identifying information about patients, 1375
complainants, or others whose confidentiality was protected by the 1376
board when the information was in the board's possession. Measures 1377
to ensure confidentiality that may be taken by the court or agency 1378
include sealing its records or redacting specific information from 1379
its records. 1380

(F) The appropriate section shall conduct ~~such~~ hearings, keep 1381
records and minutes, and ~~do all such other things necessary and~~ 1382
~~proper to carry out~~ and enforce the relevant sections of this 1383
chapter. 1384

(G) Each section of the board shall publish and make 1385

available, upon request and for a fee not to exceed the actual 1386
cost of printing and mailing, the licensure standards prescribed 1387
by the relevant sections of this chapter and ~~its rules~~ the 1388
Administrative Code. 1389

(H) The board shall submit to the governor and to the general 1390
assembly each year a report of all its official actions during the 1391
preceding year, together with any recommendations and findings 1392
with regard to the ~~improvement~~ status of the ~~profession~~ 1393
professions of physical therapy ~~and the profession of,~~ 1394
occupational therapy, and athletic training. 1395

Sec. 4755.021. A person sanctioned under this section or 1396
section 4755.11, 4755.47, or 4755.64 of the Revised Code shall pay 1397
a fee in the amount of the actual cost of the administrative 1398
hearing, including the cost of the court reporter, the hearing 1399
officer, transcripts, and any witness fees for lodging and travel, 1400
as determined by the appropriate section of the board. The fee 1401
shall be collected by the appropriate section. 1402

~~Sec. 4755.13~~ 4755.03. All ~~licensure~~ fees collected and 1403
assessed under this chapter by the Ohio occupational therapy, 1404
physical therapy, and athletic trainers board, shall be deposited 1405
into the state treasury to the credit of the occupational 1406
licensing and regulatory fund. 1407

~~Sec. 4755.01~~ 4755.04. As used in sections ~~4755.01~~ 4755.04 to 1408
~~4755.12~~ 4755.13 and section 4755.99 of the Revised Code: 1409

(A) "Occupational therapy" means the ~~evaluation of learning~~ 1410
~~and performance skills and the analysis, selection, and adaptation~~ 1411
~~of activities for an individual whose abilities to cope with daily~~ 1412
~~living, perform tasks normally performed at the individual's stage~~ 1413
~~of development, and perform vocational tasks are threatened or~~ 1414
~~impaired by developmental deficiencies, the aging process,~~ 1415

~~environmental deprivation, or physical, psychological, or social 1416
injury or illness, through specific techniques which include: 1417~~

~~(1) Planning and implementing activities and programs to 1418
improve sensory and motor functioning at the level of performance 1419
normal for the individual's stage of development; 1420~~

~~(2) Teaching skills, behaviors, and attitudes crucial to the 1421
individual's independent, productive, and satisfying social 1422
functioning therapeutic use of everyday life activities or 1423
occupations with individuals or groups for the purpose of 1424
participation in roles and situations in the home, school, 1425
workplace, community, and other settings. The practice of 1426
occupational therapy includes all of the following: 1427~~

~~(1) Methods or strategies selected to direct the process of 1428
interventions, including, but not limited to, establishment, 1429
remediation, or restoration of a skill or ability that has not yet 1430
developed or is impaired and compensation, modification, or 1431
adaptation of activity or environment to enhance performance; 1432~~

~~(2) Evaluation of factors affecting activities of daily 1433
living, instrumental activities of daily living, education, work, 1434
play, leisure, and social participation, including, but not 1435
limited to, sensory motor abilities, vision, perception, 1436
cognition, psychosocial, and communication and interaction skills; 1437~~

~~(3) Interventions and procedures to promote or enhance safety 1438
and performance in activities of daily living, education, work, 1439
play, leisure, and social participation, including, but not 1440
limited to, application of physical agent modalities, use of a 1441
range of specific therapeutic procedures to enhance performance 1442
skills, rehabilitation of driving skills to facilitate community 1443
mobility, and management of feeding, eating, and swallowing to 1444
enable eating and feeding performance; 1445~~

~~(4) Consultative services, case management, and education of 1446~~

patients, clients, or other individuals to promote 1447
self-management, home management, and community and work 1448
reintegration; 1449

~~(3)~~(5) Designing, fabricating, applying, recommending, and 1450
instructing in the use of selected orthotic or prosthetic devices 1451
and other equipment which assists the individual to adapt to the 1452
individual's potential or actual impairment; 1453

~~(4) Analyzing, selecting, and adapting activities to maintain~~ 1454
~~the individual's optimal performance of tasks and to prevent~~ 1455
~~further disability;~~ 1456

~~(5)~~(6) Administration of topical drugs that have been 1457
prescribed by a licensed health professional authorized to 1458
prescribe drugs, as defined in section 4729.01 of the Revised 1459
Code. 1460

(B) "Occupational therapist" means a person who is licensed 1461
to practice occupational therapy and who offers such services to 1462
the public under any title incorporating the words "occupational 1463
therapy," "occupational therapist," or any similar title or 1464
description of services. 1465

(C) "Occupational therapy assistant" means a person licensed 1466
to ~~apply the more standard~~ provide occupational therapy techniques 1467
under the general supervision of an occupational therapist. 1468

Sec. ~~4755.02~~ 4755.05. No person who does not hold a current 1469
license or permit under sections ~~4755.01~~ 4755.04 to ~~4755.12~~ 1470
4755.13 of the Revised Code shall practice or offer to practice 1471
occupational therapy, or use in connection with ~~his~~ the person's 1472
name, or otherwise assume, use, or advertise, any title, initials, 1473
or description tending to convey the impression that ~~he~~ the person 1474
is an occupational therapist or an occupational therapy assistant. 1475
No partnership, association, or corporation shall advertise or 1476

otherwise offer to provide or convey the impression that it is 1477
providing occupational therapy unless an individual holding a 1478
current license or permit under sections ~~4755.01~~ 4755.04 to 1479
~~4755.12~~ 4755.13 of the Revised Code is or will at the appropriate 1480
time be rendering the occupational therapy services to which 1481
reference is made. 1482

Sec. ~~4755.05~~ 4755.06. The occupational therapy section of the 1483
Ohio occupational therapy, physical therapy, and athletic trainers 1484
board may make reasonable rules in accordance with Chapter 119. of 1485
the Revised Code relating to but not limited to: 1486

(A) The form and manner for filing applications for licensure 1487
under sections ~~4755.01~~ 4755.04 to ~~4755.12~~ 4755.13 of the Revised 1488
Code; 1489

(B) The issuance, suspension, and revocation of such 1490
licenses, and the conducting of investigations and hearings; 1491

(C) Standards for approval of courses of study ~~required for~~ 1492
~~such licenses and renewals thereof~~ relative to the practice of 1493
occupational therapy; 1494

(D) The time and form of examination for such licensure; 1495

(E) Standards of ethical conduct in the practice of 1496
occupational therapy; 1497

(F) Certificates of renewal and a schedule of deadlines for 1498
renewal; 1499

(G) Late fees and the conditions under which a license of a 1500
licensee who files a late application for renewal will be 1501
reinstated; 1502

(H) Placing an existing license in escrow; 1503

(I) The amount, scope, and nature of continuing education 1504
activities required for license renewal, including waivers and the 1505

establishment of appropriate fees to be charged for the 1506
administrative costs associated with the review of continuing 1507
education activities; 1508

(J) The scope of practice of occupational therapy and the 1509
provision of unlicensed services; 1510

(K) Limited permit guidelines; 1511

(L) All things necessary and proper to carry out and enforce 1512
the provisions of this chapter applicable to the practice of 1513
occupational therapy. 1514

The section may hear testimony in matters relating to the 1515
duties imposed upon it, and the ~~chairman~~ chairperson and secretary 1516
of the section may administer oaths. The section may require 1517
proof, beyond the evidence found in the application, of the 1518
honesty, truthfulness, and good reputation of any person named in 1519
an application for such licensure, before admitting the applicant 1520
to the examination or issuing a license. 1521

Sec. ~~4755.06~~ 4755.07. No person shall qualify for licensure 1522
as an occupational therapist or as an occupational therapy 1523
assistant, unless ~~he~~ the person has shown to the satisfaction of 1524
the occupational therapy section of the Ohio occupational therapy, 1525
physical therapy, and athletic trainers board that ~~he~~ the person: 1526

(A) Is of good moral character; 1527

(B) Has successfully completed the academic requirements of 1528
an educational program recognized by the section, including a 1529
concentration of instruction in basic human sciences, the human 1530
development process, occupational tasks and activities, the 1531
health-illness-health continuum, and occupational therapy theory 1532
and practice; 1533

(C) Has successfully completed a period of supervised field 1534
work experience at a recognized educational institution or a 1535

training program approved by the educational institution where ~~he~~ 1536
the person met the academic requirements. For an occupational 1537
therapist, a minimum of six months of supervised field work 1538
experience is required. For an occupational therapy assistant, a 1539
minimum of two months of supervised field work experience is 1540
required. 1541

(D) Has successfully passed a written examination testing ~~his~~ 1542
the person's knowledge of the basic and clinical sciences relating 1543
to occupational therapy, and occupational therapy theory and 1544
practice, including the applicant's professional skills and 1545
judgment in the utilization of occupational therapy techniques and 1546
methods, and such other subjects as the section may consider 1547
useful to determine the applicant's fitness to practice. The 1548
section may require separate examinations of applicants for 1549
licensure as occupational therapy assistants and applicants for 1550
licensure as occupational therapists. ~~Any applicant who fails to~~ 1551
~~pass the examination at two successive examinations is ineligible~~ 1552
~~for a similar examination until after the expiration of one full~~ 1553
~~year from the time the applicant last took the examination, and~~ 1554
~~then only upon making application as in the first instance.~~ 1555

