



## **H.B. 305**

123rd General Assembly  
(As Reported by H. Commerce & Labor)

**Reps. Coughlin, Bateman, Beatty, Corbin, Ford, Grendell, O'Brien, Winkler,  
Womer Benjamin**

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### **BILL SUMMARY**

- Allows, with certain exceptions, a physical therapist to provide services to a person without a prescription or referral from a physician, podiatrist, chiropractor, or dentist.
- Specifies that a physical therapist is only allowed to perform a physical therapy assessment of a person seeking treatment without a referral or a prescription if the physical therapist first obtains informed consent from the person in writing.
- Specifies that a physical therapist must refer a person who came to the physical therapist without a prescription or referral, to a physician, podiatrist, dentist, or chiropractor, as appropriate, if the person does not show substantial progress based on reasonable evidence within five visits or 15 days after the date of the initial visit to the physical therapist, unless certain exceptions apply.
- Specifies that a physical therapist may treat a person without a referral or prescription for fitness, wellness, or prevention purposes.
- Specifies that a physical therapist may provide evaluations, treatments, and services to a person without a referral or prescription for problems or symptoms associated with a previously diagnosed chronic, neuromuscular, or developmental condition.
- Requires a physical therapist to refer a person in the physical therapist's care to an appropriate health care practitioner if the physical therapist has reason to believe that the person's condition requires expertise beyond that possessed by the physical therapist.

- Eliminates the ability of a person to be licensed as a physical therapist assistant by having been employed for two years as an assistant prior to November 21, 1977, but allows those already licensed under this provision to continue to renew their license.
- Revises the definition of "physical therapy" which establishes the scope of "the practice of physical therapy."
- Clarifies the use of alternative titles for physical therapists and physical therapist assistants.

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## **CONTENT AND OPERATION**

### **The practice of physical therapy**

In existing law, "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. Physical therapy does not include the diagnosis of patient's disability, the use of Roentgen rays or radium for diagnostic or therapeutic purposes or the use of electricity for cauterization or other surgical purposes.

The bill revises the definition of "physical therapy," by including the following: (1) the examination of a person for the purpose of making a "physical therapy assessment and prognosis," but not a "medical diagnosis," and (2) the establishment of a plan of "therapeutic intervention" for the person and assessment of the ongoing effects of the intervention. (Sec. 4755.40.)

The bill also specifies that a physical therapist may be referred to as a "physiotherapist" and that a physical therapist assistant may be referred to as a "physical therapy assistant." (Sec. 4755.40.)

### **Prescriptions and referrals**

Existing law prohibits the practice of physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in any state to practice medicine and surgery, dentistry, osteopathic medicine and surgery, podiatry, or chiropractic services within the scope of the person's license.

The bill provides that a physical therapist may render physical therapy evaluations, treatments, and services with or without a referral or prescription from a physical podiatrist, dentist, or chiropractor, unless after not more than five visits

or not more than 15 days from the date of the initial visit, whichever comes first, the treating physical therapist determines, based on reasonable evidence, that no substantial progress has been made in the treatment of the patient. If no substantial progress is made within five visits or 15 days, whichever comes first, then the physical therapist is required to consult with or refer the person to a physician, podiatrist, dentist, or chiropractor, as appropriate. The bill specifies that no physical therapist is allowed to perform a physical therapy evaluation of a person with a previously undiagnosed condition who seeks treatment without a referral or prescription from a physician, podiatrist, dentist, or chiropractor, as appropriate, without first obtaining confirmation of informed consent in writing from the person, on a form prescribed by the physical therapy section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board that informs the person that the person has a right to seek treatment from a physician, podiatrist, dentist, or chiropractor as appropriate.

Under the bill, a physical therapist is not required to consult with or refer a person to a physician, podiatrist, dentist, or chiropractor within the time limitations previously specified, nor is the physical therapist required to obtain informed consent if the physical therapist is providing to the patient either of the following:

(1) Evaluations, treatments, or services for fitness, wellness, or prevention purposes.

(2) Evaluations, treatments, or services to a person with a previously diagnosed chronic, neuromuscular, or developmental condition for problems or symptoms associated with one or more of the person's previously diagnosed conditions.

The bill also requires that a physical therapist must refer a person to the appropriate health care practitioner if the physical therapist has reason to believe that a person under the physical therapist's care has symptoms or conditions that require treatment beyond the expertise of the physical therapist.

The bill makes failure to comply with the provisions requiring referral to a physician, podiatrist, dentist, or chiropractor, except where not required, a second degree misdemeanor (not more than six months in jail and not more than a \$750 fine). (Secs. 4755.48 and 4755.99.)

### **Physical therapist assistant licensing**

Under existing law an applicant for a physical therapist assistant license must file with the Secretary of the Physical Therapy Section (hereafter "Section") of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

an application on a form prescribed by the Section and that contains satisfactory proof that the applicant meets the following requirements:

(1) Is of good moral character;

(2) Has completed a program approved by the Section, or on November 21, 1977, has been engaged full time as a physical therapist assistant in Ohio for at least two years.

The bill eliminates the ability of a person to be licensed as a physical therapist assistant by having been employed for two years as an assistant immediately prior to November 21, 1997 (sec. 4755.42(B)). A person who received a license in this manner will continue to be able to renew the current license. If, however, the license of that person expires, the Section must require the person to either complete a program approved by the Section under the new application requirement or to qualify for renewal under rules established by the Section for licensees who file a late application for license renewal. (Section 3.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-20-99	p. 442
Reported, H. Commerce & Labor	10-20-99	p. 1312

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