

Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board  
**Physical Therapy Section Meeting**  
**May 18, 2023**  
**8:30 AM Roll Call**  
**Riffe Center, 77 South High Street, 19<sup>th</sup> Floor, Room 1948, Columbus, OH 43215**

---

**1. Administrative Matters**

1.1 Agenda Review *(McIntyre)*

1.2 Approval of Minutes *(McIntyre)*

**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

1.5 Discussion of Law and Rule Changes *(Anthony)*

1.5.1 Five-year review

1.5.2 Senate Bill 131

1.6 Board Newsletter topics

**2. Licensure Applications**

2.1 Application Review Liaison Report *(Baker/McIntire)*

**Action Required**

2.2 Testing Accommodations Requests

2.3 Physical Therapist/Physical Therapist Assistant Examination Applications

**Action Required**

2.4 Physical Therapist/Physical Therapist Assistant Endorsement Applications

**Action Required**

2.5 Physical Therapist/Physical Therapist Assistant Reinstatement Applications

**Action Required**

2.6 Application Withdrawals *(Baker/McIntire)*

**Action Required**

2.7 Continuing Education Liaison Report *(Hofmeyer)*

2.8 Licensure Renewal Report

**3. Enforcement Division**

3.1 Assistant Attorney General Report *(L. Miller)*

- 3.2 Case Review Liaison Report *(Ganim/Hofmeyer)*
- 3.3 Releases from Consent Agreement(s) *(Ganim/Hofmeyer)*
- 3.4 Notice(s) of Opportunity for Hearing *(Ganim/Hofmeyer)*
- 3.5 Consent Agreement(s) *(Ganim/Hofmeyer)*
- 3.6 Affidavit Consideration(s)  
Action Required
- 3.7 Hearing Officer Report(s)
- 3.8 Summary Suspension(s)
- 3.9 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)
- 3.10 Goldman Hearing(s)
- 3.11 CE Waiver Requests for Approval *(Ganim/Hofmeyer)*
- 3.12 Reinstatement Request *(Ganim)*
- 4. Correspondence** *(VanHoose/Donahoe-Filmore/Courtney)*
- 5. OPTA Report** *(Gresh)*
- 6. FSBPT/PT Compact Report**
- 7. Open Forum**
- 8. Old Business**
- 8.1 MDS data set *(Baker/McIntyre/Hofmeyer/McIntire)*
- 9. New Business**
- 10. Next Meeting Preparation – July 13**
- 10.1 Agenda Items *(McIntyre)*
- 10.2 Executive Director Assignments *(McIntyre)*
- 11. Adjournment**



Ohio Occupational Therapy, Physical Therapy,  
and Athletic Trainers Board

*Physical Therapy Section*  
*March 9, 2023*  
*9:00 am*

**Riffe Center, 77 South High Street, 19<sup>th</sup> Floor, Columbus, OH 43215**

**Members Present**

Mario Baker, Secretary  
Craig Campbell  
Michele Courtney  
Betsy Donahoe-Fillmore  
Anthony Ganim  
Erin Hofmeyer  
Timothy Keck, Public Member  
Tim McIntire  
Karen McIntyre, Chair  
Cheryl VanHoose

**Legal Counsel**

Lindsay Miller, AAG

**Staff Present**

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

**Members Absent**

None

**Guests**

Victoria Gresh, OPTA

**Call to Order**

Chairwoman, Karen McIntyre called the meeting to order at 9:08 AM.

**Approval of Minutes**

Tim McIntire moved that the minutes from the January 26, 2023 meeting be approved as amended. Tony Ganim seconded. All in favor. Motion passed.

**Executive Director Report**

Executive Director reported on licensure statistics, the Ohio PT jurisprudence exam for PTA renewal, House Bill 509, and budget updates.

**Discussion of Law and Rule Changes**

Mario Baker moved that rule 4755-23-12 be final filed with JCARR. Erin Hofmeyer seconded. All in favor motion carried.

**Licensure Applications**

Mario Baker recommended a motion be made to accept the findings from the FCCPT Credential Evaluation regarding application APP-000659994 education is substantially equivalent to the first professional degree in physical therapy in the United States, based on the documentation provided, for PT endorsement application. Tony Ganim moved, and Cheryl VanHoose seconded. Mario Baker abstained. All in favor. Motion carried.

Mario Baker recommended a motion be made to accept the findings from the FCCPT Credential Evaluation regarding application APP-00676394 education is substantially equivalent to the first professional degree in physical therapy in the United States, based on the documentation provided, for PT endorsement application. Tony Ganim moved, and Cheryl VanHoose seconded. Mario Baker abstained. All in favor. Motion carried.

Mario Baker recommended a motion be made to accept the findings from the FCCPT Credential Evaluation regarding application APP-000674584 education is substantially equivalent to the first professional degree in physical therapy in the United States, based on the documentation provided, for PT endorsement application. Tony Ganim moved, and Cheryl VanHoose seconded. Mario Baker abstained. All in favor. Motion carried.

Mario Baker recommended a motion be made to accept the findings regarding applicant APP-000623057 from the FCCPT Credential Evaluation that the individual's education is equivalent to the first professional degree in physical therapy in the United States, based on the documentation provided, for PT endorsement application. Tony Ganim made the motion and Cheryl VanHoose seconded. Mario Baker abstained. All in favor. Motion carried.

Mario Baker recommended the PT section accept the TOEFL waiver for APP-000672712 effective March 20, 2023. Tony Ganim made the motion and Cheryl seconded. Mario Baker abstained. All in favor. Motion carried.

Tim McIntire moved that the Physical Therapy Section ratify, as submitted, the physical therapist and physical therapist assistant licenses issued by examination, endorsement and reinstatement by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from January 26, 2023 to March 9, 2023, taking into account those licenses subject to discipline, surrender, or non-renewal. Erin Hofmeyer seconded. Motion passed.

**Physical Therapy License by Endorsement: 20**

Alyssa Quinlan	Erin Baize	Margaret Rachel Waluk
Amy Patricia Dunckel	Jacob Graham Baird	Matthew Welter
Bhagyashree Mhatre	Joel Matthew Beary	Michael Chris Dybdahl
Cassandra Frantz	Kanika Bansal	Paul Karthan
Charles Crockatt	Katherine Kayser	Sarah Virginia Russell
Courtney Almendinger	Lincoln Robert Church	Todd M Cummings
Dillon Huegen	Lyndsey Brielle Schlieper	

**Physical Therapy License by Examination: 78**

Alannah Seidler	Gabrielle Shears	Macy Sue Debevec
Alex Kinser	Grace Coler	Madeleine Stoll
Alexander Testa	Gregory M Harden	Madison Winters
Alexis Boledovic	Griffin Menke	Madison Paige Filipkowski
Allyson Hope Duckworth	Haneen Nasr Kotb	Marissa Elaine Turba
Alyssa Nicole Sharrer	Hannah Elizabeth Parker	Maryam Pejman
Amber Michele Baldridge	Hannah Mary Hiscox	Megan Cecelia Kruze
Amy Ritschel	Isabella Banyai	Michael Blackburn
Anissa Delfonso	Jacob Edward Urich	Michael Vincent Palumbo
Annie Macaine Wilson	Jacqueline Silbaugh	Monica Hennen
Ashley Walden	John Daniel Huddleston	Natalie Anne DeVincentis
Benjamin Neil Richards	Jordan Marie Passafiume	Nathan Andrew Hite
Brandon Kopfstein	Jordan Russell Hairston	Olivia Nichole Grapo
Brendan Michael Adler	Joshua Biernacki	Peter Gregory Cook
Caitlin Souther	Joshua Robert Tedesco	Peyton Davis
Cara A Doyle	Juliet Marie Giganti	Ryan Theile
Cara Catherine Goettel	Kara Joy Thomas	Sabrina Marie Di Tucci
Caroline Anne Popa	Karis Rae DeWalt	Samantha Zimla
Catherine A Gossett	Kassandra Burger	Sarah Joy Haley
Christopher James McGraner	Kaylee Anne Seichko	Shania Short
Cody Dean Cantrell	Kendall May Waterhouse	Skylar Ann Benjamin
Colin McCready	Kennedi Wilson Wilson	Taylor Marie Seabrook
Corey Eugene Tenney	Kevin Cuba	Thomas Shields
Courtney Rose Schmidt	Lauren A Moroch	Ty Vander Weit
Denise Christine Machamer	Logan Nicole Minto	Victoria Colacicco
Elizabeth Ann Hritz	Lydia Rebecca Shenk	Zachary Beretich

**Temporary (Military) Physical Therapy License:1**

PT020257.MIL Veronika Khrakovskaya Smith

**Physical Therapy Assistant License by Endorsement: 4**

Andria Bower  
Charles Neil Cantella

Joanne Elizabeth Castro  
Rochelle Jean Chaffin

**Physical Therapy License Assistant by Examination:7**

Alaina D Cannon  
Alexis Victoria Donnell  
Igluka Vikingstad

John Anthony Ferris  
Kandice Seneker  
Olivia Ann Deitering

Robert Michael Bes

Tim McIntire moved that the Section grant the application withdrawal requests for PT/PTA examination/endorsement/reinstatement applications on file with the Board on March 9, 2023, based on the documentation provided. Erin Hofmeyer seconded. All in favor. Motion passed.

