
OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

Board vacancies

- Extends to 90 days (from 60) the maximum transition period that may occur between an expired term of office and the Governor's appointment of a person to fill a vacancy on the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

Occupational therapy licensing procedures

- Eliminates limited permits for occupational therapists and occupational therapy assistants.
- Eliminates the option of having a license placed in escrow when an occupational therapist or occupational therapy assistant is not in active practice.

Physical therapy licensing procedures

- Eliminates the requirement that an applicant applying for a physical therapist or physical therapist assistant license submit a physical description and photograph.
- Specifies that a license applicant must graduate from a professional program and that the program be accredited by an agency acceptable to the Board's Physical Therapy Section.

Orthotists, prosthetists, and pedorthists – enforcement

- Authorizes the Board to discipline orthotists, prosthetists, and pedorthists for denial, revocation, suspension, or restriction of authority to practice any health care occupation in any jurisdiction.
- Allows the Board to impose a fine or a requirement to take corrective action courses.
- Requires a person who is sanctioned to pay the actual cost of the administrative hearing.
- Transfers the duty to investigate violations to the full Board, in place of the Board's secretary.
- Permits the Board to share confidential investigatory information with any relevant law enforcement, prosecutorial, or regulatory agency.

Discipline based on sexual interactions with patients

- Includes sexual conduct with a patient among the other sex-related behaviors for which the Board may take disciplinary action against a physical therapist or physical therapist assistant.
- Allows the Board, in its regulation of all other professionals under its jurisdiction, to take disciplinary action due to sexual conduct, sexual contact, and sexually demeaning verbal behavior with a patient.

Board vacancies

(R.C. 4755.01)

Each member of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board serves for a three-year term. When a term expires, the member also serves until a successor is appointed or a time-limited transition period has elapsed. The act extends the length of the transition period to 90 days, from the former 60 days.

Occupational therapy licensing procedures

Limited permits

(R.C. 4755.08 (primary) and 121.22, 4755.01, 4755.02, 4755.04, 4755.05, 4755.06, 4755.11, and 4755.12)

The act eliminates provisions regarding the issuance of limited permits for occupational therapists and occupational therapy assistants. Previously, if a person had taken the required licensing examination, a limited permit could be issued by the Board's Occupational Therapy Section. The permit authorized the person to practice under the supervision of a licensed occupational therapist until the examination results were public.

Inactive licenses

(R.C. 4755.12 (primary) and 4755.06)

The act eliminates the option of having an occupational therapist or occupational therapy assistant license placed in escrow. Under prior law, this option allowed a person who was not in active practice to register as such with the Board's Occupational Therapy Section for a biennial fee.

Physical therapy licensing procedures

Applications with physical identification

(R.C. 4755.42 and 4755.421)

The act eliminates the requirement that a person seeking a license as a physical therapist or physical therapist assistant submit a physical description and photograph.

Acceptable programs

(R.C. 4755.42, 4755.421, and 4755.48)

The act requires an applicant for licensure as a physical therapist or physical therapist assistant to have graduated from a professional program for the license being sought. This replaces prior law provisions specifying that (1) a physical therapist must complete a master's or doctorate program of physical therapy education with minimum types of coursework and (2) a physical therapist assistant must complete a physical therapist assistant program of education.

The act retains the requirement that a licensure applicant's program be accredited by a physical therapy accreditation agency. However, the act establishes the Board's Physical

Therapy Section as the entity that must approve of the accreditation agency. This replaces the prior law provision specifying that the accreditation agency must be recognized by the U.S. Department of Education.

Orthotists, prosthetists, and pedorthists – enforcement

Authorized disciplinary actions

(R.C. 4779.28)

In regulating orthotists, prosthetists, and pedorthists who hold or are seeking licenses, the Board has a number of professional disciplinary options. In addition to the previously established actions that may be taken against a license holder, the act allows the Board to impose a fine or a requirement that a licensee take corrective action courses.

Regarding the grounds for discipline, the act allows the Board to take action against a licensee or applicant who has experienced denial, revocation, suspension, or restriction of authority to practice any health care profession in Ohio, another state, or any other jurisdiction. This does not apply, however, if the sanction occurred only for failing to renew a license.

Administrative hearing costs

(R.C. 4779.281)

The act requires any orthotist, prosthetist, or pedorthist who is sanctioned to pay the cost of the administrative hearing. This includes the cost of the court reporter, hearing officer, transcripts, and any witness fees for lodging and travel.

Responsibility for investigations

(R.C. 4779.33)

The act makes the Board responsible for investigating violations by an orthotist, prosthetist, or pedorthist. Under former law, the Board's secretary had this duty.

Sharing of investigatory information

(R.C. 4779.33)

The act specifies that any information and records received or generated by the Board during an investigation regarding an orthotist, prosthetist, or pedorthist are not public records. However, the Board may disclose information to local, state, or federal law enforcement, prosecutorial, or regulatory agencies if an investigation is within their jurisdiction. The agency receiving the information must comply with the same confidentiality requirements as the Board.

Under the act, information from a Board investigation may be entered as evidence in a criminal trial or administrative hearing. Appropriate measures, such as sealing records or redacting specific information, must be taken to protect the confidentiality of patients, complainants, and others specified by the Board.

Discipline based on sexual interactions with patients

(R.C. 4755.11, 4755.47, 4755.64, and 4779.28)

With respect to the Board's disciplinary power concerning sexual contact between licensees and patients, the act modifies the Board's authority that applies to its Physical Therapy Section and extends the same authority to the Board, its Occupational Therapy Section, and its Athletic Trainers Section in regulating the other professionals under their jurisdiction. The other professionals include orthotists, prosthetists, pedorthists, occupational therapists, occupational therapy assistants, and athletic trainers.

For the Physical Therapy Section, the act permits disciplinary action to be taken against a physical therapist or physical therapist assistant for sexual conduct with a patient. "Sexual conduct" is defined as contact with an erogenous zone of another person with the intent to sexually arouse or gratify either person. This reason for taking action is in addition to the Section's continuing authority to discipline a licensee for sexual contact with a patient or for verbal behavior that is sexually demeaning. "Sexual contact" refers to vaginal or anal intercourse and oral sex. Verbal behavior that is sexually demeaning includes any communication that may be reasonably interpreted by the patient as sexually demeaning.

In the same manner described above for the Physical Therapy Section, the act permits the Board and its remaining Sections to take disciplinary action against the other professionals they regulate. Specifically, this disciplinary authority applies if the professionals engage in sexual conduct or sexual contact with a patient or in verbal behavior that is sexually demeaning to a patient or could be reasonably interpreted by the patient as sexually demeaning. The authority applies even if the sexual interaction is consensual; however, it does not apply if the patient is the licensee's spouse.