Applicants for licensure shall be examined at a time and 1556
place and under such supervision as the section determines. 1557
~~Examinations shall be given at least twice each year at such~~ 1558
~~places within this state as the section determines, and the~~ 1559
~~section shall notify by mail all applicants of the time and place~~ 1560
~~of the examination.~~ 1561

Sec. 4755.07 4755.08. The occupational therapy section of the 1562
Ohio occupational therapy, physical therapy, and athletic trainers 1563
board shall issue a license to every applicant who has passed the 1564
appropriate examination designated by the section and who 1565
otherwise complies with the licensure requirements of sections 1566

~~4755.01~~ 4755.04 to ~~4755.12~~ 4755.13 of the Revised Code. The 1567
license entitles the holder to practice occupational therapy or to 1568
assist in the practice of occupational therapy. The licensee shall 1569
display the license in a conspicuous place at the licensee's 1570
principal place of business. 1571

The section may issue a limited permit to persons who have 1572
satisfied the requirements of divisions (A) to (C) of section 1573
~~4755.06~~ 4755.07 of the Revised Code. This permit allows the person 1574
to practice as an occupational therapist or occupational therapy 1575
assistant under the supervision of a licensed occupational 1576
therapist and is valid until the date on which the results of the 1577
~~next qualifying~~ examination are made public. This limited permit 1578
shall not be renewed if the applicant has failed the examination. 1579

Sec. ~~4755.08~~ 4755.09. The occupational therapy section of the 1580
Ohio occupational therapy, physical therapy, and athletic trainers 1581
board may waive the examination requirement under section ~~4755.06~~ 1582
4755.07 of the Revised Code for any applicant for licensure as an 1583
occupational therapist or occupational therapy assistant who 1584
either has met educational, training, and job experience 1585
requirements established by the section, or presents proof of 1586
current certification or licensure in another state that requires 1587
standards for licensure at least equal to those for licensure in 1588
this state. 1589

The section may waive the educational requirements under 1590
section ~~4755.06~~ 4755.07 of the Revised Code for any applicant who 1591
has met job experience requirements established by the section. 1592

Sec. ~~4755.09~~ 4755.10. Each license issued under section 1593
~~4755.07~~ 4755.08 of the Revised Code is valid without further 1594
recommendation or examination until revoked or suspended or until 1595
the license expires for failure to file an application for 1596

certificate of renewal as provided for in this section. 1597

Licenses shall be renewed biennially in accordance with the 1598
schedule established in rules adopted by the occupational therapy 1599
section of the Ohio occupational therapy, physical therapy, and 1600
athletic trainers board under section 4755.06 of the Revised Code. 1601
~~Those licensees whose last name begins with any letter of the~~ 1602
~~alphabet from the letter "A" through the letter "L"~~ Applicants for 1603
renewal shall file, ~~together with~~ the fee for renewal as provided 1604
in section ~~4755.11~~ 4755.12 of the Revised Code, ~~by the last day of~~ 1605
~~June of each even numbered calendar year,~~ an application for a 1606
certificate of renewal on a form prescribed by the occupational 1607
therapy section of ~~the Ohio occupational therapy, physical~~ 1608
~~therapy, and athletic trainers board, and proof of completion of~~ 1609
continuing education requirements as provided in rules adopted by 1610
the section under section 4755.06 of the Revised Code and in 1611
accordance with the schedule in rules adopted by the section under 1612
section 4755.06 of the Revised Code. ~~Those licensees whose last~~ 1613
~~name begins with any letter of the alphabet from the letter "M"~~ 1614
~~through the letter "Z" shall file the application and fee for the~~ 1615
~~certificate of renewal by the last day of June of each~~ 1616
~~odd numbered calendar year.~~ The certificate of renewal shall be 1617
mailed by the section to the licensee ~~prior to the first day of~~ 1618
~~August of the appropriate year~~ in accordance with the schedule 1619
established in rules adopted by the section under section 4755.06 1620
of the Revised Code. In all other respects the renewal process is 1621
as provided in section 4745.02 of the Revised Code. 1622

The license of any licensee who fails to file an application 1623
for a certificate of renewal ~~by the last day of June of the~~ 1624
~~appropriate year expires~~ on or before the deadline established in 1625
rules adopted by the section under section 4755.06 of the Revised 1626
Code shall expire automatically, unless the section, for good 1627
cause shown, determines that the application for renewal could not 1628

have been filed by such day. ~~The section shall adopt rules in~~ 1629
~~accordance with Chapter 119. of the Revised Code prescribing the~~ 1630
~~late fees and the conditions under which the license of a licensee~~ 1631
~~who files a late application for renewal will be reinstated.~~ 1632

Except as provided in sections 3123.41 to 3123.50 of the 1633
Revised Code and any applicable rules adopted under section 1634
3123.63 of the Revised Code, the section may renew a license while 1635
the license is suspended, but the renewal shall not affect the 1636
suspension. The section shall not renew a license that has been 1637
revoked. If a revoked license is reinstated under section ~~4755.10~~ 1638
4755.11 of the Revised Code after it has expired, the licensee, as 1639
a condition of reinstatement, shall pay a reinstatement fee equal 1640
to the renewal fee in effect on the last preceding regular renewal 1641
date before the reinstatement date, plus any delinquent fees 1642
accrued from the time of the revocation, if such fees are 1643
prescribed by the section by rule. 1644

Sec. ~~4755.10~~ 4755.11. (A) In accordance with Chapter 119. of 1645
the Revised Code, the occupational therapy section of the Ohio 1646
occupational therapy, physical therapy, and athletic trainers 1647
board may suspend, revoke, or refuse to issue or renew an 1648
occupational therapist ~~or license~~, occupational therapy assistant 1649
license, occupational therapist limited permit, occupational 1650
therapy assistant limited permit, or reprimand, fine, or place a 1651
license or limited permit holder on probation, for any of the 1652
following: 1653

(1) Conviction of an offense involving moral turpitude or a 1654
felony ~~reasonably related to the practice of occupational therapy~~, 1655
regardless of the state or country in which the conviction 1656
occurred; 1657

(2) Violation of any provision of sections ~~4755.01~~ 4755.04 to 1658
~~4755.12~~ 4755.13 of the Revised Code; 1659

- (3) Violation of any lawful order or rule of the occupational therapy section; 1660
1661
- (4) ~~Obtaining a license or any order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts~~ or attempting to obtain a license or limited permit issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statements in relation to these activities; 1662
1663
1664
1665
1666
1667
- (5) Negligence, unprofessional conduct, or gross misconduct in the ~~pursuit~~ practice of the profession of occupational therapy; 1668
1669
- (6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals; 1670
1671
- (7) Communicating, ~~willfully and~~ without authorization, information received in professional confidence; 1672
1673
- (8) Using ~~any narcotic~~ controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist ~~or,~~ occupational therapy assistant ~~with safety to the public,~~ occupational therapist limited permit holder, or occupational therapy assistant limited permit holder; 1674
1675
1676
1677
1678
1679
- (9) Practicing in an area of occupational therapy for which the individual is ~~clearly~~ untrained or incompetent; 1680
1681
- (10) Failing the licensing or Ohio jurisprudence examination; 1682
- (11) Aiding ~~or,~~ abetting, directing, or supervising the unlicensed practice of occupational therapy; 1683
1684
- (12) ~~Having been disciplined by the occupational therapy licensing authority of another state or country for an act that would constitute grounds for discipline under this section~~ Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any 1685
1686
1687
1688
1689

reason other than a failure to renew, in Ohio or another state or jurisdiction; 1690
1691

(13) Except as provided in division (B) of this section: 1692

(a) Waiving the payment of all or any part of a deductible or 1693
copayment that a patient, pursuant to a health insurance or health 1694
care policy, contract, or plan that covers occupational therapy, 1695
would otherwise be required to pay if the waiver is used as an 1696
enticement to a patient or group of patients to receive health 1697
care services from that provider; 1698

(b) Advertising that the individual will waive the payment of 1699
all or any part of a deductible or copayment that a patient, 1700
pursuant to a health insurance or health care policy, contract, or 1701
plan that covers occupational therapy, would otherwise be required 1702
to pay. 1703

(14) Working or representing oneself as an occupational 1704
therapist, occupational therapy assistant, occupational therapist 1705
limited permit holder, or occupational therapy assistant limited 1706
permit holder without a current and valid license or limited 1707
permit issued by the occupational therapy section; 1708

(15) Engaging in a deceptive trade practice, as defined in 1709
section 4165.02 of the Revised Code; 1710

(16) Violation of the standards of ethical conduct in the 1711
practice of occupational therapy as identified by the occupational 1712
therapy section; 1713

(17) A departure from, or the failure to conform to, minimal 1714
standards of care required of licensees or limited permit holders, 1715
whether or not actual injury to a patient is established; 1716

(18) An adjudication by a court that the applicant, licensee, 1717
or limited permit holder is incompetent for the purpose of holding 1718
a license or limited permit and has not thereafter been restored 1719

to legal capacity for that purpose; 1720

(19)(a) Except as provided in division (A)(19)(b) of this 1721
section, failure to cooperate with an investigation conducted by 1722
the occupational therapy section, including failure to comply with 1723
a subpoena or orders issued by the section or failure to answer 1724
truthfully a question presented by the section at a deposition or 1725
in written interrogatories. 1726

(b) Failure to cooperate with an investigation does not 1727
constitute grounds for discipline under this section if a court of 1728
competent jurisdiction issues an order that either quashes a 1729
subpoena or permits the individual to withhold the testimony or 1730
evidence at issue. 1731

(20) Conviction of a misdemeanor reasonably related to the 1732
practice of occupational therapy, regardless of the state or 1733
country in which the conviction occurred; 1734

(21) Inability to practice according to acceptable and 1735
prevailing standards of care because of mental or physical 1736
illness, including physical deterioration that adversely affects 1737
cognitive, motor, or perception skills; 1738

(22) Violation of conditions, limitations, or agreements 1739
placed by the occupational therapy section on a license or limited 1740
permit to practice; 1741

(23) Making a false, fraudulent, deceptive, or misleading 1742
statement in the solicitation of or advertising for patients in 1743
relation to the practice of occupational therapy; 1744

(24) Failure to complete continuing education requirements as 1745
prescribed in rules adopted by the occupational therapy section 1746
under section 4755.06 of the Revised Code. 1747

(B) Sanctions shall not be imposed under division (A)(13) of 1748
this section against any individual who waives deductibles and 1749

copayments as follows:

1750

(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 section upon request.

