

Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board  
**Athletic Trainers Section Meeting**  
**May 18, 2023**  
8:30 AM Roll Call  
Vern Riffe Center, 77 South High Street, 19<sup>th</sup> Floor, Room 1924, Columbus, OH 43215

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**1. Administrative Matters**

- 1.1 Agenda Review *(Bates)*
- 1.2 Approval of Minutes  
**Action Required**
- 1.3 Executive Director Report *(Anthony)*
- 1.4 Executive Session:
  - 1.4.1 To discuss pending and imminent court action *(ORC 121.22 (G)(3))*
  - 1.4.2 To discuss personnel matters related to:
    - Appointment; Employment; Dismissal; Discipline; Promotion; Demotion; Compensation *(ORC 121.22 (G)(1))*
    - Investigation of charges/complaints against a public employee, licensee, or regulated individual in lieu of a public hearing *(ORC 121.22 (G)(1))*
  - 1.4.3 To discuss matters required to be kept confidential by federal law, federal rules, or state statutes *(ORC 121.22 (G)(5))*
- 1.5 Discussion of Law and Rule Changes *(Anthony)*
  - 1.5.1 Reinstatement – continuing education requirements and Safe Haven program initial licensure and renewal CE
  - 1.5.2 Senate Bill 131
  - 1.5.3 Five year review
- 1.6 Board newsletter topics *(Anthony)*

**2. Administrative Reports**

- 2.1 Continuing Education *(Lake/Sczpanski)*
  - 2.1.1 Application for Waiver of Continuing Education
  - 2.1.2 CE Denial Appeal
  - 2.1.3 CE Requests for Approval
- 2.2 Event Approvals
- 2.3 Licenses *(Lake)*
  - 2.3.1 Athletic Training Licensure Applications  
**Action Required**
  - 2.3.2 Licensure Renewal Report
  - 2.3.3 Application Withdrawals *(Lake)*
  - 2.3.4 Reinstatement request
- 2.4 Enforcement *(Kozak)*

- 2.4.1 Enforcement Report
- 2.4.2 Notice(s) of Opportunity for Hearing
- 2.4.3 Consent Agreement(s)
- 2.4.4 Releases from Consent Agreements
- 2.4.5 Affidavit Consideration(s) *(Day)*
- 2.4.6 Hearing Officer Report(s) *(Duvall)*
- 2.4.7 Summary Suspension(s)
- 2.4.8 To discuss proposed disciplinary action against a licensee pursuant to ORC 121.22 (G)(1) and pursuant to 121.22 (G)(5) that involve matters required to be kept confidential under ORC sections 149.43 (A)(2) and 4755.02 (E)(1)
- 3. Assistant Attorney General Report** *(Miller)*
- 4. OATA Report** *(Rishel)*
- 5. BOC Update**
- 6. Open Forum**
- 7. Old Business**
  - 7.1 Minimum Data Set
- 8. New Business**
  - 8.1 Transition to Masters – use of undergrad students as student ATs
  - 8.2 California AT regulation legislation
- 9. Correspondence** *(Sczpanski)*
- 10. Next Meeting Preparation – July 20**
  - 10.1 Agenda Items
    - Pharmacy Board/drug admin memo
    - Continuing Education/ethics approach/jurisprudence test retain?/video update?/scenario based questions?
  - 10.2 Executive Director Assignments
- 11. Adjournment**



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Athletic Trainers Section*

*April 3, 2023*

*9:00 AM*

*Vern Riffe Center, 77 South High Street Columbus, OH 43215*

**Members Present**

Trevor Bates, Chair  
Gary Lake  
Hollie Kozak  
Jeff Sczpanski

**Members Absent**

Benjamin Burkam MD, Secretary

**Legal Counsel**

None

**Staff Present**

Melissa Anthony, Executive Director  
David Day, Paralegal  
Jeffery Duvall, Supervisor, Enforcement Division  
Aariann Felix, Executive Assistant  
Jaklyn Shcofsky, Investigator

**Guests**

None

**Call to Order**

Trevor Bates called the meeting to order at 9:08 AM.

Gary Lake made a motion, seconded by Hollie Kozak to approve the January 26, 2023 minutes as submitted. Motion passed.

**Executive Director's Report**

Executive Director updated the AT Section on legislative matters, board outreach, renewal numbers, and eLicense.

**Discussion of Laws and Rules Changes**

Jeff Sczpanski moved to file rules 4755-43-01, 4755-43-06, and 4755-45-01 with language changes as discussed with JCARR. Seconded by Gary Lake. All in favor. Motion passed.

Jeff Sczpanski moved to file the five year rule review rules with changes as discussed to the Common Sense Initiative. Seconded by Hollie Kozak. All in favor. Motion passed.

**Continuing Education**

Gary Lake moved that the section approve two applications for contact hour approval. Jeff Sczpanski seconded. All in favor. Motion passed.

**Licensure Applications**

Gary Lake moved that the AT section approve education of AT006767 for the purpose of licensure. Hollie Kozak seconded. All in favor. Motion passed.

Gary Lake moved that the Athletic Trainers Section ratify, as submitted, the athletic training licenses issued by examination, endorsement, and reinstatement by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from January 26, 2023 through April 3, 2023, taking into account those licenses subject to discipline, surrender, or non-renewal. Second by Hollie Kozak. Motion passed.

*AT License by Endorsement-7*

Amy Michelle Crum  
Bethany Lynn Boyd  
Haley Brown

Jake Rosenfeldt  
Jillian Snyder  
Sarah Johnson

Will Hedderson

*AT License by Examination- 3*

Andrew Joseph Maughan  
Hannah Kathryn Rammel  
Justin Wagler

Gary Lake recommended that the section grant the application withdrawal requests for AT examination/endorsement /reinstatement applications on file with the board on April 3, 2023, based on the documentation provided. Jeff Szczanski made the motion and Hollie Kozak seconded. All in favor. Motion passed.

*Application Withdrawal*

Susan Hillman APP-000686833

**Enforcement Report**

“New” cases opened since the last meeting: 01  
Cases closed at the last meeting: 02  
Cases “currently open”: 05  
Active consent agreements: 00  
Adjudication order being monitored: 00

**AAG Report**

None

**OATA**

None

**Open Forum**

None

**Old Business**

None

**New Business**

The AT section discussed updates on the work with the pharmacy board and HB 176. The section also discussed interest with the MDS data set.

**Correspondence**

The AT section discussed a question regarding athletic training continuing education.

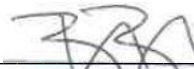
**Adjournment**

Trevor Bates adjourned the meeting at 11:34 AM.

