

As Passed by the Senate

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 131

Representatives Gavarone, Reineke

Cosponsors: Representatives Blessing, Lepore-Hagan, Anielski, Antonio, Arndt, Ashford, Greenspan, Hambley, Henne, Holmes, Hoops, Manning, Patton, Pelanda, Rogers, Ryan, Schaffer, Scherer, Schuring, Seitz, Slaby, Stein, Sweeney, West, Wiggam

Senators Gardner, Beagle, Tavares, Sykes, Burke, Dolan, Hackett, Kunze, Thomas

A BILL

To amend sections 4755.40, 4755.411, 4755.42, 1
4755.421, and 4755.451 of the Revised Code to 2
modify the laws governing the practice of 3
physical therapy. 4

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

Section 1. That sections 4755.40, 4755.411, 4755.42, 5
4755.421, and 4755.451 of the Revised Code be amended to read as 6
follows: 7

Sec. 4755.40. As used in sections 4755.40 to 4755.56 and 8
4755.99 of the Revised Code: 9

(A) (1) "Physical therapy" means the evaluation and 10
treatment of a person by physical measures and the use of 11
therapeutic exercises and rehabilitative procedures, with or 12
without assistive devices, for the purpose of preventing, 13
correcting, or alleviating ~~any disability~~ physical impairments, 14
functional limitations, and physical disabilities. "Physical 15

therapy" includes physiotherapy. ~~If-~~ 16

"Physical therapy" includes the establishment and 17
modification of physical therapy programs, treatment planning, 18
patient education and instruction, and consultative services. 19

With respect to the evaluation of a person, "physical 20
therapy" includes determining a physical therapy diagnosis in 21
order to treat the person's physical impairments, functional 22
limitations, and physical disabilities; determining a prognosis; 23
and determining a plan of therapeutic intervention. 24

If performed by a person who is adequately trained, 25
"physical therapy" includes all of the following: 26

~~(1) The the design, fabrication, and revision of various~~ 27
~~assistive devices, and the provision of education, and~~ 28
~~instruction in the use of various assistive those devices,~~ 29
~~including braces, splints, ambulatory or locomotion devices,~~ 30
~~wheelchairs, prosthetics, and orthotics.~~ 31

~~(2) The "Physical therapy" includes the administration of~~ 32
~~topical drugs that have been prescribed by a licensed health~~ 33
~~professional authorized to prescribe drugs, as defined in~~ 34
~~section 4729.01 of the Revised Code.~~ 35

~~(3) The establishment and modification of physical therapy~~ 36
~~programs, treatment planning, patient education and instruction,~~ 37
~~and consultative services;~~ 38

~~(4) Physiotherapy.~~ 39

(2) "Physical therapy" does not include either of the 40
following: 41

(a) The use of electricity for cauterization or other 42
surgical purposes; 43

(b) The use of Roentgen rays or radium for diagnostic or 44
therapeutic purposes. 45

(B) "Physical therapy diagnosis" means a judgment that is 46
made after examining the neuromusculoskeletal system or 47
evaluating or studying its symptoms and that utilizes the 48
techniques and science of physical therapy to establish a plan 49
of therapeutic intervention. "Physical therapy diagnosis" does 50
not include a medical diagnosis. 51

(C) "Physical measures" include massage and other manual 52
therapy techniques, heat, cold, air, light, water, electricity 53
except as provided in division (A)(2)(a) of this section, sound, 54
and the performance of tests of neuromuscular function as an aid 55
to ~~such~~ the provision of treatment. 56

~~Physical therapy does not include the medical diagnosis of~~ 57
~~a patient's disability, the use of Roentgen rays or radium for~~ 58
~~diagnostic or therapeutic purposes, or the use of electricity~~ 59
~~for cauterization or other surgical purposes.~~ 60

~~(B)~~ (D) "Physical therapist" means a person who practices 61
or provides patient education and instruction in physical 62
therapy and includes a physiotherapist. 63

~~(C)~~ (E) "Physical therapist assistant" means a person who 64
assists in the provision of physical therapy treatments, 65
including the provision of patient education and instruction, 66
under the supervision of a physical therapist. 67

~~(D)~~ (F) "Supervision" means the availability and 68
responsibility of the supervisor for direction of the actions of 69
the person supervised. 70

Sec. 4755.411. The physical therapy section of the Ohio 71
occupational therapy, physical therapy, and athletic trainers 72

board shall adopt rules in accordance with Chapter 119. of the	73
Revised Code pertaining to the following:	74
(A) Fees for the verification of a license and license	75
reinstatement, and other fees established by the section;	76
(B) Provisions for the section's government and control of	77
its actions and business affairs;	78
(C) Minimum curricula for physical therapy education	79
programs that prepare graduates to be licensed in this state as	80
physical therapists and physical therapist assistants;	81
(D) Eligibility criteria to take the examinations required	82
under sections 4755.43 and 4755.431 of the Revised Code;	83
(E) The form and manner for filing applications for	84
licensure with the section;	85
(F) For purposes of section 4755.46 of the Revised Code,	86
all of the following:	87
(1) A schedule regarding when licenses to practice as a	88
physical therapist and physical therapist assistant expire	89
during a biennium;	90
(2) An additional fee, not to exceed thirty-five dollars,	91
that may be imposed if a licensee files a late application for	92
renewal;	93
(3) The conditions under which the license of a person who	94
files a late application for renewal will be reinstated.	95
(G) The issuance, renewal, suspension, and permanent	96
revocation of a license and the conduct of hearings;	97
(H) Appropriate ethical conduct in the practice of	98
physical therapy;	99