1751

1752

1753

1754

1755

(2) For professional services rendered to any other person licensed pursuant to sections ~~4755.01~~ 4755.04 to ~~4755.12~~ 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section.

1756

1757

1758

1759

(C) The Except as provided in division (D) of this section, the suspension or revocation of a license under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed.

1760

1761

1762

1763

1764

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 occupational therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement.

1765

1766

1767

1768

1769

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

1770

1771

1772

1773

1774

(D) On receipt of a complaint that a person licensed by the occupational therapy section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed occupational therapist or licensed occupational therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised

1775

1776

1777

1778

1779

1780

Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section shall notify the licensed occupational therapist or licensed occupational therapist assistant of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended 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) If any person other than a licensed occupational therapist or an occupational therapy assistant has engaged in any practice that is prohibited under sections ~~4755.01~~ 4755.04 to ~~4755.12~~ 4755.13 of the Revised Code or the rules of the occupational therapy section, the section may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

Sec. ~~4755.11~~ 4755.12. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall charge a nonrefundable examination fee, established pursuant to section ~~4755.13~~ 4755.03 of the Revised Code, which is to be paid at the time of application for licensure.

The section shall charge an initial licensure fee, established pursuant to section ~~4755.13~~ 4755.03 of the Revised Code.

The section shall charge a biennial renewal fee and shall charge a fee for a limited permit, established pursuant to section ~~4755.13~~ 4755.03 of the Revised Code.

Any person who is qualified to practice occupational therapy as certified by the section, but who is not in the active practice, as defined by section rule, may register with the

section as a nonactive licensee at a biennial fee, established 1812
pursuant to section ~~4755.13~~ 4755.03 of the Revised Code. 1813

The section may, by rule, provide for the waiver of all or 1814
part of a fee when the license is issued less than one hundred 1815
days before the date on which it will expire. 1816

Sec. ~~4755.12~~ 4755.13. (A) Nothing in sections ~~4755.01~~ 4755.04 1817
to ~~4755.12~~ 4755.13 of the Revised Code shall be construed to 1818
prevent or restrict the practice, services, or activities of the 1819
following: 1820

(1) Any person who does not claim to the public by any title, 1821
initials, or description of services as being engaged in the 1822
practice of occupational therapy, who is: 1823

(a) A physician licensed under Chapter 4731. of the Revised 1824
Code, or anyone employed or supervised by a licensed physician in 1825
the delivery of treatment or services; 1826

(b) A person licensed, certified, or registered under 1827
sections 4755.40 to 4755.56 of the Revised Code or under any other 1828
chapter of the Revised Code who is practicing within the standards 1829
and ethics of practice that represent appropriate extensions of 1830
the person's profession; 1831

(c) A qualified member of any other profession who is 1832
practicing within the standards and ethics of the member's 1833
profession. 1834

(2) Any person employed as an occupational therapist or 1835
occupational therapy assistant by the government of the United 1836
States, if the person provides occupational therapy solely under 1837
the direction or control of the organization by which the person 1838
is employed; 1839

(3) Any person pursuing a course of study leading to a degree 1840
or certificate in occupational therapy in an accredited or 1841

approved educational program if the activities and services
constitute a part of a supervised course of study, if the person
is designated by a title that clearly indicates the person's
status as a student or trainee;

(4) Any person fulfilling the supervised field work
experience requirements of section ~~4755.06~~ 4755.07 of the Revised
Code, if the activities and services constitute a part of the
experience necessary to meet those requirements.

(B) Nothing in sections ~~4755.01~~ 4755.04 to ~~4755.12~~ 4755.13 of
the Revised Code authorizes any person to use psychological
procedures defined by the state board of psychology under division
(C) of section 4732.23 of the Revised Code as a serious hazard to
mental health and to require professional expertise in psychology.

Sec. 4755.40. 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 ~~the~~ 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. ~~Physical therapy includes the;~~

(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. ~~Physical therapy also includes the;~~

(3) The establishment and modification of physical therapy

programs, treatment planning, physical therapy education and 1872
instruction, and consultative services; 1873

(4) Physiotherapy; 1874

(5) The academic instruction of physical therapy. ~~Physical~~ 1875

Physical measures include massage, heat, cold, air, light, 1876
water, electricity, sound, and the performance of tests of 1877
neuromuscular function as an aid to such treatment. ~~Physical~~ 1878

Physical therapy does not include the medical diagnosis of a 1879
patient's disability, the use of Roentgen rays or radium for 1880
diagnostic or therapeutic purposes, or the use of electricity for 1881
cauterization or other surgical purposes. ~~Physical therapy~~ 1882
~~includes physiotherapy.~~ 1883

(B) "Physical therapist" means a person who practices or 1884
~~teaches~~ provides academic instruction in physical therapy and 1885
includes a physiotherapist. 1886

(C) "Physical therapist assistant" means a person who assists 1887
in the provision of physical therapy treatments, including the 1888
provision of patient education and instruction, under the 1889
supervision of a physical therapist, or ~~teaches~~ provides academic 1890
instruction of physical therapy under the supervision of a 1891
physical therapist, ~~and includes physical therapy assistant to~~ 1892
students enrolled in a physical therapist assistant education 1893
program. 1894

(D) "Supervision" means the availability and responsibility 1895
of the supervisor for direction of the actions of the person 1896
supervised. 1897

Sec. 4755.41. (A) The physical therapy section of the Ohio 1898
occupational therapy, physical therapy, and athletic trainers 1899
board shall ~~examine and~~ license persons desiring to practice 1900
physical therapy or to practice as physical therapist assistants 1901

in this state. ~~The section shall adopt rules in accordance with~~ 1902
~~Chapter 119. of the Revised Code necessary for the performance of~~ 1903
~~its duties.~~ 1904

(B) An investigation, inquiry, or hearing which the section 1905
is authorized to undertake or hold may be undertaken or held ~~by or~~ 1906
~~before any member of this section in accordance with section~~ 1907
4755.02 of the Revised Code. Any finding or order ~~of such member~~ 1908
shall be confirmed or approved by the section. 1909

(C) The physical therapy section shall: 1910

(1) Keep a record of its proceedings; 1911

(2) Keep a register of applicants showing the name and 1912
location of the institution granting the applicant's degree or 1913
certificate in physical therapy and whether or not a license was 1914
issued; 1915

(3) Maintain a register of every physical therapist and 1916
physical therapist assistant in this state, including the 1917
licensee's last known place of business, the licensee's last known 1918
residence, and the date and number of the licensee's license. ~~Any~~ 1919
~~person may request and receive from the section a current list of~~ 1920
~~physical therapists and physical therapist assistants, upon~~ 1921
~~payment of such charges as the section establishes;~~ 1922

(4) ~~Do all other things necessary and proper to carry out and~~ 1923
~~enforce sections 4755.40 to 4755.56~~ Deposit all fees collected by 1924
the section in accordance with section 4755.03 of the Revised 1925
Code; 1926

(5) On receipt of an application for a license to practice as 1927
a physical therapist or physical therapist assistant, provide to 1928
the applicant the section's address, dates of upcoming section 1929
meetings, and a list of names of the section members. 1930

~~(D) The books and records of the section are prima facie~~ 1931

evidence of matters therein contained.	1932
<u>Sec. 4755.411. The physical therapy section of the Ohio</u>	1933
<u>occupational therapy, physical therapy, and athletic trainers</u>	1934
<u>board shall adopt rules in accordance with Chapter 119. of the</u>	1935
<u>Revised Code pertaining to the following:</u>	1936
<u>(A) Fees for the verification of a license and license</u>	1937
<u>reinstatement, and other fees established by the section;</u>	1938
<u>(B) Provisions for the section's government and control of</u>	1939
<u>its actions and business affairs;</u>	1940
<u>(C) Minimum curricula for physical therapy education programs</u>	1941
<u>that prepare graduates to be licensed in this state as physical</u>	1942
<u>therapists and physical therapist assistants;</u>	1943
<u>(D) Eligibility criteria to take the examinations required</u>	1944
<u>under sections 4755.43 and 4755.431 of the Revised Code;</u>	1945
<u>(E) The form and manner for filing applications for licensure</u>	1946
<u>with the section;</u>	1947
<u>(F) For purposes of section 4755.46 of the Revised Code, all</u>	1948
<u>of the following:</u>	1949
<u>(1) A schedule regarding when licenses to practice as a</u>	1950
<u>physical therapist and physical therapist assistant expire during</u>	1951
<u>a biennium;</u>	1952
<u>(2) An additional fee, not to exceed thirty-five dollars,</u>	1953
<u>that may be imposed if a licensee files a late application for</u>	1954
<u>renewal;</u>	1955
<u>(3) The conditions under which the license of a person who</u>	1956
<u>files a late application for renewal will be reinstated.</u>	1957
<u>(G) The issuance, renewal, suspension, and permanent</u>	1958
<u>revocation of a license and the conduct of hearings;</u>	1959