Respectfully submitted,  
*Ariann Felix*



Jeff Szczanski, AT, Acting Chair  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, AT Section



Dr. Benjamin Burkam, MD, Secretary  
Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board, AT Section



Missy Anthony, Executive Director

4755:3-1-01

Applications for initial license.

(A) All applications for initial licensure as an athletic trainer shall be submitted to the athletic trainers section in the manner specified by the section. All applications, statements, and other documents submitted are retained by the section.

(B) Applications are:

(1) Submitted electronically via eLicense Ohio or its successor electronic licensing system;

(2) Electronically signed via eLicense Ohio or its successor electronic licensing system;

(3) Accompanied by the fee prescribed Chapter 4755. of the Administrative Code; and

(4) Accompanied by such evidence, statements, or other documents as specified on the application, including viewing a required presentation about the board's safe haven program.

(C) For the purposes of filing an electronic application via eLicense Ohio or its successor electronic licensing system, the applicant will create log-in credentials. The use of these credentials is solely the responsibility of the person who created it. The credentials constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(D) Any application received in accordance with this rule that remains incomplete one year after the initial application filing is considered to be abandoned and no further processing will be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board.

Cross reference: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-43-01>

4755:3-1-04

**Reinstatement of licensure.**

(A) Pursuant to Chapter 4755. of the Administrative Code, the athletic training license of a person who fails to comply with the renewal requirements shall automatically expire on the thirtieth day of September of the appropriate year.

(B) All applicants for reinstatement shall submit a completed application on the forms specified by the section. All applications shall:

(1) Be submitted electronically via eLicense Ohio or its successor electronic licensing system;

(2) Be electronically signed via eLicense Ohio or its successor electronic licensing system;

(3) Contain the fee prescribed by Chapter 4755. of the Administrative Code;

(4) Contain proof that the applicant met the appropriate continuing education requirement:

(a) For reinstatement applications submitted on or after November first of the year in which the applicant's license expired, the applicant shall complete twenty-five contact hours of continuing education in accordance with rule 4755:3-3-01 of the Administrative Code within the two year period immediately preceding the application for reinstatement. Contact hours used to meet the requirements of this paragraph may be used to renew the reinstated license; or

(b) Notwithstanding paragraph (B)(4)(a) of this rule, for reinstatement applications submitted before November first of the year in which the applicant's license expired, the applicant shall complete the number of contact hours of continuing education that were required to renew the expired license. All contact hours used to reinstate the license shall be earned in accordance with rule 4755:3-3-01 of the Administrative Code. Contact hours used to meet the requirements of this paragraph shall not be used to renew the reinstated license.

(5) Contain proof that the applicant holds current certification by the board of certification, inc. if the reinstatement application is submitted on or after December first of the year in which the applicant's license expired.

(6) Be accompanied by such evidence, statements, or documents as specified on the application, including viewing a required presentation about the board's safe haven program.

(C) In addition to the information required in paragraph (B) of this rule, the athletic trainers section may also require:

4755:3-3-01

Continuing education.

(A) Pursuant to section 4755.63 of the Revised Code, to renew an athletic trainers license, license holders shall complete:

(1) Not less than twenty-five hours of continuing education that meet the requirements of this rule; and

(2) At least one contact hour of ethics education per renewal cycle. The one hour ethics requirement shall be fulfilled by completing an acceptable activity outlined in paragraph (C) of this rule that contains at least one hour addressing professional ethics or mental health and/or substance use. In addition, any presentation by the athletic trainers section that addresses professional ethics meets the ethics requirement.

(3) At least one contact hour of mental health and/or substance use education per renewal cycle. The one hour mental health and/or substance use requirement shall be fulfilled by completing an acceptable activity outlined in paragraph (C) of this rule that contains at least one hour addressing mental health and/or substance use. In addition, any presentation by the board's safe haven program that addresses mental health and/or substance use meets this requirement.

(4) The same contact hour cannot be used to fulfill both the ethics and the mental health and/or substance use requirements.

(5) License holders are not required to obtain any continuing education units for the first renewal.

(B) The athletic trainers section shall determine if a continuing education activity meets the requirements of this rule. Continuing education is defined as participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction. One contact hour equals sixty minutes.

(1) Applications for prior approval of workshop or conference content by the athletic trainers section may be obtained by the workshop or conference sponsor from the board office. For prior approval, completed applications shall be received by the section no later than ninety days prior to the date of the workshop or conference.

(2) If no other form of verification is used, license holders shall obtain from the board office verification of participation forms, which are to be signed by each presenter at the conclusion of each presentation. If a presentation is made by a panel, only one signature is required. Original continuing education certificates or other original documents indicating credits awarded may also be used as verification of participation.

(3) Continuing education hours shall exclude refreshment breaks, receptions and

other social gatherings, and meals.

(C) Acceptable continuing education activities may include:

(1) Participation in professional workshops, seminars, and/or conferences.

(a) Credit is obtained for in person participation in presentations that have either been approved by the athletic trainers section, sponsored by the national athletic trainers association, the board of certification, inc., the great lakes athletic trainers association, the Ohio athletic trainers association, offered by a board of certification, inc. approved provider, or which otherwise meets all of the following criteria:

(i) Contributes directly to professional competency;

(ii) Relates directly to the clinical practice, management, or education of athletic training; and

(iii) Conducted by people who demonstrate expertise in the subject matter of the program.

(b) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, and/or other materials given to participants during the presentation and/or, if applicable, information documented on prior approval applications made with the board.

(2) Presentations. To be eligible to receive continuing education credit for making a presentation, including a poster presentation, the presentation shall be:

(a) To health or education professionals and/or students; and

(b) Directly related to the clinical practice, management, or education of athletic training professionals.

Five hours will be awarded per presentation, with a maximum of ten hours per renewal cycle. Proof of having conducted the presentation is the workshop, conference, or seminar contract, the brochure, agenda or other printed materials describing the content and audience.

Continuing education credit will not be awarded for subsequent presentations of the same material.

(3) Publication of original work. Ten hours will be awarded per original publication in a state or national scientific journal or publication of a related professional organization. A maximum of twenty hours may be earned in this category per renewal cycle.