(I) Requirements, including continuing education	100
requirements, for restoring licenses that are inactive or have	101
lapsed through failure to renew;	102
(J) Conditions that may be imposed for reinstatement of a	103
license following suspension pursuant to section 4755.47 of the	104
Revised Code;	105
(K) For purposes of section <u>sections 4755.45 and 4755.451</u>	106
of the Revised Code, both of the following:	107
(1) Identification of the credentialing organizations from	108
which the section will accept equivalency evaluations for	109
foreign physical therapist education <u>and foreign physical</u>	110
<u>therapist assistant education</u> . The physical therapy section	111
shall identify only those credentialing organizations that use a	112
course evaluation tool or form approved by the physical therapy	113
section.	114
(2) Evidence, other than the evaluations described in	115
division (K)(1) of this section, that the section will consider	116
for purposes of evaluating whether an applicant's education is	117
reasonably equivalent to the educational requirements that were	118
in force for licensure in this state as a physical therapist <u>or</u>	119
<u>physical therapist assistant</u> on the date of the applicant's	120
initial licensure or registration in another state or country.	121
(L) Standards of conduct for physical therapists and	122
physical therapist assistants, including requirements for	123
supervision, delegation, and practicing with or without referral	124
or prescription;	125
(M) Appropriate display of a license;	126
(N) Procedures for a licensee to follow in notifying the	127
section within thirty days of a change in name or address, or	128

both;	129
(O) The amount and content of corrective action courses required by the board under section 4755.47 of the Revised Code.	130 131
Sec. 4755.42. (A) Each person who desires to practice physical therapy shall file with the secretary of the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board a notarized <u>an</u> application that includes the following:	132 133 134 135 136
(1) Name;	137
(2) Current address;	138
(3) Physical description and photograph;	139
(4) Proof of completion of a master's or doctorate program of physical therapy education that is accredited by a national physical therapy accreditation agency recognized by the United States department of education and that includes:	140 141 142 143
(a) A minimum of one hundred twenty academic semester credits or its equivalent, including courses in the biological and other physical sciences;	144 145 146
(b) A course in physical therapy education that has provided instruction in basic sciences, clinical sciences, and physical therapy theory and procedures.	147 148 149
(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.	150 151 152
(C) The physical therapy section shall approve an application to sit for the examination required under division (A) of section 4755.43 of the Revised Code not later than one	153 154 155

hundred twenty days after receiving an application that the 156
section considers complete unless the board has done either of 157
the following: 158

(1) Requested documents relevant to the section's 159
evaluation of the application; 160

(2) Notified the applicant in writing of the section's 161
intent to deny a license and the applicant's right to request a 162
hearing in accordance with Chapter 119. of the Revised Code to 163
appeal the section's intent to deny a license. 164

(D) If the section fails to comply with division (C) of 165
this section, the section shall refund one-half of the 166
application fee to the applicant. 167

Sec. 4755.421. (A) Each applicant seeking licensure as a 168
physical therapist assistant shall file with ~~the secretary of~~ 169
the physical therapy section of the Ohio occupational therapy, 170
physical therapy, and athletic trainers board ~~a notarized~~ an 171
application that includes the following: 172

(1) Name; 173

(2) Current address; 174

(3) Physical description and photograph; 175

(4) Proof of completion of a ~~two-year~~ physical therapist 176
assistant program of education that is accredited by a national 177
physical therapy accreditation agency recognized by the United 178
States department of education. 179

(B) On making application under division (A) of this 180
section, the applicant shall pay a fee of not more than one 181
hundred twenty-five dollars for the license. 182

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

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

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

(2) If the section fails to comply with division (C) (1) of this section, the section shall refund half of the application fee to the applicant.

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:

~~(A)~~ (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; 212

~~(B)~~ (2) The applicant presents evidence satisfactory to 213
the physical therapy section that the applicant passed the 214
jurisprudence examination described in division (B) of section 215
4755.431 of the Revised Code; 216

~~(C)~~ (3) The applicant holds a current and valid license or 217
registration to practice as a physical therapist assistant in 218
another state or country; 219

~~(D)~~ The (4) Subject to division (B) of this section, the 220
applicant can demonstrate that the applicant's education is 221
reasonably equivalent to the educational requirements that were 222
in force for licensure in this state on the date of the 223
applicant's initial licensure or registration in the other state 224
or country; 225

~~(E)~~ (5) The applicant pays the fee described in division 226
(B) of section 4755.421 of the Revised Code; 227

~~(F)~~ (6) The applicant is not in violation of any section 228
of this chapter or rule adopted under it. 229

(B) For purposes of division (A) (4) of this section, if, 230
after receiving the results of an equivalency evaluation from a 231
credentialing organization identified by the section pursuant to 232
rules adopted under section 4755.411 of the Revised Code, the 233
section determines that, regardless of the results of the 234
evaluation, the applicant's education is not reasonably 235
equivalent to the educational requirements that were in force 236
for licensure in this state on the date of the applicant's 237
initial licensure or registration in another state or foreign 238
country, the section shall send a written notice to the 239
applicant stating that the section is denying the applicant's 240

application and stating the specific reason why the section is 241
denying the applicant's application. The section shall send the 242
notice to the applicant through certified mail within thirty 243
days after the section makes the determination. 244

Section 2. That existing sections 4755.40, 4755.411, 245
4755.42, 4755.421, and 4755.451 of the Revised Code are hereby 246
repealed. 247