<u>(H) Appropriate ethical conduct in the practice of physical therapy;</u>	1960 1961
<u>(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;</u>	1962 1963 1964
<u>(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;</u>	1965 1966 1967
<u>(K) For purposes of section 4755.45 of the Revised Code, both of the following:</u>	1968 1969
<u>(1) At least three credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist and physical therapist assistant education;</u>	1970 1971 1972
<u>(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 or physical therapist assistant on the date of the applicant's initial licensure or registration in another state or country.</u>	1973 1974 1975 1976 1977 1978 1979
<u>(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;</u>	1980 1981 1982 1983
<u>(M) Appropriate display of a license;</u>	1984
<u>(N) Procedures for a licensee to follow in notifying the section within thirty days of a change in name or address, or both.</u>	1985 1986 1987
<u>Sec. 4755.412. The physical therapy section of the Ohio</u>	1988

occupational therapy, physical therapy, and athletic trainers 1989
board, subject to the approval of the controlling board, may 1990
establish fees in excess of the amounts provided by sections 1991
4755.42, 4755.421, 4755.45, 4755.451, and 4755.46 of the Revised 1992
Code, provided that such fees do not exceed those amounts by more 1993
than fifty per cent. 1994

Sec. 4755.42. (A) Each person who desires to practice 1995
physical therapy shall file with the secretary of the physical 1996
therapy section of the Ohio occupational therapy, physical 1997
therapy, and athletic trainers board ~~an a notarized application,~~ 1998
~~under oath, on a form prescribed by the section, and shall furnish~~ 1999
~~satisfactory proof that he has~~ that includes the following 2000
qualifications: 2001

(1) ~~At least eighteen years of age~~ Name; 2002

(2) ~~Good moral character~~ Current address; 2003

(3) Physical description and photograph; 2004

~~(3) Completed~~ (4) Proof of completion of a master's or 2005
doctorate program of physical therapy education ~~approved by the~~ 2006
~~section~~ that is accredited by a national physical therapy 2007
accreditation agency recognized by the United States department of 2008
education and that includes: 2009

(a) A minimum of ~~sixty~~ one hundred twenty academic semester 2010
credits or its equivalent ~~from a recognized college,~~ including 2011
courses in the biological and other physical sciences; 2012

(b) ~~An accredited~~ A course in physical therapy education that 2013
has provided ~~adequate~~ instruction in the basic sciences, clinical 2014
sciences, and physical therapy theory and procedures, ~~as~~ 2015
~~determined by the section.~~ 2016

(B) ~~Each person who desires to be licensed as a physical~~ 2017
~~therapist assistant shall file with the secretary of the section~~ 2018

~~an application, under oath, on a form prescribed by the section, 2019
and shall furnish satisfactory proof that he is of good moral 2020
character and has either completed a program of education approved 2021
by the section, or on November 21, 1977, has been for at least two 2022
years engaged full time in this state as a physical therapist 2023
assistant. An approved education program for physical therapist 2024
assistants shall be at least a two year program offered by a 2025
college accredited by a recognized accrediting agency, and shall 2026
include such elementary or intermediate courses in anatomical, 2027
biological, and other physical sciences as are prescribed by rule 2028
of the section. 2029~~

~~(C) On making application under division (A) or (B) of this 2030
section, the applicant shall pay to the section a fee in an amount 2031
determined by the section of not more than one hundred twenty-five 2032
dollars for the respective type of license, no part of which shall 2033
be returned. Any applicant who is unavoidably prevented from 2034
attending the examination for licensure may, with the approval of 2035
the section, be examined at the next regular or special meeting of 2036
the section without paying an additional fee. 2037~~

~~(C) The physical therapy section shall approve an application 2038
to sit for the examination required under division (A) of section 2039
4755.43 of the Revised Code not later than one hundred twenty days 2040
after receiving an application that the section considers complete 2041
unless the board has done either of the following: 2042~~

~~(1) Requested documents relevant to the section's evaluation 2043
of the application; 2044~~

~~(2) Notified the applicant in writing of the section's intent 2045
to deny a license and the applicant's right to request a hearing 2046
in accordance with Chapter 119. of the Revised Code to appeal the 2047
section's intent to deny a license. 2048~~

~~(D) If the section fails to comply with division (C) of this 2049~~

section, the section shall refund one-half of the application fee 2050
to the applicant. 2051

Sec. 4755.421. (A) Each applicant seeking licensure as a 2052
physical therapist assistant shall file with the secretary of the 2053
physical therapy section of the Ohio occupational therapy, 2054
physical therapy, and athletic trainers board a notarized 2055
application that includes the following: 2056

(1) Name; 2057

(2) Current address; 2058

(3) Physical description and photograph; 2059

(4) Proof of completion of a two-year program of education 2060
that is accredited by a national physical therapy accreditation 2061
agency recognized by the United States department of education. 2062

(B) On making application under division (A) of this section, 2063
the applicant shall pay a fee of not more than one hundred 2064
twenty-five dollars for the license. 2065

(C)(1) The physical therapy section shall approve an 2066
applicant to sit for the examination required under division (A) 2067
of section 4755.431 of the Revised Code not later than one hundred 2068
twenty days after receiving an application that the section 2069
considers complete unless the board has done either of the 2070
following: 2071

(a) Requested documents relevant to the section's evaluation 2072
of the application; 2073

(b) Notified the applicant in writing of the section's intent 2074
to deny a license and the applicant's right to request a hearing 2075
in accordance with Chapter 119. of the Revised Code to appeal the 2076
section's intent to deny a license. 2077

(2) If the section fails to comply with division (C)(1) of 2078

this section, the section shall refund half of the application fee
to the applicant.

2079
2080

~~Sec. 4755.43. If the physical therapy section of the Ohio
occupational therapy, physical therapy, and athletic trainers
board finds that an applicant for licensure as a physical
therapist or physical therapist assistant has complied with the
applicable requirements of section 4755.42 of the Revised Code,
and if the physical therapy section is unaware of grounds for
refusal to issue a license to the applicant under sections 4755.40
to 4755.56 of the Revised Code, the physical therapy section shall
admit the applicant to an examination.~~

2081
2082
2083
2084
2085
2086
2087
2088
2089

The 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:

2090
2091
2092

(A) A national physical therapy examination shall be
conducted under rules prescribed by the section, and shall test
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, and such other subjects
the section determines are useful in testing the applicant's
fitness to practice physical therapy or to act as a physical
therapist assistant.

2093
2094
2095
2096
2097
2098
2099
2100
2101
2102

~~Examinations for physical therapists shall be held at least
twice a year at such time and place the section determines.
Examinations for physical therapist assistants shall be held at
least twice a year at such time and place the section determines.~~

2103
2104
2105
2106

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

2107
2108

physical therapy section.

2109

Sec. 4755.431. 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:

2110

2111

2112

2113

(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.

2114

2115

2116

2117

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

2118

2119

2120

Sec. 4755.44. 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.

2121

2122

2123

2124

2125

2126

2127

Sec. 4755.441. 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.

2128

2129

2130

2131

2132

2133

2134

Sec. 4755.45. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers

2135

2136

~~board may shall issue to an applicant a license to practice as a~~ 2137
~~physical therapist or as a physical therapist assistant without~~ 2138
~~requiring the applicant to have passed the national examination,~~ 2139
~~on payment of a fee determined by the section, the following~~ 2140
~~persons for physical therapists described in division (A) of~~ 2141
~~section 4755.43 of the Revised Code within one year of filing an~~ 2142
~~application described in section 4755.42 of the Revised Code if~~ 2143
~~all of the following are true:~~ 2144

~~(A) An~~ (1) The applicant presents evidence satisfactory to 2145
the physical therapy section that the applicant received a score 2146
on the national physical therapy examination described in division 2147
(A) of section 4755.43 of the Revised Code that would have been a 2148
passing score according to the board in the year the applicant sat 2149
for the examination; 2150

(2) The applicant presents evidence satisfactory to the 2151
physical therapy section that the applicant passed the 2152
jurisprudence examination described in division (B) of section 2153
4755.43 of the Revised Code; 2154

(3) ~~The applicant who is registered or licensed as a physical~~ 2155
~~therapist or physical therapist assistant under the laws of~~ 2156
~~another state or foreign country, provided the requirements for~~ 2157
~~registration or licensure under the appropriate category in that~~ 2158
~~state or country were, on the date of his registration or~~ 2159
~~licensure, substantially equal~~ holds a current and valid license 2160
or registration to practice physical therapy in another state or 2161
country; 2162

(4) Subject to division (B) of this section, the applicant 2163
can demonstrate that the applicant's education is reasonably 2164
equivalent to the educational requirements that were in force for 2165
licensure in this state; 2166

~~(B) An applicant who has previously passed a qualifying~~ 2167

~~examination for physical therapists or physical therapist
assistants, whichever is appropriate, that is acceptable to the
section 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, the
section shall find an applicant's education to be 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 foreign country if
all of the following are true:

(1) The applicant obtains a favorable credential evaluation
conducted by one of the credentialing organizations identified by
the section in rules adopted under section 4755.441 of the Revised
Code or presents other evidence identified by the section in rules
adopted under section 4755.441 of the Revised Code;

(2) The section determines that the credentialing
organization does all of the following:

(a) Utilizes customary and standard practices in its
determination of equivalence;

(b) Appropriately assigns credit hours for courses completed;

(c) Utilizes the section's course evaluation tool in
determining its coursework calculations.