- (4) Postgraduate courses. Any course completed after receiving a bachelors degree may be submitted for consideration by the athletic trainers section provided the course is directly related to the management, practice, or education of athletic training. Proof of completion is an unofficial transcript and a copy of the course description. An official transcript may be requested at the discretion of the athletic trainers section. Five contact hours will be awarded for each semester hour or equivalent accepted. There is no limit of contact hours in this category.
- (5) Self-study. Formal self-study packages, such as printed text, multi-media, or internet based activities, related to the practice of athletic training are acceptable. Proof of completion is the certificate of completion and/or a copy of the post-test results. A maximum of twenty hours may be earned in this category per renewal cycle.
- (6) Post-professional athletic training education program. Graduation from a post-professional athletic training education program accredited by the commission on accreditation of athletic training education may be submitted for the continuing education requirement and will qualify for twenty-five hours of continuing education in the year the license holder graduates. Proof of completion is an unofficial transcript. An official transcript may be requested at the discretion of the athletic trainers section.
- (7) Laws and rules examination. One contact hour may be earned for completing and passing the Ohio athletic training laws and rules examination. This contact hour may be utilized only once per renewal cycle for continuing education credit. Proof of completion will be supplied by the section. This contact hour may be used to fulfill the ethics requirement established in paragraph (A)(2) of this rule.
- (8) Volunteer services to indigent and uninsured persons pursuant to section 4745.04 of the Revised Code. To qualify under this rule, volunteer services shall:
- (a) Be provided at a free clinic or other non-profit organization that offers health care services based on eligibility screenings identifying the client as an "indigent and uninsured person" as that term is defined in division (A)(7) of section 2305.234 of the Revised Code.
  - (b) Be documented in writing in the form of a certificate or a written statement on letterhead from an administrative official at the organization where services were rendered, specifying at a minimum the license holder's name, license number, date(s) of qualifying volunteer services, number of hours of services, and describing the services that were rendered.

(c) Not be credited for license holders in a paid position at the organization at which the services are rendered.

(d) Not be credited for license holders who are also using the hours toward educational and academic pursuits.

(e) Be athletic training services provided in compliance with the Revised and Administrative Codes.

(f) Be credited as one hour of continuing education for each sixty minutes spent providing services as a volunteer, not to exceed four hours of the total biennial continuing education requirement.

(g) Not count toward the one contact hour of ethics or mental health and/or substance use per renewal cycle as required by paragraph (A)(2) or (A)(3) of this rule.

(D) An athletic training license shall not be renewed unless the license holder indicates on the renewal application that the person completed the required number of continuing education hours specified in paragraph (A) of this rule.

A license holder who falsifies a renewal application may be disciplined by the athletic trainers section for violating division (A)(3) of section 4755.64 of the Revised Code.

(E) Records and documentation of continuing education activities, such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, books, and/or apprenticeship evaluations shall be maintained by the license holder.

(F) The athletic trainers section shall conduct an audit of the continuing education records of not less than five per cent of the license holders each renewal year.

(1) License holders chosen for the audit shall submit documentation to support the continuing education activities within the timeframe specified by the athletic training section. After review of the records and documentation, if requested, the materials shall be returned to the license holder.

(2) Failure to provide proof of the required number of continuing education hours in the appropriate categories, for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

- (1) Appearance before the section for a reinstatement interview.
- (2) Taking or retaking the laws and rules examination.
- (3) Taking or retaking the examination specified in Chapter 4755. of the Administrative Code.
- (D) The athletic trainers section may reinstate a license and may waive payment of late fees for reinstatement when the section determines that a person demonstrates good cause why the person was unable to submit the renewal fee by the prescribed renewal date. In no instance shall the normal renewal fee be waived.
- (E) For the purposes of filing an electronic application via the eLicense Ohio or its successor licensing system, the applicant will create log-in credentials. The use of these credentials is solely the responsibility of the person who created it. The credentials constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.
- (F) Any application received in accordance with this rule that remains incomplete one year after the initial application filing is considered to be abandoned and no further processing shall be undertaken with respect to that application.
  - (1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.
  - (2) No application for licensure may be withdrawn without approval of the board.

Cross Reference: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-43-06>

4755-1-01

Notice of meetings.

- (A) The occupational therapy, physical therapy, and athletic trainers board and orthotics, prosthetics, and pedorthics advisory council will comply with the public meeting requirements outlined in section 121.22 of the Revised Code.
- (B) Any person can obtain the time, place, and purpose of all regularly scheduled meetings by:
- (1) Visiting the board's website;
  - (2) E-mailing the board;
  - (3) Writing the board at its business address;
  - (4) Calling the board during normal business hours; or
  - (5) Appearing in person at the board office during normal business hours.
- (C) Any person can obtain advance notice of all meetings at which any specific type of public business is to be discussed by identifying the type of public business for which the person desires to be notified and by contacting the Ohio occupational therapy, physical therapy, and athletic trainers board as indicated in section (B) of this rule. The board will e-mail a notice of the time and place of the meeting, and the type of business to be discussed at least four calendar days before the meeting is scheduled unless the meeting is an emergency meeting.
- (D) The board will maintain a list of representatives of the news media who requested notice of special or emergency meetings. The board will e-mail notice notice to this list at least twenty-four hours before special meetings. In the event of an emergency meeting, the representatives of the news media who requested notification will be notified by e-mail immediately of the time, place, and purpose of the meeting. News media requesting meeting notification shall supply the board with the name, mailing address, e-mail, and telephone number of the representative to be contacted.

Cross References:

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-1-01>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-21-01>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-40-01>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-61-01>

\*\*\* DRAFT - NOT YET FILED \*\*\*

4755-1-02

Method of public notice in adopting, amending, or rescinding rules.

- (A) The Ohio occupational therapy, physical therapy, and athletic trainers board ("board") will comply with the provisions of section 119.03 of the Revised Code for the purposes of adoption, amendment, or rescission of rules. Compliance includes giving proper and reasonable public notice of rule changes.
- (B) The board will comply with the provisions of section 106.03 of the Revised Code when reviewing existing rules.
- (C) The board will complete the common sense initiative process for proposed rules and rule changes as required by section 107.53 of the Revised Code and any rules promulgated by that office prior to filing board rules with the legislative service commission.
- (D) Pursuant to section 119.0311 of the Revised Code, the board will publish a guide to public participation in rule-making.
- (E) Any person may receive notice of a proposed rule, amendment, or rescission by visiting the board website or by contacting the board to receive notice via e-mail.

Cross references

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-1-02>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-21-02>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-40-02>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-61-02>

4755-1-03

**Personal information systems.**

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board ("board") will appoint one employee to be directly responsible for each personal information system maintained by the section. Said employee will:

(1) Inform all employees who have any responsibility for the operation or maintenance of said system, or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and,

(2) Inform all persons requested to supply personal information for a system whether or not they are legally required to provide such information; and,

(3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute, ordinance, code or rule; and,

(4) Provide all persons asked to supply personal information that will be placed in an interconnected or combined system with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,

(5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee will:

(a) Inform the person of any personal information in the system of which they are the subject;

(b) Permit the person, their legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which they are the subject, except where prohibited by law;

(c) Inform the person of the uses made of the personal information and identify other users who have access to the system;

(d) Allow a person who wishes to exercise their rights as provided by this rule to be accompanied by one individual of their choice;

(e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.