APP-000587185	Elijah Eby
APP-000688537	Camrie Ackerman
APP-000685171	Karis DeWalt
APP-000684631	Megan Gilliland

**Enforcement**

**AAG Report**

Nothing to report

Enforcement Statistics

“New” cases opened since last meeting: 09

Cases “closed” since the last meeting: 11

Cases “currently open”: 94

Active consent agreements: 12

Adjudication orders being monitored: 05

**Release of Consent Agreement**

Tony Ganim informed the board that Richard Hoover, PTA has complied with all terms and conditions and will be released from his consent agreement.

**Notice of Opportunity for Hearing**

Erin Hofmeyer left the room at 10:01 AM.

Tony Ganim recommended that a motion be made to issue a notice of opportunity for hearing for PT-22-091 for voyeurism and sexual imposition of a student during the practice of physical therapy. Tim McIntire made the motion and Mario Baker seconded the motion. Tony Ganim abstained. All in favor. Motion carried.

Tony Ganim recommended that a motion be made to issue a notice of opportunity for hearing for PT-22-049 for Failed to conform to minimal standards of care by performing physical therapy modalities without referral, evaluation, plan of care, inappropriate signatures and/or supervision by a physical therapist. Tim McIntire made the motion and Mario Baker seconded. Tony Ganim abstained. All in favor. Motion carried.

Erin Hofmeyer returned to the room at 10:03 AM.

The PT Section recessed at 10:10 AM and came back at 10:24 AM.

**Goldman Hearing**

Karen McIntyre called the proceed to order at 10:24 AM on March 9, 2023 at the Vern Riffe Center, 77 S. High Street, Columbus, Ohio 43215. Members of the Board present for the proceeding are:

Mario Baker  
Craig Campbell  
Michelle Courtney  
Betsy Donahoe-Fillmore  
Anthony Ganim  
Erin Hofmeyer  
Timothy Keck  
Tim McIntire  
Karen McIntyre  
Cheryl VanHoose

It will be noted for the record that a majority of the members of the Board are present. There will be five adjudication proceedings today. The proceedings are in the matters of Carole Zurvitz, case number PT-22-055; Ryan Shackleford, case number PT-22-059; Jennifer Walker Chaabouni, case number PT-22-060; David Moseley, case number PT-22-061; and Audra Wright, case number PT-22-064.

This proceeding was affidavit-based adjudication relative to the Notice of Opportunity for Hearing mailed to the respondents in the aforementioned cases and believed to have been properly served according to the Administrative Procedures Act (Chapter 119. of the Ohio Revised Code).

As the respondents declined to have a hearing in the case, this proceeding was held before the Board pursuant to Goldman v. State Medical Board of Ohio. The individual named did not have the ability to present written or oral testimony today but may be present to hear the proceeding and outcome.

In lieu of a stenographic record being made, let the minutes reflect that the original sworn affidavits and exhibits are kept as the official record of the proceeding in the aforementioned matter in the Board office.

Assistant Attorney General, Lindsay Miller provided a brief synopsis of the cases, calling Board investigator, David Day, as a sworn witness.

Tim McIntire moved to admit the facts and exhibits outlined in the sworn affidavits and testimony into evidence. Mario Baker seconded. Erin Hofmeyer and Tony Ganim abstain. All in favor. Motion passes.

The proceeding closed at 10:41 AM. The procedural and jurisdictional matters having been satisfied, the PT Section proceeded by deliberation on the sworn affidavits and exhibits.

Tim McIntire moved to recess the meeting in order to go into private session for the purpose of quasi-judicial deliberation on Carole Zurvitz, case number PT-22-055; Ryan Shackleford, case number PT-22-059; Jennifer Walker Chaabouni, case number PT-22-060; David Moseley, case number PT-22-061; and Audra Wright, case number PT-22-064, and to reconvene the meeting after deliberations are complete. Mario Baker seconded. Roll Call.

Mario Baker- yes  
Craig Campbell- yes  
Michele Courtney- yes  
Betsy Donahoe-Fillmore- yes  
Anthony Ganim- yes  
Erin Hofmeyer- yes  
Timothy Keck- yes  
Tim McIntire- yes  
Karen McIntyre- yes  
Cheryl VanHoose- yes

Erin Hofmeyer and Tony Ganim left the room and returned when the section reconvened after deliberations were complete. The meeting recessed at 10:42 AM and came back at 10:57 AM.

Based on a thorough review of the evidence, Mario Baker moved that the PT Section finds the following findings of facts in the matter of Carole Zurvitz, case number PT-22-055 items numbered as 4-12 as listed in the affidavit of David Day. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker moved that the PT Section finds the following findings of facts in the matter of Ryan Shackelford, case number PT-22-059 items numbered as 4-10 as listed in the affidavit of David Day. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker moved that the PT Section finds the following findings of facts in the matter of case number PT-22-060; Jennifer Walker Chaabouni items numbered 4-13 as listed in the affidavit of David Day. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker moved that the PT Section finds the following findings of facts in the matter of case number case number PT-22-061; David Moseley items numbered 4-12 as listed in the affidavit of David Day. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker moved that the PT Section finds the following findings of facts in the matter of Audra Wright, case number PT-22-064 items numbered 4-12 as listed in the affidavit of David Day. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker move that the Board finds the following conclusions of law in the matter of case number, PT-22-055, Carol Zurvitz. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker move that the Board finds the following conclusions of law in the matter of case number, PT-22-059 , Ryan Shackleford. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker move that the Board finds the following conclusions of law in the matter of case number, PT-22-060; Jennifer Walker Chaabouni Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker move that the Board finds the following conclusions of law in the matter of case number, PT-22-061; David Moseley. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based on a thorough review of the evidence, Mario Baker move that the Board finds the following conclusions of law in the matter of case number, PT-22-064, Audra Wright Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law, Mario Baker moved that the board revoke the PT license of Carole Zurvitz. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

The PT license of Carole Zurvitz, PTA, is revoked immediately.

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law, Mario Baker moved that the board revoke the PT license of Ryan Shackelford, Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

The PT license of Ryan Shackelford, PTA, is revoked immediately.

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law, Mario Baker moved that the board revoke the PT license of Jennifer Walker Chaabouni. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

The PT license of Jennifer Walker Chaabouni PT, is revoked immediately.

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law, Mario Baker moved that the board revoke the PT license of David Moseley. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

The PT license of David Mosley, PTA, is revoked immediately.

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law, Mario Baker moved that the board revoke the PT license of Audra Wright. Tim McIntire seconded. Erin Hofmeyer and Tony Ganim abstained. All in favor. Motion passes.

The PT license of Audra Wright, PTA, is revoked immediately.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandates of this Board and serve the order on Carole Zurvitz, case number PT-22-055; Ryan Shackelford, case number PT-22-059; Jennifer Walker Chaabouni, case number PT-22-060; David Moseley, case number PT-22-061; and Audra Wright, case number PT-22-064, in the manner prescribed by law.

This concludes the matters of Carole Zurvitz, case number PT-22-055; Ryan Shackelford, case number PT-22-059; Jennifer Walker Chaabouni, case number PT-22-060; David Moseley, case number PT-22-061; and Audra Wright, case number PT-22-064.

### **Correspondence**

The PT section discussed correspondence about ACLA certificate and whether or not PTs can perform skills taught in this class. This includes intubation and pharmacology.

### **OPTA Report**

The OPTA updated on the upcoming advocacy day in April, the annual conference and policy changes with CE applications.

### **FSBPT/PT Compact Report**

FSBPT Board of Director liaison

### **Open Forum**

None

### **Old Business**

The PT section discussed the MDS data set, and reaching out to other sections for participation.

### **New Business**

The PT section discussed possible retreat topics.



**Adjournment**

If there is no further business and there is no objection, the meeting will be adjourned. There being no objection, Karen McIntyre adjourned the meeting at 11:54 AM.

Respectfully submitted,  
Ariann Felix



---

Karen McIntyre, PT, Chair  
Ohio Occupational Therapy, Physical Therapy  
and Athletic Trainers Board, PT Section



---

Mario Baker, PT, Secretary  
Ohio Occupational Therapy, Physical Therapy  
and Athletic Trainers Board, PT Section



---

Missy Anthony, Executive Director  
Ohio Occupational Therapy, Physical Therapy  
and Athletic Trainers Board

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>

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

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>

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

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

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

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.