Sec. 4755.451. 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

<u>therapist assistant without requiring the applicant to have passed</u>	2197
<u>the national examination for physical therapist assistants</u>	2198
<u>described in division (A) of section 4755.431 of the Revised Code</u>	2199
<u>within one year of filing an application described in section</u>	2200
<u>4755.421 of the Revised Code if all of the following are true:</u>	2201
<u>(A) The applicant presents evidence satisfactory to the</u>	2202
<u>physical therapy section that the applicant received a score on</u>	2203
<u>the national physical therapy examination described in division</u>	2204
<u>(A) of section 4755.431 of the Revised Code that would have been a</u>	2205
<u>passing score according to the board in the year the applicant sat</u>	2206
<u>for the examination;</u>	2207
<u>(B) The applicant presents evidence satisfactory to the</u>	2208
<u>physical therapy section that the applicant passed the</u>	2209
<u>jurisprudence examination described in division (B) of section</u>	2210
<u>4755.431 of the Revised Code;</u>	2211
<u>(C) The applicant holds a current and valid license or</u>	2212
<u>registration to practice as a physical therapist assistant in</u>	2213
<u>another state or country;</u>	2214
<u>(D) The applicant can demonstrate that the applicant's</u>	2215
<u>education is reasonably equivalent to the educational requirements</u>	2216
<u>that were in force for licensure in this state on the date of the</u>	2217
<u>applicant's initial licensure or registration in the other state</u>	2218
<u>or country;</u>	2219
<u>(E) The applicant pays the fee described in division (B) of</u>	2220
<u>section 4755.421 of the Revised Code;</u>	2221
<u>(F) The applicant is not in violation of any section of this</u>	2222
<u>chapter or rule adopted under it.</u>	2223
Sec. 4755.46. (A) Every licensed physical therapist and	2224
physical therapist assistant shall renew his license biennially.	2225

~~Those licensees whose last name begins with any letter of the~~ 2226
~~alphabet from the letter "A" through the letter "L" shall, by the~~ 2227
~~thirty first day of January each even numbered calendar year,~~ 2228
~~apply to renew his license. Licensees whose last name begins with~~ 2229
~~any letter of the alphabet from the letter "M" through the letter~~ 2230
~~"Z" shall apply for renewal by the thirty first day of January~~ 2231
~~each odd numbered calendar year. All licenses shall be renewed~~ 2232
~~according to the standard renewal procedure of Chapter 4745. of~~ 2233
~~the Revised Code. to practice as a physical therapist or physical~~ 2234
~~therapist assistant expires biennially in accordance with the~~ 2235
~~schedule established in rules adopted by the physical therapy~~ 2236
~~section of the Ohio occupational therapy, physical therapy, and~~ 2237
~~athletic trainers board under section 4755.411 of the Revised~~ 2238
~~Code.~~ 2239

Each individual holding a valid and current license may apply 2240
to the physical therapy section to renew the license in accordance 2241
with rules adopted by the board under section 4755.411 of the 2242
Revised Code. Each application for license renewal shall be 2243
accompanied by ~~the~~ a biennial renewal fee ~~determined by the~~ 2244
~~physical therapy section of the Ohio occupational therapy,~~ 2245
~~physical therapy, and athletic trainers board payable to the~~ 2246
~~physical therapy section~~ of not more than one hundred twenty-five 2247
dollars and, if applicable, the applicant's signed statement that, 2248
~~in the two year period ending on the thirty first day of December~~ 2249
~~of the preceding year, he~~ the applicant completed the continuing 2250
education required ~~for that period by~~ under section 4755.51 or 2251
4755.551 of the Revised Code within the time frame established in 2252
rules adopted by the physical therapy section under section 2253
4755.411 of the Revised Code. 2254

A license that is not renewed by the ~~thirty first day of~~ 2255
~~January in the appropriate year~~ last day for renewal established 2256
in rules shall automatically expire on that date. ~~The section~~ 2257

~~shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing the late fees and the conditions under which the license of a licensee who files a late application for renewal will be reinstated.~~

(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.

Sec. 4755.47. (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 ~~at least~~ 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 the 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 ~~of adopted by the American physical therapy association~~ section; 2288
2289
2290
- (6) ~~Violation of~~ 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; 2291
2292
2293
2294
- (7) Failure of one or both of the licensing examination examinations required under section 4755.43 or 4755.431 of the Revised Code; 2295
2296
2297
- (8) ~~Aiding or abetting the unlicensed practice of physical therapy~~ 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; 2298
2299
2300
2301
- (9) ~~Having been disciplined by the physical therapy licensing authority of another state or country for an act that would constitute grounds for discipline under this section~~ 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; 2302
2303
2304
2305
2306
2307
2308
- (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; 2309
2310
2311
2312
2313
- (11) Willful betrayal of a professional confidence; 2314
- (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; 2315
2316
2317

<u>(13) A departure from, or the failure to conform to, minimal</u>	2318
<u>standards of care required of licensees when under the same or</u>	2319
<u>similar circumstances, whether or not actual injury to a patient</u>	2320
<u>is established;</u>	2321
<u>(14) Obtaining, or attempting to obtain, money or anything of</u>	2322
<u>value by fraudulent misrepresentations in the course of practice;</u>	2323
<u>(15) Violation of the conditions of limitation or agreements</u>	2324
<u>placed by the physical therapy section on a license to practice;</u>	2325
<u>(16) Failure to renew a license in accordance with section</u>	2326
<u>4755.46 of the Revised Code;</u>	2327
<u>(17) Except as provided in section 4755.471 of the Revised</u>	2328
<u>Code, engaging in the division of fees for referral of patients or</u>	2329
<u>receiving anything of value in return for a specific referral of a</u>	2330
<u>patient to utilize a particular service or business;</u>	2331
<u>(18) Inability to practice according to acceptable and</u>	2332
<u>prevailing standards of care because of mental illness or physical</u>	2333
<u>illness, including physical deterioration that adversely affects</u>	2334
<u>cognitive, motor, or perception skills;</u>	2335
<u>(19) The revocation, suspension, restriction, or termination</u>	2336
<u>of clinical privileges by the United States department of defense</u>	2337
<u>or department of veterans affairs;</u>	2338
<u>(20) Termination or suspension from participation in the</u>	2339
<u>medicare or medicaid program established under Title XVIII and</u>	2340
<u>Title XIX, respectively, of the "Social Security Act," 49 Stat.</u>	2341
<u>620 (1935), 42 U.S.C. 301, as amended, for an act or acts that</u>	2342
<u>constitute a violation of sections 4755.40 to 4755.56 of the</u>	2343
<u>Revised Code;</u>	2344
<u>(21) Failure of a physical therapist to maintain supervision</u>	2345
<u>of a student, physical therapist assistant, unlicensed support</u>	2346
<u>personnel, other assistant personnel, or a license applicant in</u>	2347

<u>accordance with the requirements of sections 4755.40 to 4755.56 of</u>	2348
<u>the Revised Code and rules adopted under those sections;</u>	2349
<u>(22) Failure to complete continuing education requirements as</u>	2350
<u>prescribed in section 4755.51 or 4755.511 of the Revised Code or</u>	2351
<u>to satisfy any rules applicable to continuing education</u>	2352
<u>requirements that are adopted by the physical therapy section;</u>	2353
<u>(23) Conviction of a misdemeanor when the act that</u>	2354
<u>constitutes the misdemeanor occurs during the practice of physical</u>	2355
<u>therapy;</u>	2356
<u>(24)(a) Except as provided in division (A)(24)(b) of this</u>	2357
<u>section, failure to cooperate with an investigation conducted by</u>	2358
<u>the physical therapy section, including failure to comply with a</u>	2359
<u>subpoena or orders issued by the section or failure to answer</u>	2360
<u>truthfully a question presented by the section at a deposition or</u>	2361
<u>in written interrogatories.</u>	2362
<u>(b) Failure to cooperate with an investigation does not</u>	2363
<u>constitute grounds for discipline under this section if a court of</u>	2364
<u>competent jurisdiction issues an order that either quashes a</u>	2365
<u>subpoena or permits the individual to withhold the testimony or</u>	2366
<u>evidence at issue.</u>	2367
<u>(25) Regardless of whether the contact or verbal behavior is</u>	2368
<u>consensual, engaging with a patient other than the spouse of the</u>	2369
<u>physical therapist or physical therapist assistant, in any of the</u>	2370
<u>following:</u>	2371
<u>(a) Sexual contact, as defined in section 2907.01 of the</u>	2372
<u>Revised Code;</u>	2373
<u>(b) Verbal behavior that is sexually demeaning to the patient</u>	2374
<u>or may be reasonably interpreted by the patient as sexually</u>	2375
<u>demeaning.</u>	2376
<u>(26) Failure to notify the physical therapy section of a</u>	2377

<u>change in name, business address, or home address within thirty</u>	2378
<u>days after the date of change;</u>	2379
<u>(27) Except as provided in division (B) of this section:</u>	2380
(a) Waiving the payment of all or any part of a deductible or	2381
copayment that a patient, pursuant to a health insurance or health	2382
care policy, contract, or plan that covers physical therapy, would	2383
otherwise be required to pay if the waiver is used as an	2384
enticement to a patient or group of patients to receive health	2385
care services from that provider;	2386
(b) Advertising that the individual will waive the payment of	2387
all or any part of a deductible or copayment that a patient,	2388
pursuant to a health insurance or health care policy, contract, or	2389
plan that covers physical therapy, would otherwise be required to	2390
pay;	2391
<u>(28) Violation of any section of this chapter or rule adopted</u>	2392
<u>under it.</u>	2393
(B) Sanctions shall not be imposed under division (A) (10) <u>(27)</u>	2394
of this section against any individual who waives deductibles and	2395
copayments as follows:	2396
(1) In compliance with the health benefit plan that expressly	2397
allows such a practice. Waiver of the deductibles or copayments	2398
shall be made only with the full knowledge and consent of the plan	2399
purchaser, payer, and third-party administrator. Documentation of	2400
the consent shall be made available to the <u>physical therapy</u>	2401
section upon request.	2402
(2) For professional services rendered to any other person	2403
licensed pursuant to sections 4755.40 to 4755.56 of the Revised	2404
Code to the extent allowed by those sections and the rules of the	2405
physical therapy section.	2406
(C) When a license is revoked under this section, application	2407

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.