(6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.

(B) The board will reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.

(C) The board will monitor its personal information system by:

(1) Maintaining the personal information system with the accuracy, relevance, timeliness or completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and

(2) Eliminating unnecessary information from the system.

(D) The board will investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of the request; and,

(1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and,

(2) Delete any information that the section cannot verify or that finds to be inaccurate; and,

(3) Permit the disputant, if they are not satisfied with the determination made by the board, to include within the system:

(a) A brief statement of their position on the disputed information; or,

(b) A brief statement that they finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.

(4) The board will maintain a copy of all statements made by a disputant.

(E) The board will not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.

(F) The board will not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the section.

(G) The will make available, upon request, all information concerning charges made by the section for reproduction of materials contained in its personal information system.

Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-8-01>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-26-01>

AT: N/A

OPP: N/A



4755-1-04

Definitions governing access to confidential personal information.

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.

(B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the agency rule addressing requirements in section 1347.15 of the Revised Code.

(C) "Agency" means the Ohio occupational therapy, physical therapy, and athletic trainers board.

(D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(E) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with division (B)(3) of section 1347.15 of the Revised Code that references the federal or state statutes or administrative rules that make personal information maintained by the agency confidential.

(F) "Employee of the state agency" means each employee of a state agency regardless of whether he/she holds an elected or appointed office or position within the state agency. "Employee of the state agency" is limited to personnel employed by or appointed to the Ohio occupational therapy, physical therapy, and athletic trainers board.

(G) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(H) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

(I) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(J) "Person" means a natural person.

(K) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

(L) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(M) "Research" means a methodical investigation into a subject.

(N) "Routine" means commonplace, regular, habitual, or ordinary.

(O) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating the employees and maintained by the agency for internal administrative and human resource purposes.

(P) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(Q) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modification that entail a limited addition of functionality due to changes in business or legal requirements.

Cross References:

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-8-02>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-26-02>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-40-03>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-61-03>

4755-1-05

**Procedures for accessing confidential personal information.**

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information.

Personal information systems of the agency are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the agency to fulfill his/her job duties. The determination of access to confidential personal information shall be agency policy developed pursuant to these rules prior to providing an employee with access to confidential personal information within a personal information system. The agency shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information.

Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the agency, the agency shall do all of the following:

- (1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;
- (2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347, of the Revised Code; and
- (3) If all information relates to an investigation about that individual, inform the individual that the agency has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

- (1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the agency shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the agency shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the agency may delay the notification consistent with any measures necessary to determine the scope of the invalid

access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

(2) "Investigation" as used in this rule means a review of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the agency determines that notification would not delay or impede an investigation, the agency shall disclose the access to confidential personal information made for an invalid reason to the person.

(3) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(4) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact.

The executive director will designate an employee of the agency to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the agency with both the implementation of privacy protections for the confidential personal information that the agency maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment.

The agency director will designate an employee of the agency to serve as the data privacy point of contact who will timely complete the privacy impact assessment form developed by the office of information technology.

#### Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-8-03>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-26-03>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-40-04>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-61-04>

4755-1-06

**Valid reasons for accessing confidential personal information.**

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the agency may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the agency to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) License application or renewal or eligibility for examination processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);
- (14) Complying with an executive order or policy;
- (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
- (16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the Ohio occupational therapy, physical therapy, and athletic trainers board, authorized employees and board members would also have valid reasons for accessing CPI in these following circumstances:

- (1) Authorized employees and board members may review CPI of individuals who are subject to investigation for alleged violations of Chapter 4755, or 4779, of the Revised Code or Chapter 4755, of the Administrative Code that may result in licensure discipline or application denial. Authorized employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by employees and members of the board in disciplinary matters that become the subject of administrative hearings or board action, including reporting disciplinary actions as required by state and federal law.
- (2) Employees assigned to the continuing education audit may review CPI of license holders who are being audited for the purpose of carrying out that program.
- (3) Authorized employees and board members may review CPI of persons who hold, are applying for, or are renewing a license issued by the board for purposes of verifying licensure, processing licensure and renewal applications, determining eligibility for licensure, performing financial transactions and reporting related to application processing, or any other activities undertaken for the purpose of carrying out that program.
- (4) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the board for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the board's daily activities.

Cross References:

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-8-04>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-26-04>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-40-05>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-61-05>

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4755-1-07

Confidentiality statutes.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by the board in accordance with section 1347.15 of the Revised Code:

(A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.

(B) Records of reporting required pursuant to 42 U.S.C. section 1320a-7e(b), 5 U.S.C. section 552a, and 45 C.F.R. part 61 for compliance with the U.S. department of health and human services' healthcare integrity and protection data bank (HIPDB).

(C) "Bureau of criminal identification and investigation" criminal records check results: section 4776.04 of the Revised Code.

(D) Records required or allowed to be kept confidential pursuant to section 149.43 of the Revised Code.

(E) Information and records received or generated by the board pursuant to an investigation: division (E) of section 4755.02 and division (B) of section 4779.33 of the Revised Code.

(F) Medical records submitted with requests for testing accommodations and/or continuing education waiver requests: 5 C.F.R. 164 (2014).

(G) College and university transcripts: 20 U.S.C. 1232 g(2013).

Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-8-05>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-26-05>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-40-06>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-61-06>

4755-1-08

**Restricting and logging access to confidential personal information in computerized personal information systems.**

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the



following circumstances:

- (i) The individual requests confidential personal information about himself/herself.
- (ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. The board shall issue a policy that specifies the following:

- (1) Who shall maintain the log;
- (2) What information shall be captured in the log;
- (3) How the log is to be stored; and
- (4) How long information kept in the log is to be retained.

Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

#### Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-8-06>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-26-06>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-40-07>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-61-07>

4755-2-02

**Denial and disciplinary procedures.**

(A) Denial of an application for licensure or any proposed action against a license shall be in accordance with Chapter 119. of the Revised Code.

(1) Pursuant to Chapter 119. of the Revised Code, a request for an administrative hearing on the proposed action shall be received by the occupational therapy, physical therapy, and athletic trainers board ("board") within thirty days of service of the notice of opportunity for a hearing.

(2) If a request for an administrative hearing is not received by the board within thirty days of service of the notice of opportunity for a hearing, the section, upon consideration of the charges cited, may take appropriate action in the absence of the applicant or license holder.

(3) Pursuant to section 4755.031 and 4779.281 of the Revised Code, a person sanctioned under sections 4755.11, 4755.47, 4755.482, 4755.64, or 4779.28 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel.