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

[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>

4755-23-02

**Educational requirements.**

- (A) To be eligible for licensure as a physical therapist, an applicant shall complete a program in physical therapy accredited by the commission on accreditation of physical therapy education that includes:
- (1) A minimum of one hundred twenty academic semester credits, or the equivalent academic quarter hours, with a specific distribution in humanities, social sciences, biological sciences, and other physical sciences;
  - (2) Instruction in basic sciences, clinical sciences, and physical therapy theory and procedures; and
  - (3) Satisfactory completion of all clinical education curriculum requirements.
- (B) To be eligible for licensure as a physical therapist assistant, an applicant shall complete a program for physical therapist assistants accredited by the commission on accreditation of physical therapy education. The educational program shall include all clinical education curriculum requirements and courses in anatomical, biological, and other physical sciences and a distribution of course work as found in an accredited physical therapist assistant program.
- (C) ~~In accordance with division (A)(4) of section 4755.45 of the Revised Code, an~~ An applicant holding a license or registration to practice as a physical therapist or physical therapist assistant in ~~another state or a~~ foreign country is eligible for licensure in Ohio if the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in Ohio in accordance with sections 4755.45 and 4755.451 of the Revised Code~~on the date of the applicant's initial licensure or registration in the other state or foreign country.~~
- (D) ~~In accordance with division (D) of section 4755.451 of the Revised Code, an applicant holding a license or registration to practice as a physical therapist assistant in another state or foreign country is eligible for licensure in Ohio if the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in Ohio on the date of the applicant's initial licensure or registration in the other state or foreign country.~~

4755-23-03

**License by examination.**

- (A) To be licensed by examination as a physical therapist an applicant shall pass the following examinations:
- (1) The national physical therapy examination (NPTE) for physical therapists administered by the federation of state boards of physical therapy; and
  - (2) The examination approved by the physical therapy section on the laws and rules governing the practice of physical therapy in the state of Ohio.
- (B) To be licensed by examination as a physical therapist assistant an applicant shall pass the following examinations:
- (1) The NPTE for physical therapist assistants administered by the federation of state boards of physical therapy; and
  - (2) The examination approved by the physical therapy section on the laws and rules governing the practice of physical therapy in the state of Ohio.
- (C) Applicants failing the NPTE may be approved to re-take the NPTE following the submission of the application for licensure by examination up to any limit set by the federation of state boards of physical therapy or as determined by the physical therapy section.
- (D) In addition to the other requirements of this rule, a foreign educated applicant for licensure as a physical therapist or physical therapist assistant shall meet the requirements established in rule 4755-23-12 of the Administrative Code.
- (E) An applicant who satisfies all requirements of the Ohio Revised Code and Ohio Administrative Code and who passes the examinations specified in:
- (1) Paragraphs (A)(1) and (A)(2) of this rule shall be issued a license to practice as a physical therapist.
  - (2) Paragraphs (B)(1) and (B)(2) of this rule shall be issued a license to practice as a physical therapist assistant.
- (F) ~~Pursuant to division (A)(1) of section 4755.45 and division (A) of section 4755.451 of the Revised Code, an~~ An applicant who passed the NPTE under the approval of another state physical therapy regulatory entity is eligible for a license by examination provided the applicant meets all other requirements contained in

sections 4755.40 to 4755.56 of the Revised Code and any rule adopted by the physical therapy section and provided that the applicant was never issued a license to practice in the state that approved the applicant to sit for the NPTE.

4755-23-04

**License by endorsement.**

- (A) The physical therapy section may issue a license by endorsement to an applicant who is currently licensed as a physical therapist or physical therapist assistant under the laws of another state ~~or country~~, provided the requirements for ~~registration or licensure~~ under the appropriate category in that state are substantially similar to this state pursuant to section 4796.02 of the Revised Code, ~~including minimal education and passing score on the national physical therapy examination (NPTE) were reasonably equal to the requirements in force in this state on the date of the applicant's initial licensure in the other state or country.~~
- (B) In addition to the other requirements of this rule, ~~a foreign educated~~ an internationally trained applicant for licensure as a physical therapist or physical therapist assistant by endorsement shall meet the requirements established in rule 4755-23-12 of the Administrative Code, unless the person has already met substantially similar requirements for licensure in another state in accordance with chapter 4796.03 of the Revised Code.
- (C) An applicant who has been out of the practice of physical therapy for a period of five or more years shall:
- (1) Retake and pass the NPTE; or
  - (2) Complete an action plan as approved by the physical therapy section.
  - (3) Out of practice is defined as being actively engaged in the practice of physical therapy for fewer than five hundred hours over the five year period prior to the date the applicant submits the endorsement application.
- (D) An applicant who satisfies all requirements of the Ohio Revised Code and Ohio Administrative Code and who fulfills the requirements listed in paragraphs (A) to (C) of this rule shall be issued a license to practice as a physical therapist or physical therapist assistant.

4755-23-13

**Requirements for teaching physical therapy.**

- (A) Pursuant to section 4755.482 of the Revised Code, no individual shall teach a physical therapy theory and procedures course in physical therapy education as the faculty of record without obtaining a license to practice physical therapy in Ohio.
- (B) Notwithstanding paragraph (A) of this rule, an individual may teach a physical therapy theory and procedures course as the faculty of record without holding an Ohio physical therapy license in the following situations:
- (1) A physical therapist who holds a current, valid license to practice physical therapy in another U.S. state or territory may teach physical therapy theory and procedures for up to one year without obtaining a license in Ohio.
  - (2) A physical therapist who holds a current, valid license or registration to practice physical therapy in another country who is not licensed as a physical therapist in any U.S. state or territory may teach a physical therapy theory and procedures course without holding an Ohio physical therapy license if the following apply:
    - (a) Either the foreign licensed individual or the physical therapy educational institution apply to the physical therapy section for authorization for the individual to teach for up to one year; and
    - (b) A designated member(s) of the physical therapy section approves the application.
- (C) One year means three hundred sixty-five consecutive days from the first day that the individual teaches in Ohio.
- (D) If a non-Ohio licensed physical therapist plans on teaching physical therapy theory and procedures for more than one year, the individual must obtain an Ohio physical therapist license [in accordance with section 4796.03 of the Revised Code](#) prior to the completion of the one year period.
- (E) An individual teaching physical therapy theory and procedures as the faculty of record without a current Ohio license pursuant to paragraph (B) of this rule must notify the physical therapy section. The notification shall include:
- (1) The individual's name;
  - (2) The physical therapy education institution where the individual will teach;

- (3) The name and number of the course(s) that the individual will teach;
- (4) The date that the individual will commence teaching in Ohio; and
- (5) The license number for all valid physical therapy licenses held in the United States or any foreign country.

# AN ACT

To amend sections 109.73, 109.77, 109.771, 109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 1565.15, 1707.15, 1707.151, 1707.16, 1707.161, 1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 3301.074, 3307.01, 3309.011, 3319.088, 3319.22, 3319.226, 3319.229, 3319.26, 3319.261, 3319.262, 3319.27, 3319.28, 3319.301, 3319.303, 3319.361, 3327.10, 3703.21, 3704.14, 3713.05, 3717.09, 3723.03, 3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 3743.40, 3743.51, 3748.07, 3748.12, 3769.03, 3772.13, 3772.131, 3773.36, 3773.421, 3781.10, 3781.102, 3781.105, 3916.03, 3951.03, 3951.05, 3951.09, 4104.07, 4104.101, 4104.19, 4105.02, 4169.03, 4301.10, 4508.03, 4508.04, 4508.08, 4511.763, 4701.06, 4701.07, 4701.10, 4703.08, 4703.10, 4703.33, 4703.35, 4703.37, 4707.07, 4707.072, 4709.07, 4709.08, 4709.10, 4712.02, 4713.10, 4713.28, 4713.30, 4713.31, 4713.34, 4713.37, 4713.69, 4715.03, 4715.09, 4715.10, 4715.16, 4715.27, 4715.362, 4715.363, 4715.39, 4715.42, 4715.421, 4715.53, 4715.62, 4717.05, 4717.051, 4717.07, 4717.10, 4723.08, 4723.09, 4723.26, 4723.32, 4723.41, 4723.651, 4723.75, 4723.76, 4723.85, 4725.13, 4725.18, 4725.26, 4725.48, 4725.52, 4725.57, 4725.591, 4727.03, 4728.03, 4729.09, 4729.11, 4729.15, 4729.901, 4729.921, 4730.10, 4731.151, 4731.19, 4731.293, 4731.294, 4731.295, 4731.297, 4731.299, 4731.52, 4731.572, 4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 4735.28, 4736.10, 4736.14, 4740.05, 4740.06, 4741.12, 4741.13, 4741.14, 4741.15, 4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 4747.10, 4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 4751.32, 4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 4755.44, 4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 4755.62, 4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 4760.031, 4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 4765.11, 4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 4775.07, 4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02,



5903.04, 6109.04, and 6111.46; to enact sections 3746.041, 4796.01, 4796.02, 4796.03, 4796.04, 4796.05, 4796.08, 4796.10, 4796.11, 4796.12, 4796.13, 4796.20, 4796.21, 4796.22, 4796.23, 4796.24, 4796.25, 4796.26, 4796.30, and 4796.35; and to repeal sections 921.08, 1322.24, 4707.12, 4740.08, and 4757.25 of the Revised Code to require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances, to specify that individuals may not register as credit services organizations, to specify that individuals may not be licensed as manufacturers or wholesalers of fireworks, and to maintain State Teacher Retirement System membership for certain school psychologists.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4796.01, 4796.02, 4796.03, 4796.04, 4796.05, 4796.08, 4796.10, 4796.11, 4796.12, 4796.13, 4796.20, 4796.21, 4796.22, 4796.23, 4796.24, 4796.25, 4796.26, 4796.30, and 4796.35 of the Revised Code be enacted to read as follows:

Sec. 4796.01. As used in this chapter:

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction.

(B) "Licensing authority" means a state agency or political subdivision that issues licenses or government certifications.

(C) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(D) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(E) "Out-of-state occupational license" means a license, certificate, registration, permit, card, or other authority that is issued or conferred by one of the uniformed services or the government of another state to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which that service or state has jurisdiction.

(F)(1) "Government certification" means authorization from a licensing authority, one of the uniformed services, or the government of another state to an individual who meets qualifications related to a profession, occupation, or occupational activity to which both of the following apply:

(a) Only an individual holding the authorization may use a specific title or titles when advertising or holding the individual's self out to engage in the profession, occupation, or occupational activity.

(b) An individual is not required to have the authorization to engage in the profession, occupation, or occupational activity in the respective jurisdiction.

(2) "Government certification" does not include a license or an out-of-state occupational license.