Sec. 4755.48. (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 2438
in division (C) of this section to be able to practice physical 2439
therapy or to provide physical therapy services, including 2440
practice as a physical therapist assistant, unless the person 2441
holds a valid license under sections 4755.40 to 4755.56 of the 2442
Revised Code or except for submission of claims as provided in 2443
section 4755.56 of the Revised Code. 2444

(C) No person shall use the words or letters, physical 2445
therapist, physical therapy, physical therapy services, 2446
physiotherapist, physiotherapy, physiotherapy services, licensed 2447
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 2448
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 2449
therapist assistant, physical therapy technician, licensed 2450
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 2451
letters, words, abbreviations, or insignia, indicating or implying 2452
that the person is a physical therapist or physical therapist 2453
assistant without a valid license under sections 4755.40 to 2454
4755.56 of the Revised Code. 2455

(D) No person who practices physical therapy or assists in 2456
the provision of physical therapy treatments under the supervision 2457
of a physical therapist shall fail to display the person's current 2458
license granted under sections 4755.40 to 4755.56 of the Revised 2459
Code in a conspicuous location in the place where the person 2460
spends the major part of the person's time so engaged. 2461

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 2462
Code shall affect or interfere with the performance of the duties 2463
of any physical therapist or physical therapist assistant in 2464
active service in the army, navy, coast guard, marine corps, air 2465
force, public health service, or marine hospital service of the 2466
United States, while so serving. 2467

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 2468
Code shall prevent or restrict the activities or services of a 2469

person pursuing a course of study leading to a degree in physical 2470
therapy in an accredited or approved educational program if the 2471
activities or services constitute a part of a supervised course of 2472
study and the person is designated by a title that clearly 2473
indicates the person's status as a student. 2474

(G) No person shall practice physical therapy other than on 2475
the prescription of, or the referral of a patient by, a person who 2476
is licensed in this or another state to practice medicine and 2477
surgery, chiropractic, dentistry, osteopathic medicine and 2478
surgery, podiatric medicine and surgery, or to practice nursing as 2479
a certified registered nurse anesthetist, clinical nurse 2480
specialist, certified nurse-midwife, or certified nurse 2481
practitioner, within the scope of such practices, and whose 2482
license is in good standing, unless either of the following 2483
conditions is met: 2484

(1) The person holds a master's or doctorate degree from a 2485
professional physical therapy program that is accredited by a 2486
national physical therapy accreditation agency recognized by the 2487
United States department of education ~~and by the Ohio occupational~~ 2488
~~therapy, physical therapy, and athletic trainers board.~~ 2489

(2) On or before December 31, 2004, the person has completed 2490
at least two years of practical experience as a licensed physical 2491
therapist. 2492

~~(G)~~(H) In the prosecution of any person for violation of 2493
division (B) or (C) of this section, it is not necessary to allege 2494
or prove want of a valid license to practice physical therapy or 2495
to practice as a physical therapist assistant, but such matters 2496
shall be a matter of defense to be established by the accused. 2497

(I) Nothing in sections 4755.40 to 4755.56 of the Revised 2498
Code requires a person who teaches, seeks to teach, or serves as a 2499
teaching assistant in a nonphysical therapy theory and procedures 2500

course in physical therapy education to obtain a license to 2501
practice as a physical therapist or physical therapist assistant. 2502

Sec. 4755.482. (A) A person who is registered or licensed as 2503
a physical therapist under the laws of another state shall not 2504
teach a physical therapy theory and procedures course in physical 2505
therapy education for more than one year without obtaining a 2506
license as a physical therapist from the physical therapy section 2507
of the Ohio occupational therapy, physical therapy, and athletic 2508
trainers board. 2509

(B) A person who is registered or licensed as a physical 2510
therapist under the laws of a foreign country and is not 2511
registered or licensed as a physical therapist in any state shall 2512
not teach a physical therapy theory and procedures course in 2513
physical therapy education without the supervision of a physical 2514
therapist who holds a valid license from the physical therapy 2515
section for more than one year. 2516

Sec. 4755.50. Nothing in this chapter shall be construed to 2517
prevent or restrict the practice of any person who is a licensed 2518
health care professional in this state while practicing within the 2519
scope of ~~his~~ the person's license and according to the standards 2520
and ethics of ~~his~~ the person's profession, or of any person 2521
employed by or acting under the supervision of ~~a~~ that licensed 2522
health care professional. Services rendered by a person acting 2523
under the supervision or in the employment of a licensed health 2524
care professional shall not be designated physical therapy. 2525

Sec. 4755.51. On and after March 28, 1993, except in the case 2526
of a first license renewal, a physical therapist is eligible for 2527
renewal of ~~his~~ the physical therapist's license only if ~~he~~ the 2528
physical therapist has completed twenty-four units of continuing 2529
education in one or more courses, activities, or programs approved 2530

by the physical therapy section of the Ohio occupational therapy, 2531
physical therapy, and athletic trainers board. 2532

~~On and after March 28, 1991, except in the case of a first 2533
license renewal, a physical therapist assistant is eligible for 2534
renewal of his license only if he has completed twelve units of 2535
continuing education in one or more courses, activities, or 2536
programs approved by the physical therapy section. 2537~~

On request of the physical therapy section, an applicant for 2538
license renewal shall submit evidence satisfactory to the section 2539
of completion of the required continuing physical therapy ~~or 2540
physical therapist assistant~~ education. 2541

Sec. 4755.511. On and after March 28, 1991, except in the 2542
case of a first license renewal, a physical therapist assistant is 2543
eligible for renewal of the physical therapist assistant's license 2544
only if the physical therapist assistant has completed twelve 2545
units of continuing education in one or more courses, activities, 2546
or programs approved by the physical therapy section of the Ohio 2547
occupational therapy, physical therapy, and athletic trainers 2548
board. 2549

On request of the physical therapy section, an applicant for 2550
license renewal shall submit evidence satisfactory to the section 2551
of completion of the required continuing physical therapist 2552
assistant education. 2553

Sec. 4755.52. (A) In accordance with Chapter 119. of the 2554
Revised Code, the physical therapy section of the Ohio 2555
occupational therapy, physical therapy, and athletic trainers 2556
board shall adopt rules specifying standards, in addition to the 2557
standards specified by division (B) of this section, for approval 2558
of continuing education courses, programs, and activities for 2559
physical therapists and physical therapist assistants. 2560

(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 a ~~board~~ an agency in another state that governs the licensure of

physical therapists and physical therapist assistants if the 2591
section determines that the standards for continuing education 2592
courses established by ~~that other board~~ the agency are comparable 2593
to those established pursuant to this section. 2594

The physical therapy section may contract with the Ohio 2595
chapter of the American physical therapy association for 2596
assistance in performance of the section's duties under this 2597
section. 2598

Sec. 4755.56. (A) As used in this section: 2599

(1) "Governmental health care program" has the same meaning 2600
as in section 4731.65 of the Revised Code. 2601

(2) "Third-party payer" has the same meaning as in section 2602
3901.38 of the Revised Code. 2603

(B)(1) Except as provided in division (B)(2) of this section, 2604
each person and governmental entity, when submitting to a 2605
governmental health care program or third-party payer a claim for 2606
payment for services rendered in this state that are designated in 2607
the claim as physical therapy, shall specify in the claim one of 2608
the following: 2609

(a) The ~~current license number~~ national provider identifier 2610
of the physical therapist licensed under this chapter who rendered 2611
the services that is assigned by the United States secretary of 2612
health and human services to the physical therapist pursuant to 45 2613
C.F.R. 162.406; 2614

(b) The ~~current license number of another~~ national provider 2615
identifier of the health care professional who rendered the 2616
services in accordance with section 4755.50 of the Revised Code 2617
that is assigned by the United States secretary of health and 2618
human services to the health care professional pursuant to 45 2619
C.F.R. 162.406. 2620

(2) The requirement of division (B)(1) of this section to specify ~~license numbers~~ 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 ~~his current license number~~ 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 ~~license numbers~~ 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.

Sec. 4755.61. (A) The athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall:

(1) Adopt rules, not inconsistent with this chapter, for the

licensure of athletic trainers, including rules that specify the 2652
application form and educational course work and clinical 2653
experience requirements for licensure; 2654

(2) Establish fees in accordance with division (B) of this 2655
section and section ~~4755.13~~ 4755.03 of the Revised Code fixing 2656
license and examination fees; 2657

(3) Conduct hearings, keep records of its proceedings, and do 2658
all things necessary and proper to administer and enforce sections 2659
~~4755.61~~ 4755.60 to 4755.65 of the Revised Code; 2660

(4) Publish and make available, upon request and for a fee 2661
not to exceed the actual cost of printing and mailing, the 2662
requirements for the issuance of an athletic trainers license 2663
under this chapter and the rules adopted thereunder; 2664

(5) Maintain a register of every person licensed to practice 2665
athletic training in this state, including the addresses of the 2666
licensee's last known place of business and residence, and the 2667
effective date and identification number of the person's license. 2668
The ~~board~~ section shall make this list available to any person 2669
upon request and payment of a fee not to exceed the actual cost of 2670
printing and mailing. 2671

(6) Publish and make available, upon request and for a fee 2672
not to exceed the actual cost of printing and mailing, a list of 2673
persons who passed the examination required under section 4755.62 2674
of the Revised Code; 2675