(B) The board may deny, suspend, or revoke the license of any person or reprimand, fine, or place a license holder on probation for violation of any provision of Chapters 4755. or 4779, of the Revised Code or any lawful order or rule of the board.

(C) If the physical or mental condition of a license holder is at issue in a disciplinary proceeding, the board may order the license holder to submit to reasonable examinations by a health care practitioner designated or approved by the board at the cost of the license holder.

(D) In the event a license issued by the board is suspended or revoked by the board pursuant to violation of any provision of Chapters 4755. or 4779. of the Revised Code or violation of any lawful order or rule of the board, the license holder shall, upon receipt of the final order of the board, immediately surrender to the board office all evidence of the person's license, including the wall certificate.

Any photocopies of the wall certificate maintained in offices of employment shall be retrieved by the license holder and destroyed.

This rule applies in the case of consent agreements, which may result in the voluntary surrender of a license issued by the board.

(E) In accordance with sections 4755.11, 4755.47, 4755.64, or 4779.29 of the Revised Code, if section of the board determines that a license holder poses an immediate threat to the public, the section shall immediately suspend the license prior to holding a hearing in accordance with Chapter 119. of the Revised Code. If the license holder fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order revoking the person's

license.

(F) The hearings and investigations related to Chapters 4755. and 4779. of the Revised Code shall be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of Chapters 4755. or 4779. of the Revised Code allegedly occurred are confidential and are not subject to discovery in any civil action.

(G) If requested by the board, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of Chapters 4755. or 4779. of the Revised Code allegedly occurs, will take charge of and conduct the prosecution.

(H) In addition to any other remedy provided in Chapters 4755. or 4779. of the Revised Code, the board may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of Chapters 4755. or 4779. of the Revised Code. On a showing that a person has violated or is about to violate Chapters 4755. or 4779. of the Revised Code, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in Chapters 4755. or 4779. of the Revised Code.

Cross references:

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-3-06>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-21-03>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-48-02>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-64-04>

4755-2-03

**Reinstatement of a revoked license or reconsideration of a denied license.**

(A) A person whose license is revoked or denied under Chapters 4755. or 4779. of the Revised Code may apply for reinstatement of license or reconsideration of denial of license prescribed by the rules of the board after either of the following dates, whichever is later:

(1) One year from the date of revocation or denial; or

(2) Date set in the board's revocation or denial order.

(B) In evaluating an application for reinstatement of license or reconsideration of denial of license, the board will consider the following:

(1) The nature and severity of the acts which resulted in revocation or denial of license;

(2) The time elapsed since the commission of the acts;

(3) Possible additional violations occurring after the revocation or denial;

(4) Compliance with previous orders of the occupational therapy section; and,

(5) Any evidence of rehabilitation which the applicant may submit to the section.

(C) Before reinstating a license issued under this chapter, the Ohio occupational therapy, physical therapy, and athletic trainers board may require a person to take additional steps to demonstrate fitness to practice if they have been deemed out of practice according to Chapters 4755. or 4779. of the Administrative Code.

Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-3-07>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-23-15>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-43-10>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-63-10>

4755-2-04

**Investigations and inspections.**

- (A) The occupational therapy, physical therapy, and athletic trainers board ("board") shall investigate compliance with Chapters 4755. and 4779. of the Revised Code or any rule or order adopted by the board. Investigations shall include alleged grounds for the suspension, revocation, or refusal to issue or renew licenses, or reprimand, fine, or place a licensee on probation.
- (B) Board investigators may conduct inspections at the work site of license holders to determine compliance with the laws and rules of the board. Investigators will carry proper identification to be shown upon request.
- (C) Inspections include verifying proper supervision of and delegation of tasks to unlicensed personnel, reviewing documentation and medical records, and checking for authorized licensed practitioner referrals.
- (D) Investigations of complaints shall include search for specific evidence regarding a case. In accordance with division (A) of section 4755.02 and division (C) of section 4779.28 of the Revised Code, the board may issue subpoenas to obtain copies of patient records personnel files of license holders, and other documents in connection with its investigations.
- (E) All investigations and inspections shall be conducted pursuant to the laws and rules of the state of Ohio and are confidential subject to division (E) of section 4755.02 and division (B) of section 4779.33 of the Revised Code.

Cross references

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-1-03>

PT: None

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-48-01>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-64-03>

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4755-3-01

**Certificate of license; display; copies.**

(A) Each applicant who is approved for licensure will electronically receive a certificate of licensure for office display upon initial approval. Additional copies of the certificate are available to license holders as prescribed in the rules of the board.

(B) License holders shall display the original license certificate at their principal place of business and all locations of service delivery. Display of the original license certificate includes the ability to show the copy that is available through eLicense Ohio or its successor licensing system.

(C) Verification of current licensure can be obtained from eLicense Ohio or its successor licensing system.

Cross References:

OT: 4755-3-02

PT: 4755-23-05

AT: 4755-44-02

OPP: 4755-63-07

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4755-3-02

Notice of change of name, place of employment, e-mail, and mailing address.

(A) A license holder must notify the occupational therapy, physical therapy, and athletic trainers board of any change of name, place of business or employment, e-mail address, or mailing address within thirty days after the change.

(B) Notification is made by making the change in eLicense Ohio or its successor licensing system.

Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-3-08>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-23-07>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-44-01>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-64-05>

4755-3-03

Verification of licensure.

(A) The occupational therapy, physical therapy, and athletic trainers board shall officially verify to another regulatory entity the status of a person's license to practice in the state of Ohio upon both of the following:

(1) Receipt of an official verification request submitted electronically via eLicense Ohio or its successor licensing system; and

(2) Payment of the verification of license fee specified in rule 4755-4-01 of the Administrative Code.

(B) Official verification issued by the board includes:

(1) The license number and status of the license;

(2) Any disciplinary action taken against the license; and

(3) The initial issue date and expiration date of the license.

Cross references

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-3-13>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-23-11>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-43-09>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-63-11>



4755-3-05

**Criminal records check.**

- (A) In addition to initial licensure requirements established in Chapter 4755. of the Administrative Code, all applicants for initial licensure for any license issued by the occupational therapy, physical therapy, and athletic trainers board ("board") shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4755.06, 4755.70, and 4779.091 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice.
- (B) The applicant shall have the results of the criminal records checks forwarded to the Ohio occupational therapy, physical therapy, and athletic trainers board according to written instructions available on the board's website.
- (C) In the request, the applicant shall ask the superintendent of the bureau of criminal identification and investigation to obtain from the federal bureau of investigation any information it has pertaining to the applicant.
- (D) The board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation in compliance with this rule.
- (E) A criminal records check will not be required if the applicant has caused the results of a criminal records check to be filed with the board in accordance with the requirements of this rule within six months of the date that the board received the results of the criminal records check. A new criminal records check will be required if the applicant's criminal records check on file with the board is greater than six months old based on the date the board received the report.

Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-3-14>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-23-14>

AT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-43-07>

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-63-12>

4755-4-01

Fees.

(A) Fees are provided for throughout Chapters 4755. and 4779. of the Revised Code and are established by the occupational therapy, physical therapy, and athletic trainers board ("board") in the amounts not to exceed the maximum allowable pursuant to Chapters 4755. and 4779. of the Revised Code. Current fees on the effective date of this rule are subject to change by action of the board, the controlling board, or the general assembly. Information about fees is available on the board website.

(B) Fee amounts are as follows:

(1) Initial licensing fee - not to exceed one hundred dollars;

(2) Additional copy of a certificate of licensure - not to exceed thirty dollars;

(3) Biennial renewal fee - not to exceed one hundred dollars;

(4) Fee for mailing lists - not to exceed the actual cost of duplication and mailing;  
A list of license holders mail be obtained by:

(a) Writing the board and submitting a check or money order made payable to "Ohio Treasurer of State" in the appropriate amount; or

(b) E-mailing the board. No fee is required for a mailing list request fulfilled electronically.

(5) Verification of a license - not to exceed thirty dollars;

(6) Reinstatement fee - not to exceed one hundred dollars;

(7) Review of a continuing education activity - not to exceed twenty-five dollars;

(8) Physical therapy compact privilege fee for Ohio - not to exceed fifty dollars;

(9) Consolidation of an orthotist or prosthetist license into a prosthetist-orthotist license - not to exceed fifty dollars;

(10) Authority to engage in 3-D printing of open-source prosthetic kits - not to exceed twenty-five dollars;

(C) Fees are payable by credit card.

(D) Fees shall be submitted with an application or other request.

[4755-4-02](#)

**Waiver of fees.**

The occupational therapy, physical therapy, and athletic trainers board may grant waivers of the fee requirements listed in this chapter in cases of undue hardship.

Cross References

OT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-5-10>

PT: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-24-09>

AT: N/A

OPP: <https://codes.ohio.gov/ohio-administrative-code/rule-4755-66-11>

4755:3-2-01

Code of ethical conduct.

The following basic principles make up the code of ethical conduct for the practice of athletic training in the state of Ohio. When a person becomes a licensed athletic trainer they assume certain ethical obligations and responsibilities. An athletic trainer whose conduct is not in accordance with the principles set forth in the following code of ethical conduct shall be considered in violation of the Revised Code.

(A) Athletic trainers shall respect the rights, welfare, and dignity of all persons.

(1) Athletic trainers shall show no discrimination in their efforts while performing duties.

(2) Athletic trainers shall provide care on the basis of the needs of the person.

(3) Athletic trainers shall be committed to providing competent care consistent with both the requirements and limitations of their profession.

(4) Athletic trainers shall obtain informed consent from the patient.

(a) An athletic trainer, unless otherwise allowed by law, shall not provide patient care without disclosing to the patient or the patient's representative, the benefits, substantial risks, if any, or alternatives to the recommended examination or intervention.

(b) Information relating to the athletic trainer-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient or the patient's representative, or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the patient or the public.

(5) Athletic trainers shall respect the rights, knowledge, and skills of colleagues and other health care professionals.

(6) Athletic trainers shall not, by their conduct, publicly discredit or lower the dignity of the members of the profession.

(7) Athletic trainers shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, patients, students, and/or colleagues.

(8) Athletic trainers shall not engage in harassment that creates a hostile work environment.

(B) Athletic trainers shall comply with the laws and regulations governing the practice of athletic training.

- (1) Athletic trainers shall comply with the laws and rules of the state of Ohio and any applicable local and federal laws governing the practice of athletic training.
  - (2) Athletic trainers shall protect the public and the profession by reporting any conduct that they consider unethical, illegal, or incompetent to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board. Where the alleged violation involves impairment issues and no other provisions of Chapter 4755. of the Revised Code or rules adopted under it, the reporting license holder may make a referral to the safe haven program in lieu of making report to the athletic trainers section.
  - (3) Athletic trainers shall not practice athletic training while the ability to practice is impaired. "Impaired practitioner" means, as defined in the "Professional Practice and Discipline Guidelines and Procedures "effective January 1, 2020 from the board of certification, inc., "a person with a physical or mental condition, including deterioration through aging, loss of motor skill, or excessive use or abuse of drugs including alcohol, that prevents one from practicing athletic training with reasonable skill and safety to patients. Types of impairments may include, but are not limited to: substance abuse, personality disorders/disruptive behavior, physical impairments, and psychological impairments." If a license holder's or applicant's ability to practice is in question, and the license holder or applicant is not a participant in the board's safe haven program, the license holder must submit to a physical or mental examination or drug/alcohol screens as requested by the athletic trainers section and at the athletic trainer's cost to determine the applicant's or license holder's qualifications to practice athletic training.
- (C) Athletic trainers shall accept responsibility for the exercise of sound judgment in protecting the public and the profession of athletic training.
- (1) Athletic trainers shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, title, identity, or services.
  - (2) Athletic trainers shall provide only those services for which they are qualified via education and/or experience.
  - (3) Athletic trainers shall not guarantee the results of any training, consultation, or therapeutic procedure. A reasonable statement of prognosis is not improper, but successful results are dependent upon many uncontrollable factors, hence, any warranty is deceptive and unethical.
  - (4) Athletic trainers shall not cheat or assist others in conspiring to cheat on the national certification examination or the state jurisprudence examination.

(D) Athletic trainers shall maintain and promote high standards in the provision of services.

(1) Athletic trainers shall strive to achieve the highest level of competence.

(2) Athletic trainers shall recognize the need for continuing education and participate in various types of educational activities that enhance their skills and knowledge in accordance with continuing education guidelines for the profession.

(3) Athletic trainers shall keep accurate records for all areas of injury management. These shall include, but are not limited to, collaboration agreements, standard operating procedures, written referrals, personal injury reports/initial evaluation, and daily care rendered/rehabilitation logs. These records shall be in paper or electronic format and secured according to legal statutes regarding confidentiality.

"Standard operating procedure" means a written referral relationship that consists of a plan of care communicated between the health care professional listed in division (A) of section 4755.623 of the Revised Code or rule 4755-42-02 of the Administrative Code and the athletic trainer, and shall include procedures for assessment and treatment.

(4) Athletic trainers shall not document or bill for services not actually provided.

(5) Athletic trainers shall only seek compensation that is reasonable for the athletic training services delivered. Athletic trainers, regardless of the practice setting, shall safeguard the public from unethical and unlawful business practices.