(G) "Private certification" means authorization from a private organization to an individual who meets qualifications determined by the organization related to the performance of a profession, occupation, or occupational activity and by which the individual may hold the individual's self out as certified by the organization.

(H) "National standard" means a standard declared by a national organization to be the preferred standard for licensure of a profession if both of the following apply:

(1) The standard is required by at least forty-five states, including this state, to receive a license or government certification for the respective profession, occupation, or occupational activity.

(2) The standard includes both of the following:

(a) A uniform quantitative minimum education or experience requirement;

(b) A requirement to pass a national examination.

(I) "Uniform quantitative minimum education or experience requirement" means a quantitative minimum education or experience requirement that is identical in all states that adopt a national standard.

(J) "National examination" means an examination that is substantially similar in all states that adopt a national standard.

(K) "Good standing" means that the individual's out-of-state occupational license, government certification, or private certification, as applicable, is not restricted or limited by the entity that regulates the out-of-state license, government certification, or private certification.

(L) "Armed forces of the United States" means the army, navy, air force, marine corps, space force, coast guard, or any other reserve components of those forces.

(M) "Uniformed services" means the armed forces of the United States; the commissioned corps of the national oceanic and atmospheric administration; the commissioned corps of the public health service; or any reserve components of those forces; and such other service as may be designated by congress.

Sec. 4796.02. For purposes of any law requiring a licensing authority to issue a license or government certification under this chapter to an individual who holds a license or government certification issued by another state, "another state," "any other state," and "home state" include the uniformed services. This section does not apply to any provision of a law governing a profession, occupation, or occupational activity that does not require an individual who holds a license or government certification in another state to be issued a license or government certification under this chapter.

Sec. 4796.03. Except as otherwise provided in this chapter, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that all of the following apply:

(A) The applicant holds either of the following:

(1) A substantially similar out-of-state occupational license that authorizes the applicant to engage in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state;

(2) A government certification in the same profession, occupation, or occupational activity as

the license or government certification for which the applicant is applying in this state from one of the uniformed services or a state that does not issue an out-of-state occupational license for the respective profession, occupation, or occupational activity.

(B)(1) Except as provided in division (B)(2) of this section, the applicant has held the out-of-state occupational license or government certification for at least one year immediately preceding the date the application is submitted and has been actively engaged in the practice of the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state for at least one of the five years immediately preceding the date the application is submitted.

(2) A licensing authority may waive the requirement that an applicant has held the out-of-state occupational license or government certification for at least one year immediately preceding the date the application is submitted and has been actively engaged in the practice of the profession, occupation, or occupational activity for one of the five years immediately preceding the date the application is submitted.

(C) The applicant is in good standing in all jurisdictions in which the applicant holds an out-of-state occupational license or government certification to practice the same profession, occupation, or occupational activity for which the applicant is applying in this state.

(D)(1) Except as provided in division (D)(2) of this section, the applicant was required to satisfy minimum education, training, or experience requirements or pass an examination to receive the out-of-state occupational license or government certification.

(2) Division (D)(1) of this section does not apply if the applicable law governing the license or government certification for which the applicant is applying in this state does not require an applicant to do at least one of the following to receive the license or government certification:

(a) Satisfy minimum education, training, or experience requirements;

(b) Pass an examination.

(E) The applicant has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's work in the same profession, occupation, or occupational activity for which the applicant is applying in this state.

(F) The applicant pays a fee to the licensing authority that is equal to one of the following, as determined by the licensing authority:

(1) The renewal fee for license or government certification holders under the applicable law;

(2) The initial licensure fee for applicants to be issued the license or government certification under the applicable law;

(3) The fee in effect before the effective date of this section for applicants who hold an out-of-state occupational license or government certification to be issued the license or government certification under the applicable law.

(G) The applicant has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant is applying.

Sec. 4796.04. Except as otherwise provided in this chapter, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that all of the following apply:

(A)(1) Except as provided in division (A)(2) of this section, the applicant has held a private certification for at least two years immediately preceding the date the application is submitted and has been actively engaged in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state in a state that does not issue an out-of-state occupational license or government certification for the respective profession, occupation, or occupational activity for at least two of the five years immediately preceding the date the application is submitted.

(2) A licensing authority may waive the requirement that an applicant has held the private certification for at least two years immediately preceding the date the application is submitted and has been actively engaged in the practice of the profession, occupation, or occupational activity for two of the five years immediately preceding the date the application is submitted.

(B) The applicant is in good standing with the private organization that issued the private certification.

(C) The applicant meets the requirements specified under divisions (E) to (G) of section 4796.03 of the Revised Code.

Sec. 4796.05. (A) Except as otherwise provided in this chapter, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that an applicant satisfies divisions (B) and (C) of this section.

(B)(1) Except as provided in division (B)(2) of this section, the applicant has been actively engaged in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state for at least three of the five years immediately preceding the date the application is submitted in either of the following:

(a) A state that does not issue an out-of-state occupational license or government certification for the respective profession, occupation, or occupational activity;

(b) Service of the uniformed services.

(2) A licensing authority may waive the requirement that an applicant has been actively engaged in the practice of the profession, occupation, or occupational activity for three of the five years immediately preceding the date the application is submitted.

(C) The applicant meets the requirements under divisions (E) to (G) of section 4796.03 of the Revised Code.

Sec. 4796.08. (A) If a licensing authority requires an applicant to pass an examination on this state's laws and rules governing the applicable profession, occupation, or occupational activity to receive a license or government certification under the applicable law, a licensing authority may require an applicant to pass the examination to receive a license or government certification under this chapter.

(B) If a licensing authority requires an applicant under the law governing the applicable profession, occupation, or occupational activity to submit to a criminal records check to receive a license or government certification, the licensing authority shall require an applicant to submit to the criminal records check to receive a license or government certification under this chapter.

(C) If a licensing authority requires an applicant under the law governing the applicable profession, occupation, or occupational activity to satisfy a financial responsibility requirement to receive a license or government certification, the licensing authority shall require an applicant to satisfy the requirement to receive a license or government certification under this chapter.

(D) If a federal law, rule, or regulation requires the state to impose a requirement on an applicant with which the applicant must comply to receive a license or government certification as a condition for the state to receive federal funding, the licensing authority may require an applicant to satisfy that requirement to receive a license or government certification under this chapter.

Sec. 4796.10. If an applicant would be disqualified from obtaining a license or government certification under this chapter because of a conviction, judicial finding of guilt, or plea of guilty to a disqualifying criminal offense as described in division (G) of section 4796.03 of the Revised Code, the licensing authority may, in accordance with rules adopted under section 4796.30 of the Revised Code, issue a restricted or limited license or government certification to the applicant, provided the limitation or restriction is relevant to the offense.

Sec. 4796.11. If the law governing the applicable profession, occupation, or occupational activity allows or requires a licensing authority to take disciplinary action against an applicant, including but not limited to refusing to issue, limiting, or restricting a license or government certification for a reason that is not related to minimum education, training, or experience requirements or an examination requirement, the licensing authority may apply the applicable provision of law to an applicant under this chapter in the same manner as to an applicant for an initial license under the applicable law.

Sec. 4796.12. If the law governing the applicable profession, occupation, or occupational activity allows a licensing authority to determine the fitness to practice of an applicant who has not been engaged in the practice of the profession, occupation, or occupational activity for a period of time specified in that law and to impose terms and conditions on the applicant to receive a license or government certification, the licensing authority may apply the requirements of that law to an applicant under this chapter.

Sec. 4796.13. If the law governing the applicable profession, occupation, or occupational activity allows or requires a licensing authority to deny an applicant a license or government certification if the applicant was subject to discipline by an entity that regulates a license, out-of-state occupational license, or government certification, the licensing authority may apply the applicable provision of law to an applicant under this chapter.

Sec. 4796.20. (A) Except as provided in division (B) of this section, a licensing authority shall provide an applicant with a written decision to issue or reject a license or government certification under this chapter or take any other action under this chapter within sixty days after receiving a complete application. For purposes of this division, an application shall not be considered complete until any required examination or criminal records check under divisions (A) and (B) of section 4796.08 of the Revised Code is complete.

(B) If an applicant is the subject of a complaint, allegation, or investigation that relates to information provided in the application, unprofessional conduct, a violation of a law regulating a profession, occupation, or occupational activity, or an alleged crime pending before a court, administrative agency, licensing authority, or other entity that regulates a license, out-of-state

occupational license, or government certification, a licensing authority shall not issue or deny a license or government certification to the applicant under this chapter until the complaint, allegation, or investigation is resolved to the satisfaction of the licensing authority. A licensing authority shall provide the applicant with a written decision to issue or reject a license or government certification under this chapter or take any other action under this chapter within sixty days after the complaint, allegation, or investigation is resolved to the satisfaction of the licensing authority.

Sec. 4796.21. An applicant who is issued a license or government certification under this chapter is subject to the laws regulating the practice of the applicable occupation or profession in this state and is subject to the licensing authority's jurisdiction.

An applicant who is issued a license or government certification under this chapter may practice the applicable occupation or profession in this state only within the scope and practice that is permitted under Ohio law and that does not exceed the applicant's training.

Sec. 4796.22. (A) Except as provided in division (B) of this section, a license or government certification issued under this chapter shall be considered a license or government certification issued under the laws regulating the practice of the applicable occupation or profession in this state. Provisions of law applicable to a license or government certification issued to an applicant who does not obtain a license or government certification under this chapter apply in the same manner to licenses and government certifications issued under this chapter.