(7) Investigate complaints concerning alleged violations of 2676
section 4755.62 of the Revised Code or other grounds for the 2677
suspension, revocation, or refusal to issue a license under 2678
section 3123.47 or 4755.64 of the Revised Code. In connection with 2679
its investigations, the athletic trainers section may subpoena 2680
witnesses, issue subpoenas, examine witnesses, administer oaths, 2681
and, under the direction of the executive ~~secretary~~ director of 2682

the board, investigate complaints and make inspections and other 2683
inquiries as in the judgment of the section are appropriate to 2684
enforce sections 3123.41 to 3123.50, ~~4755.62, and 4755.64~~ and this 2685
chapter of the Revised Code. The section may review and audit the 2686
records of any licensee during normal business hours at the 2687
licensee's place of business or at any other place where the 2688
licensee's records are kept. Notwithstanding section 149.43 of the 2689
Revised Code, the athletic trainers section and its employees, 2690
except pursuant to a court order, shall maintain in confidence all 2691
information obtained. 2692

(8) Adopt rules governing the nature and scope of the 2693
examination required under section 4755.62 of the Revised Code and 2694
the reexamination required under section 4755.63 of the Revised 2695
Code and the minimum examination score for licensure or renewal 2696
thereof. The rules for the examination required under section 2697
4755.62 of the Revised Code shall ensure the testing of the 2698
applicant's knowledge of the basic and clinical sciences relating 2699
to athletic training theory and practice, including professional 2700
skills and judgment in the utilization of athletic training 2701
techniques and such other subjects as the athletic trainers 2702
section ~~of the board~~ considers useful in determining competency to 2703
practice athletic training. 2704

(9) Conduct the examination required under section 4755.62 of 2705
the Revised Code at least twice a year at a time and place and 2706
under such supervision as the athletic trainers section ~~of the~~ 2707
~~board~~ determines; 2708

(10) Adopt rules to determine which states' standards for 2709
licensure are equal to or greater than this state's for the 2710
purpose of waiving requirements under division (D) of section 2711
4755.62 of the Revised Code; 2712

(11) Adopt rules to determine which examinations meet the 2713
requirements of division (E) of section 4755.62 of the Revised 2714

Code;	2715
(12) Adopt rules establishing the standards of ethical conduct for licensed athletic trainers under this chapter;	2716 2717
(13) Adopt rules to determine <u>specifying</u> the scope and nature of the continuing education courses that <u>are acceptable to the athletic trainers section and the number of courses that must be completed to</u> comply with the requirement for renewal of a license under section 4755.63 of the Revised Code.	2718 2719 2720 2721 2722
<u>(14) Adopt rules establishing the schedule when licenses to practice as an athletic trainer expire during a biennium for purposes of section 4755.63 of the Revised Code.</u>	2723 2724 2725
(B) The fees adopted by the athletic trainers section of the board pursuant to division (A)(2) of this section shall be established and adjusted as required to provide sufficient revenues to meet the expenses of the section in administering sections 4755.61 <u>4755.60</u> to 4755.66 of the Revised Code. The fees shall include:	2726 2727 2728 2729 2730 2731
(1) A nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination;	2732 2733
(2) An initial license fee;	2734
(3) A biennial license renewal fee;	2735
(4) A late renewal penalty, not to exceed fifty per cent of the renewal fee.	2736 2737
The athletic trainers section of the board may, by rule, provide for the waiver of all or part of a license fee if the license is issued less than one hundred days before its expiration date.	2738 2739 2740 2741
(C) All rules under sections 4755.61 <u>4755.60</u> to 4755.65 of the Revised Code shall be adopted by the athletic trainers section of the board in accordance with Chapter 119. of the Revised Code.	2742 2743 2744

Sec. 4755.62. (A) No person shall claim to the public to be 2745
an athletic trainer or imply by words, actions, or letters that 2746
the person is an athletic trainer, or otherwise engage in the 2747
practice of athletic training, unless the person is licensed as an 2748
athletic trainer pursuant to this chapter. 2749

(B) Except as otherwise provided in division (B) of section 2750
4755.65 of the Revised Code, no educational institution, 2751
partnership, association, or corporation shall advertise or 2752
otherwise offer to provide or convey the impression that it is 2753
providing athletic training unless an individual licensed as an 2754
athletic trainer pursuant to this chapter is employed by, or under 2755
contract to, the educational institution, partnership, 2756
association, or corporation and will be performing the athletic 2757
training services to which reference is made. 2758

(C) To qualify for an athletic trainers license, a person 2759
shall: 2760

(1) Have satisfactorily completed an application for 2761
licensure in accordance with rules adopted by the athletic 2762
trainers section of the Ohio occupational therapy, physical 2763
therapy, and athletic trainers board under section 4755.61 of the 2764
Revised Code; 2765

(2) Have paid the examination fee required under this 2766
section; 2767

~~(3) Be a resident of the state or perform substantial~~ 2768
~~athletic training within the state;~~ 2769

~~(4) Be of good moral character;~~ 2770

~~(5)~~(4) Have shown, to the satisfaction of the athletic 2771
trainers section ~~of the board~~, that the applicant has received a 2772
baccalaureate or higher degree from an institution of higher 2773
education, approved by the athletic trainers section of the board 2774

and the federal regional accreditation agency and recognized by 2775
the council on postsecondary accreditation, and has satisfactorily 2776
completed ~~a program that meets the academic standards for athletic~~ 2777
~~trainers established by the national athletic trainers~~ 2778
~~association, inc. The program shall include satisfactory~~ 2779
~~completion of the educational course work requirements established~~ 2780
by rule of the athletic trainers section under ~~division (A)(1) of~~ 2781
section 4755.61 of the Revised Code. 2782

~~(6)(5)~~ In addition to educational course work requirements, 2783
have ~~completed eight hundred hours of~~ obtained supervised clinical 2784
experience ~~over a minimum of a two year period that meets the~~ 2785
requirements established in rules adopted by the athletic trainers 2786
section under section 4755.61 of the Revised Code; 2787

~~(7)(6)~~ Have passed an examination adopted by the athletic 2788
trainers section ~~of the board~~ under division (A)(8) of section 2789
4755.61 of the Revised Code. Each applicant for licensure shall 2790
pay, at the time of application, the nonrefundable examination fee 2791
set by the athletic trainers section. 2792

(D) The section may waive the requirements of division (C) of 2793
this section for any applicant who presents proof of current 2794
licensure in another state whose standards for licensure, as 2795
determined by the ~~board~~ section, are equal to or greater than 2796
those in effect in this state on the date of application. 2797

(E) The section shall issue a license to every applicant who 2798
complies with the requirements of division (C) of this section, 2799
files the required application form, and pays the fees required by 2800
section 4755.61 of the Revised Code. A license issued under this 2801
section entitles the holder to engage in the practice of athletic 2802
training, claim to the public to be an athletic trainer, or to 2803
imply by words or letters that the licensee is an athletic 2804
trainer. Each licensee shall display the licensee's license in a 2805
conspicuous place at the licensee's principal place of employment. 2806

Sec. 4755.63. Each license issued under section 4755.62 of 2807
the Revised Code expires ~~two years after the date of issue~~ 2808
biennially in accordance with the schedule established in rules 2809
adopted by the athletic trainers section of the Ohio occupational 2810
therapy, physical therapy, and athletic trainers board under 2811
section 4755.61 of the Revised Code, but each person holding a 2812
valid, unexpired license may apply to the athletic trainers 2813
section ~~of the Ohio occupational therapy, physical therapy, and~~ 2814
~~athletic trainers board~~, on forms ~~and according to the schedule~~ 2815
approved by the section, for license renewal. The section shall 2816
renew a license upon the payment of the license renewal fee 2817
prescribed by section 4755.61 of the Revised Code, submission of 2818
the renewal application, and submission to the section of proof of 2819
satisfactory completion of ~~not less than six units~~ the required 2820
number of continuing education courses ~~acceptable to the section,~~ 2821
~~or reexamination~~, as specified in rules adopted by the section 2822
under section 4755.61 of the Revised Code. 2823

Sec. 4755.64. (A) In accordance with Chapter 119. of the 2824
Revised Code, the athletic trainers section of the Ohio 2825
occupational therapy, physical therapy, and athletic trainers 2826
board may suspend, revoke, or refuse to issue or renew an athletic 2827
trainers license, or reprimand, fine, or place a licensee on 2828
probation, for any of the following: 2829

(1) Conviction of ~~an~~ a felony or offense involving moral 2830
turpitude, regardless of the state or country in which the 2831
conviction occurred; 2832

(2) Violation of sections 4755.61 to 4755.65 of the Revised 2833
Code or any order issued or rule adopted thereunder; 2834

(3) Obtaining a license through fraud, false or misleading 2835
representation, or concealment of material facts; 2836

(4) Negligence or gross misconduct in the practice of athletic training;	2837 2838
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	2839 2840 2841
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	2842 2843 2844
(7) Practicing in an area of athletic training for which the individual is clearly untrained or , incompetent, or practiced <u>practicing</u> without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	2845 2846 2847 2848 2849 2850 2851
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	2852 2853 2854
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	2855 2856 2857 2858
(10) Failing the licensing examination;	2859
(11) Aiding or abetting the unlicensed practice of athletic training;	2860 2861
(12) Having been disciplined by the athletic training licensing authority of another state or country for an act that would constitute grounds for discipline under this section <u>Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any</u>	2862 2863 2864 2865 2866

reason other than a failure to renew, in Ohio or another state or jurisdiction. 2867
2868

(B) If the athletic trainers section places a licensee on 2869
probation under division (A) of this section, the section's order 2870
for placement on probation shall be accompanied by a written 2871
statement of the conditions under which the person may be removed 2872
from probation and restored to unrestricted practice. 2873

(C) A licensee whose license has been revoked under division 2874
(A) of this section may apply to the athletic trainers section for 2875
reinstatement of the license one year following the date of 2876
revocation. The athletic trainers section may accept or deny the 2877
application for reinstatement and may require that the applicant 2878
pass an examination as a condition for reinstatement. 2879