(6) Athletic trainers shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the source of the compensation.

(7) Athletic trainers shall not influence a patient or the patient's family to utilize, purchase, or rent any product or equipment based on the direct or indirect financial interests of the athletic trainer. Recommendations of product or equipment must be based solely on the therapeutic value of that product or equipment to the patient. An athletic trainer who owns or has a direct financial interest in an equipment or supply company must disclose the financial interest to the patient if the athletic trainer sells or rents, or intends to sell or rent, to the patient.

(8) Athletic trainers shall ensure the patient's rights to participate fully in their care, including the patient's right to select the athletic training provider, regardless of the practice setting.

- (9) Athletic trainers shall safeguard the public from underutilization or overutilization of athletic training services by providing only those services appropriate and prudent in the provision of care.
- (10) Athletic trainers shall provide accurate and relevant information to patients about the patients' care within the scope of confidentiality statutes.
- (11) Athletic trainers shall provide accurate and relevant information to the public about athletic training services.
- (12) Athletic trainers shall report to the athletic trainers section any unprofessional, incompetent, unethical, or illegal behavior of an athletic trainer of which the person has knowledge. An obligation to report is inherent in the profession.
- (13) Athletic trainers shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a patient occurred, includes, but is not limited to, practice or use of tasks, knowledge, and skills that are not valid with the current professional practice of athletic training. These tasks, knowledge, and skills should reflect current practice trends and supported in the literature as evidence-based practices.
- (14) An athletic trainer shall not disclose to unauthorized persons any confidential information received from any person served professionally without the documented consent of that person or the legal guardian or unless as otherwise required by law.

(E) Athletic trainers shall not exploit persons served professionally.

- (1) Athletic trainers shall not accept persons for treatment if benefit to the person cannot reasonably be expected.
- (2) Athletic trainers shall not continue treatment without reasonable expectation of further benefit to the patient.
- (3) Athletic trainers shall not place financial gain above the welfare of the patient and shall not participate in any arrangement that exploits the patient.
- (4) Athletic trainers shall not have a romantic or dating relationship or engage in any sexual activity, including sexual conduct or sexual contact, with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a practitioner/ patient relationship exists. In the case of minors, the practitioner/ patient relationship extends to the minor's parent or guardian.
  - (a) An athletic trainer shall not intentionally expose or view a completely or

partially disrobed patient in the course of treatment if the exposure or viewing is not related to the patient diagnosis or treatment under current practice standards.

(b) An athletic trainer shall not engage in a conversation with a patient that is sexually explicit or tacitly imply sexually implicit intentions during the athletic training plan of care. This includes verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(5) An athletic trainer shall not engage explicitly or tacitly in harassment of patients, the parent/guardian of a minor patient, students, or colleagues. Harassment includes, but is not limited to, racial, political, ethnic, religious, gender and gender identification, sexual orientation, age, disability, marital status, or veteran status. Harassment includes making unwelcome sexual advances, requesting sexual favors, engaging in other verbal or physical conduct of a sexual nature, intimidating words or actions, or words or actions that demean, threaten or offend a victim where such actions result in:

(a) Withholding athletic training services to a patient;

(b) Creating an intimidating, hostile, or offensive environment for the patient;  
or

(c) Interfering with the patient's ability to recover.

(6) Chaperone use.

(a) Athletic trainers shall make a reasonable attempt to either:

(i) Offer a patient the opportunity to have a third person or chaperone in the examining room or treatment setting during an intimate examination or treatment; or

(ii) Follow their employer's chaperone policy.

(b) A chaperone policy shall address the following:

(i) Who can qualify as a chaperone;

(ii) The type of examination, treatment situation, or care provided when a chaperone shall be offered;

(iii) Chaperones shall be offered without regard to the age or gender of the patient; and

(iv) In emergency situations, the chaperone policy may not apply.



(c) Documentation shall reflect whether a chaperone was offered or declined, and, if accepted, who the name of the adult who acted as a chaperone.

(d) An athletic trainer has a right to insist on the presence of a chaperone before providing care to protect the integrity of the patient and care-giver relationship.

(F) Cooperation.

Athletic trainers shall cooperate with an investigation by the athletic trainers section. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the athletic trainers section and providing copies of the medical records and other documents requested by the athletic trainers section. Failure to comply with paragraphs (F)(1) to (F)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.64 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A license holder shall respond fully and truthfully to a request for information from the athletic trainers section.

(2) A license holder shall comply with a subpoena issued by the athletic trainers section.

(3) A license holder shall provide information or documents within the time frame specified by the athletic trainers section.

(4) A license holder shall appear and provide information at an interview requested by the athletic trainers section.

(5) A license holder shall not deceive, or attempt to deceive, the athletic trainers section regarding any matter, including by altering or destroying any record or document.

(6) A license holder shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the athletic trainers section, or by use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any other legal action.

(7) A license holder shall not refuse to provide testimony in an administrative hearing.

(G) A license holder shall self report to the athletic trainers section, within thirty days, any of the items outlined in paragraphs (A) to (G) of this rule. Failure to comply with this rule may be grounds for disciplinary action pursuant to section 4755.64 of

the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) Impairment due to abuse of or dependency on alcohol, drugs, or other medical condition or illness that affects the applicant's or license holder's ability to practice with reasonable skill and safety. This reporting requirement shall not be applicable where the applicant or license holder is a participant in the board's safe haven program and complies with the same.

(2) Conviction of a felony.

(3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of athletic training.

(4) The termination, revocation, or suspension of membership by a state or national athletic training professional association.

(5) The termination, revocation, or suspension of certification status by a national credentialing organization, including, but not limited to, the board of certification, inc.

(6) A positive drug and/or alcohol screening.

(7) A finding of malpractice by a court of competent jurisdiction.

Cross References

4755-41-01

4755-41-02

4755-41-03

\*\*\* DRAFT - NOT YET FILED \*\*\*

4755:3-2-03

**Unauthorized practice.**

In accordance with division (A) of section 4755.62 of the Revised Code, no person shall do either of the following:

(A) Use the words athletic trainer, athletic training, licensed athletic trainer, licensed trainer, or the letters A.T., L.A.T., or any other letters, words, abbreviations, or insignia indicating or implying that the person is an athletic trainer unless they hold a valid license under sections 4755.60 to 4755.65 of the Revised Code.

(B) Imply by actions or otherwise engage in the practice of athletic training unless the individual holds a valid license under sections 4755.60 to 4755.65 of the Revised Code.

Cross Reference: 4755-42-01

\*\*\* DRAFT - NOT YET FILED \*\*\*

4755:3-2-05

**Required credential to indicate licensure.**

All Ohio-licensed athletic trainers shall use the initials "A.T." or "AT" following their name to indicate that the person is currently licensed to practice athletic training in Ohio.