(B) A licensing authority may, for purposes of verifying licensure status in this state with an entity that licenses the same profession, occupation, or occupational activity in another state, require an applicant issued a license or government certification under this chapter to satisfy a national standard to have that license or government certification verified as a license or government certification issued by this state. A licensing authority may require satisfaction of a national standard under this division only if both of the following apply:

(1) An applicant for a license or government certification under the laws of this state governing the profession, occupation, or occupational activity is required to satisfy the national standard to receive the license or government certification.

(2) The licensing authority posts notice of the requirement to satisfy the national standard on the web site maintained by the licensing authority.

(C) If a licensing authority elects to require satisfaction of a national standard under division (B) of this section and the law governing the license or government certification in effect immediately before the effective date of this section required an applicant who holds an out-of-state occupational license or government certification to satisfy a requirement that is less restrictive than a requirement described in division (B), (C), (D), (E), or (F) of section 4796.03 of the Revised Code to receive the license or government certification, the licensing authority shall do the following:

(1) Apply the less restrictive requirement to an applicant who satisfied the national standard;

(2) Apply the requirements of section 4796.03, 4796.04, or 4796.05 of the Revised Code to an applicant who did not satisfy the national standard.

Sec. 4796.23. A licensing authority may prohibit an individual who is issued a license or government certification under this chapter from using the license or government certification to obtain a substantially similar license or government certification in another state if the licensing authority determines that allowing the individual to do so would jeopardize any reciprocal licensing

agreement with the other state that is in effect on the effective date of this section.

Sec. 4796.24. An individual who holds a license issued pursuant to an interstate licensure compact to which Ohio is a party is not required to obtain a license under this chapter to practice in this state.

A licensing authority may prohibit an individual who is issued a license under this chapter from using the license to obtain a license through an interstate licensure compact if the licensing authority determines that allowing the individual to do so would jeopardize the state's membership in the compact.

Sec. 4796.25. This chapter does not apply to any of the following:

(A) Licenses issued under Chapter 3796. of the Revised Code;

(B) Licenses issued pursuant to rules prescribed under Section 5 of Article IV, Ohio Constitution;

(C) Commercial fishing licenses issued under section 1533.342 of the Revised Code;

(D) Licenses issued under Chapter 4506. of the Revised Code;

(E) Physician certificates to recommend treatment with medical marijuana issued under section 4731.30 of the Revised Code;

(F) Money transmitter licenses issued under section 1315.04 of the Revised Code;

(G) Lottery sales agent licenses issued under section 3770.05 of the Revised Code;

(H) Licenses issued under Chapter 3905. of the Revised Code;

(I) Fantasy contest operator licenses issued under section 3774.02 of the Revised Code;

(J) Teledentistry permits issued under section 4715.43 of the Revised Code;

(K) Physician training certificates issued under section 4731.291 of the Revised Code;

(L) Podiatrist training certificates issued under section 4731.573 of the Revised Code;

(M) Licenses issued under Chapter 4740. of the Revised Code;

(N) Licenses issued by a political subdivision to an individual by which the individual has or claims the privilege to act as a tradesperson as defined in section 4740.01 of the Revised Code in the political subdivision's jurisdiction.

Sec. 4796.26. Notwithstanding any requirement in the Revised Code that a licensing authority grant a license or government certification in accordance with this chapter, the licensing authority shall not grant the license or government certification under this chapter unless both of the following apply:

(A) The applicant is applying for the license or government certification in the applicant's capacity as an individual;

(B) One of the following applies:

(1) If the applicant seeks licensure or certification under section 4796.03 or 4796.04 of the Revised Code, the applicant held the applicable out-of-state occupational license, government certification, or private certification in the applicant's capacity as an individual;

(2) If the applicant seeks licensure or certification under section 4796.05 of the Revised Code, the applicant personally engaged in the profession, occupation, or occupational activity in a state that does not issue the occupational license or government certification for which the applicant is applying in this state.

Sec. 4796.30. Each licensing authority shall adopt rules as necessary to implement this

chapter, including rules regarding issuing restricted or limited licenses or government certifications under section 4796.10 of the Revised Code.

Sec. 4796.35. A political subdivision shall not prohibit an individual who holds a license or government certification issued by a state agency under this chapter from engaging in the respective profession, occupation, or occupational activity in the political subdivision's jurisdiction.

SECTION 2. That sections 109.73, 109.77, 109.771, 109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 1565.15, 1707.15, 1707.151, 1707.16, 1707.161, 1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 3301.074, 3307.01, 3309.011, 3319.088, 3319.22, 3319.226, 3319.229, 3319.26, 3319.261, 3319.262, 3319.27, 3319.28, 3319.301, 3319.303, 3319.361, 3327.10, 3703.21, 3704.14, 3713.05, 3717.09, 3723.03, 3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 3743.40, 3743.51, 3748.07, 3748.12, 3769.03, 3772.13, 3772.131, 3773.36, 3773.421, 3781.10, 3781.102, 3781.105, 3916.03, 3951.03, 3951.05, 3951.09, 4104.07, 4104.101, 4104.19, 4105.02, 4169.03, 4301.10, 4508.03, 4508.04, 4508.08, 4511.763, 4701.06, 4701.07, 4701.10, 4703.08, 4703.10, 4703.33, 4703.35, 4703.37, 4707.07, 4707.072, 4709.07, 4709.08, 4709.10, 4712.02, 4713.10, 4713.28, 4713.30, 4713.31, 4713.34, 4713.37, 4713.69, 4715.03, 4715.09, 4715.10, 4715.16, 4715.27, 4715.362, 4715.363, 4715.39, 4715.42, 4715.421, 4715.53, 4715.62, 4717.05, 4717.051, 4717.07, 4717.10, 4723.08, 4723.09, 4723.26, 4723.32, 4723.41, 4723.651, 4723.75, 4723.76, 4723.85, 4725.13, 4725.18, 4725.26, 4725.48, 4725.52, 4725.57, 4725.591, 4727.03, 4728.03, 4729.09, 4729.11, 4729.15, 4729.901, 4729.921, 4730.10, 4731.151, 4731.19, 4731.293, 4731.294, 4731.295, 4731.297, 4731.299, 4731.52, 4731.572, 4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 4735.28, 4736.10, 4736.14, 4740.05, 4740.06, 4741.12, 4741.13, 4741.14, 4741.15, 4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 4747.10, 4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 4751.32, 4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 4755.44, 4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 4755.62, 4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 4760.031, 4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 4765.11, 4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 4775.07, 4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 5903.04, 6109.04, and 6111.46 be amended and section 3746.041 of the Revised Code be enacted to read as follows:

Sec. 109.73. (A) The Ohio peace officer training commission shall recommend rules to the attorney general with respect to all of the following:

(1) The approval, or revocation of approval, of peace officer training schools administered by the state, counties, municipal corporations, public school districts, technical college districts, and the department of natural resources;

(2) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved state, county, municipal, and department of natural resources peace officer



(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.

(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.

(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.

(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.

Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license to every applicant who has passed the appropriate examination designated by the section and who otherwise complies with the licensure requirements of sections 4755.04 to 4755.13 of the Revised Code. The license entitles the holder to practice occupational therapy or to assist in the practice of occupational therapy. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

The section shall issue a license to practice occupational therapy or to assist in the practice of occupational therapy in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(A) The applicant holds a license in another state.

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an occupational therapist or assistant occupational therapist in a state that does not issue that license.

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

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

Sec. 4755.411. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:

(A) Fees for the verification of a license and license reinstatement, and other fees established by the section;

(B) Provisions for the section's government and control of its actions and business affairs;

(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;

(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;

(E) The form and manner for filing applications for licensure with the section;

(F) For purposes of section 4755.46 of the Revised Code, all of the following:

(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;

(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;

(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.

(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;

(H) Appropriate ethical conduct in the practice of physical therapy;

(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;

(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;

(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:

(1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.

(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of the applicant's initial licensure or registration in another ~~state or~~ country.

(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;

(M) Appropriate display of a license;

(N) Procedures for a licensee to follow in notifying the section within thirty days of a change

in name or address, or both;

(O) The amount and content of corrective action courses required by the board under section 4755.47 of the Revised Code.

Sec. 4755.44. If an applicant passes the examination or examinations required under section 4755.43 of the Revised Code and pays the fee required by division (B) of section 4755.42 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license, attested by the seal of the board, to the applicant to practice as a physical therapist.

The section shall issue a license to practice as a physical therapist in accordance with Chapter 4796. of the Revised Code, attested by the seal of the board, to an applicant if either of the following applies:

(A) The applicant holds a license in another state.

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a physical therapist in a state that does not issue that license.

Sec. 4755.441. If an applicant passes the examination or examinations required under section 4755.431 of the Revised Code and pays the fee required by division (B) of section 4755.421 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license, attested by the seal of the board, to the applicant to practice as physical therapist assistant.

The section shall issue a license to practice as a physical therapist assistant in accordance with Chapter 4796. of the Revised Code, attested by the seal of the board, to an applicant if either of the following applies:

(A) The applicant holds a license in another state.

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a physical therapist assistant in a state that does not issue that license.

Sec. 4755.45. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license to practice as a physical therapist without requiring the applicant to have passed the national examination for physical therapists described in division (A) of section 4755.43 of the Revised Code within one year of filing an application described in section 4755.42 of the Revised Code if all of the following are true:

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

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

(3) The applicant holds a current and valid license or registration to practice physical therapy in another ~~state or~~ country;

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's

education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other ~~state or~~ country;

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) For purposes of division (A)(4) of this section, if, after receiving the results of an equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that regardless of the results of the evaluation the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in ~~another state or a~~ foreign country, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes that determination.