(D) On receipt of a complaint that a person licensed by the 2880
athletic trainers section has committed any of the prohibited 2881
actions listed in division (A) of this section, the section may 2882
immediately suspend the license of a licensed athletic trainer 2883
prior to holding a hearing in accordance with Chapter 119. of the 2884
Revised Code if it determines, based on the complaint, that the 2885
licensee poses an immediate threat to the public. The section 2886
shall notify the licensed athletic trainer of the suspension in 2887
accordance with section 119.07 of the Revised Code. If the 2888
individual whose license is suspended fails to make a timely 2889
request for an adjudication under Chapter 119. of the Revised 2890
Code, the section shall enter a final order permanently revoking 2891
the individual's license. 2892

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 of 2893
the Revised Code shall be construed to prevent or restrict the 2894
practice, services, or activities of any person who: 2895

(1) Is an individual authorized under Chapter 4731. of the 2896
Revised Code to practice medicine and surgery, osteopathic 2897

medicine and surgery, or podiatry, a dentist licensed under 2898
Chapter 4715. of the Revised Code, a chiropractor licensed under 2899
Chapter 4734. of the Revised Code, a dietitian licensed under 2900
Chapter 4759. of the Revised Code, a physical therapist licensed 2901
under this chapter, or a qualified member of any other occupation 2902
or profession practicing within the scope of the person's license 2903
or profession and who does not claim to the public to be an 2904
athletic trainer; 2905

(2) Is employed as an athletic trainer by an agency of the 2906
United States government and provides athletic training solely 2907
under the direction or control of the agency by which the person 2908
is employed; 2909

(3) Is a student in a ~~board-approved~~ an athletic training 2910
education program approved by the athletic trainers section 2911
leading to a baccalaureate or higher degree from an accredited 2912
college or university and is performing duties that are a part of 2913
a supervised course of study; 2914

(4) Is ~~a nonresident of not an individual licensed as an~~ 2915
athletic trainer in this state practicing or offering who 2916
practices or offers to practice athletic training, ~~if the~~ 2917
~~nonresident offers athletic training services for not more than~~ 2918
~~ninety calendar days per year or, with board approval, for more~~ 2919
~~than ninety but not more than one hundred eighty calendar days per~~ 2920
~~year and meets either of the following requirements:~~ 2921

~~(a) The nonresident qualifies for licensure under section~~ 2922
~~4755.62 of the Revised Code, except for passage of the examination~~ 2923
~~required under division (C)(7) of that section;~~ 2924

~~(b) The nonresident holds a valid license issued by a state~~ 2925
~~that has licensure requirements considered by the athletic~~ 2926
~~trainers section of the Ohio occupational therapy, physical~~ 2927
~~therapy, and athletic trainers board to be comparable to those of~~ 2928

~~this state. while traveling with a visiting team or organization 2929
from outside the state or an event approved by the section for the 2930
purpose of providing athletic training to the visiting team, 2931
organization, or event; 2932~~

(5) Provides athletic training only to relatives or in 2933
medical emergencies; 2934

(6) Provides gratuitous care to friends or members of the 2935
person's family; 2936

(7) Provides only self-care. 2937

~~(B) Nothing in this chapter shall be construed to prevent any 2938
person licensed under Chapter 4723. of the Revised Code and whose 2939
license is in good standing, any person authorized under Chapter 2940
4731. of the Revised Code to practice medicine and surgery or 2941
osteopathic medicine and surgery and whose certificate to practice 2942
is in good standing, any person authorized under Chapter 4731. of 2943
the Revised Code to practice podiatry and whose certificate to 2944
practice is in good standing, any person licensed under Chapter 2945
4734. of the Revised Code to practice chiropractic and whose 2946
license is in good standing, any person licensed as a dietitian 2947
under Chapter 4759. of the Revised Code to practice dietetics and 2948
whose license is in good standing, any person licensed as a 2949
physical therapist under this chapter to practice physical therapy 2950
and whose license is in good standing, or any association, 2951
corporation, or partnership from advertising, describing, or 2952
offering to provide athletic training, or billing for athletic 2953
training if the athletic training services are provided by a 2954
person licensed under this chapter and practicing within the scope 2955
of the person's license, by a person licensed under Chapter 4723. 2956
of the Revised Code and practicing within the scope of the 2957
person's license, by a person authorized under Chapter 4731. of 2958
the Revised Code to practice podiatry, by a person authorized 2959~~

~~under Chapter 4731. of the Revised Code to practice medicine and 2960
surgery or osteopathic medicine and surgery, by a person licensed 2961
under Chapter 4734. of the Revised Code to practice chiropractic, 2962
or by a person licensed under Chapter 4759. of the Revised Code to 2963
practice dietetics. 2964~~

~~(C) Nothing in this chapter shall be construed as authorizing 2965
a licensed athletic trainer to practice medicine and surgery, 2966
osteopathic medicine and surgery, podiatry, or chiropractic. 2967~~

Sec. 4755.66. On receipt of a notice pursuant to section 2968
3123.43 of the Revised Code, the appropriate section of the Ohio 2969
occupational therapy, physical therapy, and athletic ~~trainer's~~ 2970
trainers board shall comply with sections 3123.41 to 3123.50 of 2971
the Revised Code and any applicable rules adopted under section 2972
3123.63 of the Revised Code with respect to a license issued 2973
pursuant to this chapter. 2974

Sec. 4755.99. (A) Whoever violates ~~section 4755.02~~ sections 2975
4755.05, 4755.48, 4755.482, or 4755.62 of the Revised Code is 2976
guilty of a ~~minor misdemeanor. If the offender has previously been 2977
convicted of an offense under that section, the offender is guilty 2978
of a misdemeanor of the fourth degree~~ felony of the fifth degree 2979
on a first offense and a felony of the fourth degree on each 2980
subsequent offense. 2981

~~(B)(1)~~ (B)(1) One-half of all fines collected for violation of 2982
section ~~4755.02~~ 4755.05 of the Revised Code shall be distributed 2983
to the occupational therapy section of the Ohio occupational 2984
therapy, physical therapy, and athletic trainers board and then 2985
paid into the state treasury to the credit of the occupational 2986
licensing and regulatory fund, and one-half to the treasury of the 2987
municipal corporation in which the offense was committed, or if 2988
the offense was committed outside the limits of a municipal 2989

corporation, to the treasury of the county. 2990

(2) One-half of all fines collected for violation of sections 2991
4755.48 and 4755.482 of the Revised Code shall be distributed to 2992
the physical therapy section of the Ohio occupational therapy, 2993
physical therapy, and athletic trainers board and then paid into 2994
the state treasury to the credit of the occupational licensing and 2995
regulatory fund, and one-half to the treasury of the municipal 2996
corporation in which the offense was committed, or if the offense 2997
was committed outside the limits of a municipal corporation, to 2998
the treasury of the county. 2999

(3) One-half of all fines collected for violation of section 3000
4755.62 of the Revised Code shall be distributed to the athletic 3001
trainers section of the Ohio occupational therapy, physical 3002
therapy, and athletic trainers board and then paid into the state 3003
treasury to the credit of the occupational licensing and 3004
regulatory fund, and one-half to the treasury of the municipal 3005
corporation in which the offense was committed, or if the offense 3006
was committed outside the limits of a municipal corporation, to 3007
the treasury of the county. 3008

~~(B)~~(C) Whoever violates division (A) of section 4755.48 of 3009
the Revised Code is guilty of a misdemeanor of the third degree. 3010

~~(C)~~(D) Whoever violates division (B), (C), (D), or (F) of 3011
section 4755.48 of the Revised Code or section 4755.482 of the 3012
Revised Code is guilty of a misdemeanor of the second degree. 3013

~~(D)~~(E) Whoever violates division (A) or (B) of section 3014
4755.62 of the Revised Code is guilty of a misdemeanor of the 3015
first degree. 3016

Section 2. That existing sections 1705.03, 1705.04, 1705.53, 3017
1785.01, 1785.02, 1785.03, 3701.881, 3902.22, 4723.16, 4729.161, 3018
4731.226, 4731.65, 4732.28, 4734.17, 4755.01, 4755.02, 4755.03, 3019

4755.04, 4755.05, 4755.06, 4755.07, 4755.08, 4755.09, 4755.10, 3020
4755.11, 4755.12, 4755.13, 4755.40, 4755.41, 4755.42, 4755.43, 3021
4755.45, 4755.46, 4755.47, 4755.48, 4755.50, 4755.51, 4755.52, 3022
4755.56, 4755.61, 4755.62, 4755.63, 4755.64, 4755.65, 4755.66, and 3023
4755.99, and section 4755.44 of the Revised Code are hereby 3024
repealed. 3025

Section 3. On the effective date of this act, any rule 3026
administered by the physical therapy section of the Ohio 3027
Occupational Therapy, Physical Therapy, and Athletic Trainers 3028
Board that is in conflict with the provisions of this act is void. 3029

Section 4. A member of the Ohio Occupational Therapy, 3030
Physical Therapy, and Athletic Trainers Board or Physical Therapy 3031
Section who, as of the effective date of this section, has served 3032
more than a total of nine years on the Board or Physical Therapy 3033
Section may complete the member's current term but is not eligible 3034
for reappointment for the following term. 3035

Section 5. Section 1785.01 of the Revised Code is presented 3036
in this act as a composite of the section as amended by both Sub. 3037
H.B. 606 and Sub. H.B. 698 of the 122nd General Assembly. The 3038
General Assembly, applying the principle stated in division (B) of 3039
section 1.52 of the Revised Code that amendments are to be 3040
harmonized if reasonably capable of simultaneous operation, finds 3041
that the composite is the resulting version of the section in 3042
effect prior to the effective date of the section as presented in 3043
this act. 3044