Cross Reference: 4755-42-03

## May AT License Report

### Athletic Trainer by Endorsement-9

AT006774	Aurora Leigh Goujon
AT006770	Derrick Jose Diaz Navarro
AT006775	Dominic Thomas Oliverio
AT006776	Evan Michael Schreyer
AT006778	Jordan Tyler Velez
AT006777	Karin Alley
AT006771	Kevin Francis Burroughs
AT006769	Madeline Rose Edwards
AT006768	Stefvany Rae Miller

### Athletic Trainer by Examination- 3

AT006779	Christy Lynn Adams
AT006772	Cole Reilley Koontz
AT006773	Hannah Elizabeth Salter

**Application Withdrawal - AT**

**Halle Strege**

**APP-000724125**

# ENFORCEMENT STATISTICS FOR ATHLETIC TRAINERS SECTION MEETING

Date: 05/18/2023

## Statistics:

“New” cases opened since the last meeting: 25

Cases “closed” at the last meeting: 12

Cases “currently open”: 19

Active consent agreements: 00

Adjudication orders being monitored: 00

**\*Statistics as of 05/08/2023**

One of our AT constituents called me today concerned about the possibility of college students being used inappropriately in college athletic training rooms in light of Master's degree entry level. Undergrad students are no longer in approved programs and cannot be considered student athletic trainers, but student aides. He wonders if the Board should put something out (perhaps in the Newsletter) reminding ATs that their undergrad students will no longer be able to function in the same capacity once the transition has fully taken place. Just throwing this out there. Thanks.

Gary Lake, AT





July 17, 2020

Senator Steven M. Glazer  
Chair, Senate Committee on Business, Professions and Economic Development  
State Capitol, Room 2053  
Sacramento, CA 95814

Dear Senator Glazer:

The National Athletic Trainers' Association Board of Certification, Inc. (BOC) and the undersigned Athletic Trainer regulatory entities strongly support AB 1665 to license Athletic Trainers (ATs). Currently, California is the only state that does not regulate ATs. As a result, California ATs may not be able to travel with a team to other states and manage the health of their team's members legally. For example, Georgia recently passed the following law that applies license exemption to only those providers licensed in good standing to practice in another state:

*(a) As used in this Code section, the term 'provider' means a physician, physician assistant, or **athletic trainer** as defined by Code Section 43-5-1.*

*(b) A provider who is **licensed in good standing to practice in another state shall be exempt from the licensure requirements of this chapter or Chapter 5 of this title, as applicable while practicing in this state if either of the following apply:***

*(1) The provider has a written or oral agreement with a sports team to provide care to the team members and coaching staff traveling with the team for a specific sporting event to take place in this state; or*

*(2) The provider has been invited by a national sport governing body to provide care to team members and coaching staff at a national sport training center in this state or during an event or competition in this state which is sanctioned by such national sport governing body so long as:*

*(A) The provider's practice is limited to that required by the national sport governing body; and*

*(B) The services provided by the provider are within the area of the provider's competence.*

The Sports Medicine Licensure Clarity Act, which was signed into law last year, ensures that a sports medicine professional who has medical professional liability insurance coverage and provides care in a secondary State covers medical services that are within the scope of practice of such professional in the primary State and states that the health care provider is to be licensed:

*(3) COVERED MEDICAL SERVICES. The term covered medical services means general medical care, emergency medical care, athletic training, or physical therapy services. Such term does not include care provided by a covered sports medicine professional (A) at a health care facility; or (B) while a **health care provider licensed to practice** in the secondary State is transporting the injured individual to a health care facility. (4) COVERED SPORTS MEDICINE PROFESSIONAL. The term covered sports medicine professional means a physician, **athletic trainer**, or other health care professional who (A) **is licensed to practice in the primary State;***

*(B) provides covered medical services, pursuant to a written agreement with an athlete, an athletic team, a national governing body, a high school, or an institution of higher education; and (C) prior to providing the covered medical services described in subparagraph (B), has disclosed the nature and extent of such services to the entity that provides the professional with liability insurance in the primary State.*

Now that the Sports Medicine Licensure Clarity Act has become law, we are concerned with the unintended consequences for the Licensed Athletic Trainers in our respective state(s) based on California Athletic Trainers not being covered by this law due to not being regulated.

It is unfortunate that California is a safe haven for those who have never gone through the educational and training rigors of athletic training or, perhaps worse, lost their athletic training license in our respective state(s) or another state and/or lost their BOC certification. In the past decade, nearly 1,000 BOC Certified Athletic Trainers from California alone, had their BOC certification expire or suspended, meaning they are not mandated to obtain and report any continuing professional education activities. There is nothing stopping these uncertified individuals from continuing to practice athletic training in California – thereby putting patients, predominantly children and young adults, at risk. Stop and ask yourself, do we currently have incompetent or impaired ATs practicing that put Californians at risk?

According to BOC statistics, there are currently 3,547 BOC Certified Athletic Trainers residing in California and over 55,000 across the United States. In the name of consumer safety in your state and those traveling to our state, it is the responsibility of each state to identify competent practitioners. It is our hope that California is successful in protecting its consumers by signing AB 1665 into law.

Sincerely,

National Athletic Trainers' Association Board of Certification, Inc.

Alabama Board of Athletic Trainers

Arizona Board of Athletic Training

Florida Board of Athletic Training

Georgia Board of Athletic Trainers

Nebraska Board of Athletic Training

Nevada State Board of Athletic Trainers

North Carolina Board of Athletic Trainer Examiners

North Dakota Board of Athletic Trainers

Oklahoma Athletic Trainers Advisory Committee

Wisconsin Athletic Trainers Credentialing Board

cc: Assembly Member Rob Bonta  
Senator Anthony Portantino  
California Athletic Trainer's Association

<p>1 Catherine A. Roscoe, Esq. Associate General Counsel Office of Legal Affairs   Risk Management The Ohio State University Wexner Medical Center</p>	<p>We have been asked to request clarification on a potential conflict between the OTPTAT Board FAQ document issued January 2022, which in part states that Athletic Trainers are permitted to order X-rays if included in Standard Operating Procedures or a Collaboration Agreement with a Physician, and OAC Section 3701:1-66-02(B), which states that “no individual shall be exposed to the useful beam except a patient for dental or medical radiologic procedures and unless such exposure has been authorized by a licensed practitioner within his or her scope of practice.” Licensed practitioner is defined as physician, dentist, podiatrist, vet, and/or chiropractor.</p> <p>Any clarification that you can provide would be greatly appreciated. Thank you.</p>
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