Sec. 4755.451. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license as a physical therapist assistant without requiring the applicant to have passed the national examination for physical therapist assistants described in division (A) of section 4755.431 of the Revised Code within one year of filing an application described in section 4755.421 of the Revised Code if all of the following are true:

(1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.431 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.431 of the Revised Code;

(3) The applicant holds a current and valid license or registration to practice as a physical therapist assistant in another ~~state or~~ country;

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other ~~state or~~ country;

(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) For purposes of division (A)(4) of this section, if, after receiving the results of an equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in ~~another state or a~~ foreign country, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason

why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes the determination.

Sec. 4755.48. (A) No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

(B) No person shall practice or in any way imply or claim to the public by words, actions, or the use of letters as described in division (C) of this section to be able to practice physical therapy or to provide physical therapy services, including practice as a physical therapist assistant, unless the person holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except for submission of claims as provided in section 4755.56 of the Revised Code.

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

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

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

(F) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of a person pursuing a course of study leading to a degree in physical therapy in an accredited or approved educational program if the activities or services constitute a part of a supervised course of study and the person is designated by a title that clearly indicates the person's status as a student.

(G)(1) Subject to division (G)(2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

- (a) A member of the athletic team;
- (b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;
- (c) A member of a band or cheerleading squad accompanying the athletic team;
- (d) The athletic team's mascot.

(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:

- (a) Provide physical therapy at a health care facility;
- (b) Provide physical therapy for more than sixty days in a calendar year.

(3) The limitations described in divisions (G)(1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code.

(4) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board shall not require a nonresident person who holds a license to practice physical therapy in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to provide physical therapy services in the manner described under division (G)(1) of this section.

(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:

- (a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;
- (b) Practice as a physician assistant;
- (c) Practice nursing as an advanced practice registered nurse.

(2) The prohibition in division (H)(1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person:

(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

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

(I) To be authorized to prescribe physical therapy or refer a patient to a physical therapist for physical therapy, a person described in division (H)(1) of this section must be in good standing with the relevant licensing board in this state or the state in which the person is licensed and must act only within the person's scope of practice.

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

Sec. 4755.482. (A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education without obtaining a license as a physical therapist from the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(B) A nonresident person who is registered or licensed as a physical therapist under the laws of another state shall not teach a physical therapy theory and procedures course in physical therapy education for more than one year without obtaining a license as a physical therapist from the physical therapy section, and the section shall not require that person to obtain a license in accordance with Chapter 4796. of the Revised Code to teach as described in this division.

(C) A person who is registered or licensed as a physical therapist under the laws of a foreign country and is not registered or licensed as a physical therapist in any state who wishes to teach a physical therapy theory and procedures course in physical therapy education in this state, or an institution that wishes the person to teach such a course at the institution, may apply to the physical therapy section to request authorization for the person to teach such a course for a period of not more than one year. Any member of the physical therapy section may approve the person's or institution's application. No person described in this division shall teach such a course for longer than one year without obtaining a license from the physical therapy section.

(D) The physical therapy section may investigate any person who allegedly has violated this section. The physical therapy section has the same powers to investigate an alleged violation of this section as those powers specified in section 4755.02 of the Revised Code. If, after investigation, the physical therapy section determines that reasonable evidence exists that a person has violated this section, within seven days after that determination, the physical therapy section shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

The physical therapy section shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the physical therapy section, after the hearing, determines a violation has occurred, the physical therapy section may discipline the person in the same manner as the physical therapy section disciplines licensees under section 4755.47 of the Revised Code. The physical therapy section's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

If a person who allegedly committed a violation of this section fails to appear for a hearing, the physical therapy section may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the physical therapy section for a hearing. If the physical therapy section assesses a person a civil penalty for a violation of this section and the person fails to pay that civil penalty within the time period prescribed by the physical therapy section, the physical therapy section shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

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

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

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

(1) Have satisfactorily completed an application for licensure in accordance with rules

adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.61 of the Revised Code;

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

(3) Have shown, to the satisfaction of the athletic trainers section, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the athletic trainers section of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the athletic trainers section under section 4755.61 of the Revised Code.

(4) In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the athletic trainers section under section 4755.61 of the Revised Code;

(5) Have passed an examination adopted by the athletic trainers section under division (A)(8) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the athletic trainers section.

~~(D) The section may waive the requirements of division (C) of this section for any applicant who presents proof of current licensure shall issue a license to engage in the practice of athletic training in accordance with Chapter 4796. of the Revised Code to an applicant who holds a license in another state whose standards for licensure, as determined by the section, are equal to or greater than those in effect in this state on the date of application or to an applicant who has satisfactory work experience, a government certification, or a private certification as described in that chapter as an athletic trainer in a state that does not issue that license.~~

(E) The section shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. Each licensee shall display the licensee's license in a conspicuous place at the licensee's principal place of employment.

A license issued under this section entitles the holder to engage in the practice of athletic training, to claim to the public to be an athletic trainer, or to imply by words or letters that the licensee is an athletic trainer. A license issued under this section does not entitle the holder to provide, offer to provide, or represent that the holder is qualified to provide any care or services for which the holder lacks the education, training, or experience to provide or is prohibited by law from providing.

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

(1) Is an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, a dietitian licensed under Chapter 4759. of the Revised Code, a physical therapist licensed under this chapter, or a qualified member of any other occupation or profession practicing within the scope of the person's license or profession and who does not claim to the public to be an athletic trainer;

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



employed;

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

(4) Is ~~not an~~ a nonresident individual not licensed as an athletic trainer in this state who practices or offers to practice athletic training while traveling with a visiting team or organization from outside the state or an event approved by the section for the purpose of providing athletic training to the visiting team, organization, or event;

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

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

(7) Provides only self-care.

(B) Nothing in this chapter shall be construed to prevent any person licensed under Chapter 4723. of the Revised Code and whose license is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and whose certificate to practice is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice podiatry and whose certificate to practice is in good standing, any person licensed under Chapter 4734. of the Revised Code to practice chiropractic and whose license is in good standing, any person licensed as a dietitian under Chapter 4759. of the Revised Code to practice dietetics and whose license is in good standing, any person licensed as a physical therapist under this chapter to practice physical therapy and whose license is in good standing, or any association, corporation, or partnership from advertising, describing, or offering to provide athletic training, or billing for athletic training if the athletic training services are provided by a person licensed under this chapter and practicing within the scope of the person's license, by a person licensed under Chapter 4723. of the Revised Code and practicing within the scope of the person's license, by a person authorized under Chapter 4731. of the Revised Code to practice podiatry, by a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, by a person licensed under Chapter 4734. of the Revised Code to practice chiropractic, or by a person licensed under Chapter 4759. of the Revised Code to practice dietetics.

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

(D) The athletic trainer section of the occupational therapy, physical therapy, and athletic trainers board shall not require a nonresident individual licensed as an athletic trainer in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice or offer to practice athletic training in the manner described under division (A)(4) of this section.

~~Sec. 4757.18. The counselor, social worker, and marriage and family therapist board may enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those regulated under this chapter if the board finds that the state has requirements substantially equivalent to the requirements this state has for receipt of a license or certificate of registration under this chapter. In a reciprocal agreement, the board agrees to issue the appropriate license or certificate of registration to any resident of the other state whose practice is currently authorized by that state if that state's regulatory body agrees to authorize the appropriate practice of~~

valid for the shorter of thirty days or the duration of the genetic counseling associated with the rare disease for which the license was issued. The license may not be renewed.

(E) The holder of a special activity license may practice genetic counseling only to the extent that it is associated with the rare disease for which the license was issued. The license holder shall not bill a patient or any third party payer for genetic counseling provided in this state.

(F) The board may revoke a special activity license on receiving proof satisfactory to the board that the holder of the license has engaged in practice in this state outside the scope of the license or that there are grounds for action against the license holder under section 4778.14 of the Revised Code.

Sec. 4779.17. The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics ~~without examination to an applicant who meets all of the following requirements:~~

~~(A) Applies to the board in accordance with section 4779.09 of the Revised Code;~~

~~(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;~~

~~(C) One of the following applies:~~

~~(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.10 of the Revised Code.~~

~~(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.11 of the Revised Code.~~

~~(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.12 of the Revised Code.~~

~~(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.~~

~~(D) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:~~

~~(A) The applicant holds a license in another state.~~

~~(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in orthotics, prosthetics, orthotics and prosthetics, or pedorthics in a state that does not issue that license.~~

Sec. 4779.18. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;

(2) Is eighteen years of age or older;

(3) One of the following applies:

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.10 of the Revised Code.

(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.11 of the Revised Code.

(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.12 of the Revised Code.

(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(B) The board shall issue a temporary license in accordance with Chapter 4796. of the Revised Code to an applicant who holds a license in another state, a government certification, or a private certification as described in that chapter in a state that does not issue that license.

(C) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

(D) An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.

~~(C)~~ (E) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4781.07. (A) Pursuant to rules the division of industrial compliance adopts, the division may certify municipal, township, and county building departments and the personnel of those departments, or any private third party, to exercise the division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. Any certification is effective for three years.

(B) Following an investigation and finding of facts that support its action, the division of industrial compliance may revoke or suspend certification. The division may initiate an investigation on the division's own motion or the petition of a person affected by the enforcement or approval of plans.

(C)(1) If a township, municipal corporation, or county does not have a building department that is certified pursuant to this section, it may designate by resolution or ordinance another building department that has been certified pursuant to this section to exercise the division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. The designation is effective upon acceptance by the designee.

(2) An owner of a manufactured home or an operator of a manufactured home park may request an inspection and obtain an approval described in division (C)(1) of this section from any building department certified pursuant to this section designated by the township, municipal corporation, or county in which the owner's manufactured home or operator's manufactured home park is located.

(D) The board shall certify an individual to exercise enforcement authority, to accept and approve plans and specifications, or to make inspections in this state in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(1) The individual is certified in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter in exercising enforcement authority, accepting and

## May Physical Therapy License Report

### PT License by Endorsement-31

PT020341	Amanda Gottschalk
PT020345	Antonio Sciulli
PT020325	Benjamin Thomas Bucher
PT020331	Clarissa Leickly
PT020337	Collin James Stump
PT020324	Dana Bucher
PT020393	Daniel Soria
PT020343	David Puetz
PT020339	Douglas Zaebst
PT020334	Elijah Michael Eby
PT020330	Eric David Lehman
PT020342	Gabriel Jacob Eisner
PT020321	Gabrielle Nicole Veldman
PT020322	Hemaliben Patel
PT020344	Jamie Fabbri
PT020375	Jd Scarberry
PT020338	Jessica Marie Galasso
PT020329	John Floyd Hoops
PT020326	Kathryn Piraino
PT020323	Manimaran Raja
PT020336	Marc Miller
PT020347	Maria Ivonne Magsino Norman
PT020362	Meghan Robinson
PT020352	Olivia Karen Greene
PT020340	Rachel Ann Lee

PT020414	Ryan C Strzesynski
PT020346	Scott Johnson
PT020328	Stefanie Marie Battisti
PT020332	Van Nguyen
PT020327	Veeragopal Gujja
PT020333	Victoria Dassing

PT License by Examination- 68

PT020373	Adam Vincent
PT020407	Alexa Maria Caraballo
PT020365	Avion Christopher Thurmond
PT020350	Brady Tincher
PT020379	Cara Scarberry
PT020409	Carly Rose Smith
PT020356	Celeste Rebecca Borgemenke
PT020394	Chad Noah Baker
PT020385	Chane Neri van Straaten
PT020417	Christopher Allocco
PT020360	Claire A Smith
PT020378	Courtney Lyn Cyrus
PT020418	Daniel William Scheid
PT020384	Emelie Jane Z Sia
PT020361	Emily Gayle Parks
PT020400	Emily Susan Smith
PT020406	Gabrielle Lynn Schnaterbeck
PT020370	Gina Marie Gugliotta
PT020348	Grant Thomas Hawthorne
PT020397	Haley Christine Heidt
PT020380	Hannah Marie Stewart

PT020388	Hillari Elizabeth Combs
PT020376	Ileia Nicole Rodriguez
PT020358	Jacob Zachary Villanueva
PT020355	James Cooper Bell
PT020372	Jane Elise Harrison
PT020395	Jasmira Brown
PT020398	John William Hicks
PT020411	Jonathan James Schroeder
PT020382	Jordan Ann Thielbar
PT020392	Jordan Michael Arrington
PT020387	Jori Nicole Arnold
PT020399	Joseph Henderson
PT020366	Joseph Dominic Piazza IV
PT020396	Joshua Allen Hite
PT020390	Kaitlyn Lucia Falconi
PT020416	Kassidy Adkins
PT020386	Katherine Lynn Fry
PT020349	Kindrea Messer
PT020368	Kip Burmeister
PT020401	Kyle MacMillan
PT020415	Kylie Chandler
PT020377	Lia Madeline Giffels
PT020391	Logan Decker
PT020369	Madelyn Drew Crawford
PT020381	Maria Wisman
PT020354	Maria Seeley Baldasare
PT020374	Marlena Klein
PT020413	Matthew J. Tack
PT020405	Matthew Jacob Martinez

PT020357	Megan Elise Sievers
PT020353	Michael Ross Ainbinder
PT020408	Natalie Seeberg
PT020364	Paul Ryan Krum
PT020371	Rachael Ann Bachman
PT020403	Ryan Michael Kasprzak
PT020383	Soriya Rezapourian
PT020412	Stephen A. Sores
PT020359	Sydney Corbean
PT020410	Sydney Weis
PT020419	Sydney Lynn Kilgore
PT020351	Taylor Rodriguez
PT020363	Timothy Richard Wohl
PT020389	Victoria Ariza
PT020404	Winston Grady von Carlowitz
PT020335	Zachary Zwiesler
PT020402	Zhe-Yuan David Lin
PT020367	Zoe Therese Banaag

PTA License by Endorsement-8

PTA013479	Abby Kieffer
PTA013477	Angela Sue Noesen
PTA013490	Brianna Jude
PTA013497	Carson Helfrick
PTA013483	Kimberly Y Saito
PTA013480	Megan Kay Deible
PTA013476	Michaleen Patricia Shrawder
PTA013478	Sarah Rose Booth

PTA License by Examination-15

PTA013489	Alexandria Marie Layne
PTA013482	Bradley P Crawford
PTA013493	Chloe Marie Diehl
PTA013491	Elena Stone
PTA013495	Felipe Borsato Mamede
PTA013498	Jayden A Ward
PTA013484	Jourdan Bleu Pasket
PTA013487	Kristin Filby
PTA013485	Madisyn Repp
PTA013486	Rachel Edna Burns
PTA013494	Samantha-Kay Mergy
PTA013488	Sarah L. Bare
PTA013492	Sydney Box
PTA013481	Taylor Jackson
PTA013496	Taylor Stutz



## **Application Withdrawals**

**PT**

**Sydney Box            PTA013492**

**Joseph Brock Hannah   APP-000710418**

**Alexandria Marie Layne   APP-000711922**

**Lauren Elise Saladin   APP-000722066**

**Jordan Andrew Kerscher   APP-000722411**

**Bradley Kanney            APP-000698743**

# **ENFORCEMENT STATISTICS FOR PHYSICAL THERAPY SECTION MEETING**

Date: 05/18/2023

## **Statistics:**

“New” cases opened since the last meeting: 23

Cases “closed” since the last meeting: 14

Cases “currently open”: 55

Active consent agreements: 08

Adjudication orders being monitored: 04

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

**]Before The Ohio  
Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

[REDACTED] Section

IN RE:

The eligibility of [REDACTED]  
[REDACTED] to retain [REDACTED] license as a  
[REDACTED] in the State of Ohio

Case No: PT-22-105

**Consent Agreement**

This CONSENT AGREEMENT constitutes an Adjudication Order within the meaning of section 119.01(D) of the Ohio Revised Code. This Consent Agreement ("agreement") is entered into by and between [REDACTED] (" [REDACTED] ") and the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD, [REDACTED] SECTION ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755 and all rules promulgated thereunder. [REDACTED] hereby enters into this agreement being fully informed of [REDACTED] rights, including those under Chapter 4755 and Chapter 119, Ohio Revised Code, including the right to representation by counsel and an adjudication hearing.

In consideration of the forgoing and mutual promises hereinafter set forth, [REDACTED] and the Board hereby agree as follows:

**Jurisdiction and Predicate Facts**

1. The Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, [REDACTED] Section, is empowered by section 4755.47(A) of the Ohio Revised Code to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, on any of the following grounds:
  - (5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section;
  - (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;
  - (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;

2. [REDACTED] was initially licensed as a [REDACTED] in the State of Ohio on [REDACTED].
3. [REDACTED] currently holds a license to practice as a [REDACTED] in the State of Ohio and is subject to all laws and rules of Ohio regulating the practice of [REDACTED].
4. From on or about [REDACTED], through on or about [REDACTED], while employed at [REDACTED], [REDACTED], [REDACTED] failed to show up for scheduled [REDACTED] sessions. [REDACTED] did not provide [REDACTED] employer with any reason for [REDACTED] absence even after [REDACTED] employer inquired as to [REDACTED] whereabouts. [REDACTED] actions resulted in inappropriate termination of the [REDACTED] /patient relationship because [REDACTED] was the sole [REDACTED] employed at [REDACTED]. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47 (A)(5), (6), & (13), and Ohio Administrative Code rules 4755-27-05 (C)(5)(h) and (C)(12).

### Admissions

1. [REDACTED] hereby admits and acknowledges that [REDACTED] has received proper notice of [REDACTED] right to a formal hearing pursuant to Ohio Revised Code Chapter 119.
2. [REDACTED] hereby knowingly waives all rights to a formal hearing in this matter and agrees that this agreement shall have the full force and effect of an Order duly entered in accordance with those procedures set forth in Ohio Revised Code Chapter 119 and Chapter 4755 relating to administrative proceedings.
3. [REDACTED] admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
4. [REDACTED] admits that the facts set forth above constitute a violation of Ohio law thereby subjecting [REDACTED] to disciplinary action by the Board, pursuant to section 4755.47 of the Ohio Revised Code.

### Terms

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action, [REDACTED] and the Board, knowingly and voluntarily agree to the following terms:

1. [REDACTED] agrees that this agreement serves as a written reprimand.
2. [REDACTED], at [REDACTED] own expense, shall successfully complete a course in ethical conduct that must be approved by the board and completed within thirty (30) days of the ratification of this Agreement. Verification of certificate of completion must be submitted to the attention of the Enforcement Division of the Board no later than forty-five (45) days after the ratification of this Agreement.
3. [REDACTED] shall provide a copy of the consent agreement to any current and future employers during the term of this agreement. The copy shall be given to [REDACTED] supervisor(s), or whoever is responsible for evaluating [REDACTED] work performance. [REDACTED] employer(s) must send written notification on company letterhead to the Enforcement Division indicating that they were provided

with a copy of this agreement. [REDACTED] shall ensure that this notification by [REDACTED] employer is received within thirty (30) days of the effective date of this agreement. If [REDACTED] changes employers during the course of this agreement, [REDACTED] shall ensure that written notification by [REDACTED] new employer(s) is received within thirty (30) days of [REDACTED] start date of [REDACTED] new position. **If [REDACTED] is not employed within thirty (30) days of the effective date of this agreement, [REDACTED] shall submit a statement to that effect to the Enforcement Division of the Board.**

4. [REDACTED] agrees to abide by all federal, state, and local laws, and all laws and rules governing the practice of [REDACTED] in Ohio.
5. Failure to abide by the terms of this agreement shall constitute an actionable violation in and of itself without further proof and may subject [REDACTED] to any and all disciplinary remedies to the [REDACTED] Section including, but not limited to, revocation.
6. [REDACTED] hereby releases the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.
7. All parties to this agreement understand that this agreement is a public record and may be published on the Board's website and reported to appropriate organizations, data banks, and governmental bodies, including, but not limited to, the United States Department of Health and Human Services' National Practitioner Data Bank (NPDB).
8. By [REDACTED] signature on this agreement, [REDACTED] agrees that in the event the Board, in its discretion, does not approve this agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. [REDACTED] agrees that should the Board reject this agreement and if this case proceeds to hearing, [REDACTED] will assert no claim that the Board was prejudiced by its review and discussion of this agreement or of any information relating thereto.
9. By adopting and executing this agreement, the Board hereby acknowledges that this agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against [REDACTED] resulting from the aforementioned conduct.
10. This agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.
11. [REDACTED] has had the opportunity to review the agreement and receive the advice of the legal counsel of [REDACTED] choice regarding it and all of its terms, conditions and requirements.

I, [REDACTED], have carefully read the above agreement and I enter into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of my rights under Ohio law. By executing this agreement, I recognize that if, in the discretion of the Board it appears that I have breached any terms or conditions of this consent agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the consent agreement. If the Board finds a breach of this consent agreement, it may impose any disciplinary remedy available under Ohio law.

The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its approval.

\_\_\_\_\_  
[REDACTED]

\_\_\_\_\_  
**Melissa Anthony**  
Executive Director

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Counsel to [REDACTED]  
(If represented)

\_\_\_\_\_  
**Lindsay Miller**  
Associate Assistant Attorney General

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

7May	Terri Greer	<p>The definition of PT that I found is as follows: "Physical therapy" means the evaluation and treatment of a person by physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating physical impairments, functional limitations, and physical disabilities. "Physical therapy" includes physiotherapy. I want to clarify that according to the most current definition of physical therapy in OH, physical therapy must include evaluation, treatment and treatment planning/goal setting for rehabilitative purposes such as alleviating physical impairments/functional limitations and physical disabilities, and</p> <p>That working with a client per telehealth for nontraditional fitness, wellness consultation and prevention services (not rehabilitation services) by offering online education or online wellness/fitness activity classes would NOT be considered physical therapy. (I could not find this specifically in the statutory language of the practice act. Is it in the rules and regs?)</p> <p>If I offer consultation services related to the management of chronic pain, is that considered PT as long as I am not evaluating and treating?</p> <p>If I understand correctly, I am able to work in wellness and prevention, but because that is not considered physical therapy, those services are not under the jurisdiction of the OTPTAT board? If this is true, are you aware of whose jurisdiction this might be under? <b>(CONTACT DEPARTMENT OF HEALTH)</b></p> <p>If these services are not under the OTPTAT board jurisdiction, would I have to be part of the PT Compact in order to work with clients over state lines (if , in fact, I am not providing services that fall under the umbrella of physical therapy?)</p> <p>If the above stated assumption is true that these wellness services are not considered physical therapy, is it sufficient to avoid the expectation of physical therapy/duty of care by specifying on my website and on my waiver that I am a physical therapist but that the services being provided do not constitute physical therapy? (I am aware that some states prevent providers from calling</p>
------	-------------	---

		<p>themselves physical therapists when working in wellness/fitness in order to prevent the public from misinterpreting the services as physical therapy—is this the case in OH?)</p> <p>If I am not providing physical therapy services, am I still under HIPPA requirements? <b>(NOT IN JURISDICTION)</b></p> <p>I know that I cannot bill a medicare patient for out of pocket costs for something that is covered by medicare, but if I understand correctly, medicare does not cover these types of wellness services? <b>(USE BILLING RESPONSE?)</b></p>
8May	Jason Sabo	<p>I was looking at taking a unit out on loan for Alpha-Stim (similar to e-stim) to trial. The vendor asked if this fell under our licensure (PT) to use with our patients. I don't see an issue with it based off the treatment reasons. It is commonly used in chiropractors offices to treat pain. Does our board have a stance with use of alpha stim.</p> <p><a href="#">Home - Alpha-Stim</a></p>
9May	Heather Swain	<p>I am looking for legal advice to review consent forms for hosting a dry needling party (like a tupperware party). The idea is that patients are screened for flags, and have shortened evaluations directed at a specific treatment. The intent is also to determine if further PT is appropriate. I also appreciate this is a novel idea, and wanted to make sure the board has no legal objections regarding scope of practice. I'm happy to describe the concept further if helpful and either speak to someone at the board, or legal counsel that you might recommend I contact.</p>
10 – May	Lynn Busdeker	<p>If we are at a school for this school year (22-23) and we will no longer be there next school year (23-24), we need to transfer care to a therapist correct and not the school?</p> <p>Also, what do we do if there is not a therapist to transfer care to? We want to make sure we are doing things correctly.</p>





# PT • COMPACT

## Physical Therapy Compact Commission Notice of Proposed Rulemaking

The Physical Therapy Compact Commission is requesting public comment on the proposed amendments to its Rules. Pursuant to Section 9 of the Physical Therapy Compact, the Commission is required to post this Notice at least thirty (30) days in advance of the meeting at which the Rules will be considered and voted upon by the Commission.

### PUBLICATION DATE:

5/12/2023

### SUMMARY OF THE PROPOSED RULES OR AMENDMENT TO EXISTING RULES:

Rule	Summary of Changes
1.1	Adds a definition of "board administrator"
4.2	Adds new rule 4.2 to make a technical correction to the citation for "active duty military" in Section 2 of the model statute

### TEXT OF THE PROPOSED AMENDMENTS:

A copy of the proposed amendments is attached to this Notice.

### MEETING DATE, TIME, AND LOCATION:

The Physical Therapy Compact Commission will consider and vote on the adoption of the attached amendments to its Rules at its public meeting on June 27, 2023. The meeting will take place virtually at 2:30 p.m. ET.

### DEADLINE AND PROCESS TO SUBMIT WRITTEN COMMENTS:

Written comments must be received by 5:00 PM, ET, on June 20, 2023. All comments or intentions to attend the Commission meeting should be submitted electronically by the deadline to [info@ptcompact.org](mailto:info@ptcompact.org). All comments must be provided in a single file and must include the name of the submitter, any organization the submitter represents, and the rule number(s) the comments address. If electronic submission of comments is not feasible, please contact the PT Compact Commission using the contact information below for special instructions.

### REQUESTS FOR PUBLIC HEARING:

Pursuant to Section 9 of the Physical Therapy Compact, the PT Compact Commission shall hold a public hearing on the proposed rules changes if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

If one of the three standards above is met, the Commission will hold a hearing on the proposed rules at its public meeting on June 27, 2023. The meeting will take place virtually at 2:30 PM, ET.

All requests for a public hearing must be submitted electronically to [info@ptcompact.org](mailto:info@ptcompact.org) by 5:00 PM, ET, on June 20, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey M. Rosa, Compact Administrator, by email at [administrator@ptcompact.org](mailto:administrator@ptcompact.org) or by telephone at 703-299-3100 ext. 239 or at 124 West Street South, Suite 300, Alexandria, VA 22314-2825.

## 2023 DRAFT Compact Rules Amendments for Executive Board for Public Comment

Please note that additions are indicated by red underlined text. Deletions are indicated by ~~red strikethrough~~ text. Black text is existing unchanged text.

### 1) Rule 1.1 – Definitions

**Reason: To add a definition of “board administrator”.**

Proposed Amendment:

“Board administrator” means an individual serving as administrative staff to a member state’s physical therapy licensing board.

### 2) Rule 4.2 – U.S. Code Citation for Active Duty Military

**Reason: To make a technical correction to the citation for “active duty military” in Section 2 of the model statute.**

Proposed Amendment:

Add new Rule 4.2 to Chapter 4

Rule 4.2 – U.S. Code Citation for Active Duty Military

The reference in to 10 U.S.C Section 1209 and 1211 contained in Section 2, paragraph 1 of the model statute should correctly be 10 U.S.C. Chapter 1209 and 1211. Any references in the model statute to 10 U.S.C. Section 1209 and 1211 should be interpreted as 10 U.S.C. Chapter 1209 and 1211.