
OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

Board vacancies

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

Occupational therapy licensing procedures

- Eliminates limited permits for occupational therapists and occupational therapy assistants.
- Eliminates the option to have an occupational therapist's or occupational therapy assistant's license placed in escrow when the person is not in active practice.

Physical therapy licensing procedures

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

Orthotists, prosthetists, and pedorthists – enforcement

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

Discipline based on intervention in lieu of conviction

- Permits the Board to take disciplinary action due to a judicial finding of eligibility for intervention in lieu of conviction for any crime that would otherwise be reason for disciplinary action against the various professionals the Board regulates.

Discipline based on sexual interactions with patients

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

Jurisdiction for appeals

- Establishes the Franklin County Court of Common Pleas as the jurisdiction for all appeals from orders issued by the Board.

Board vacancies

(R.C. 4755.01)

The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers (OTPTAT) Board consists of 16 members appointed by the Governor with the advice and consent of the Senate. Members serve for three-year terms, but a member also must serve until a successor is appointed or a period of 60 days has elapsed, whichever is first. The bill extends this transition period to 90 days.

Occupational therapist licensing procedures

Limited permits

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

The bill eliminates provisions regarding the issuance of limited permits for occupational therapists and occupational therapy assistants. Under current law, if a person has taken the required licensing examination, a limited permit may be issued by the OTPTAT Board's Occupational Therapy Section. The permit authorizes the person to practice under the supervision of a licensed occupational therapist until the results of the examination are public.

Inactive licenses

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

The bill eliminates the option to have an occupational therapist or occupational therapy assistant license placed in escrow. Under current law, this option allows an occupational therapist or occupational therapy assistant who is not in active practice to register as such with the Occupational Therapy Section for a biennial fee.

Physical therapy licensing procedures

Applications with physical identification

(R.C. 4755.42 and 4755.421)

The bill eliminates the requirement that a person seeking a license as a physical therapist or physical therapist assistant submit a physical description and photograph. Currently, this is required with every application.

Acceptable programs

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

Current law requires an applicant for licensure as a physical therapist to have completed a master's or doctorate in a program of physical therapy education that is accredited by a national physical therapy accreditation agency recognized by the U.S. Department of Education. The bill, instead, requires graduation from a professional physical therapy program, without specifying the degree that must be obtained. It also establishes the OTPTAT Board's Physical Therapy Section as the entity that must approve of the agency that accredits the professional program.

The bill removes related provisions specifying that any approved physical therapy program include (1) a minimum of 120 academic semester credits and (2) a course with instruction in basic sciences, clinical sciences, and physical therapy theory and procedures.

Orthotists, prosthetists, and pedorthists – enforcement

Authorized Board actions

(R.C. 4779.28)

In regulating orthotists, prosthetists, and pedorthists, the OTPTAT Board's existing disciplinary options include limiting, revoking, or suspending a practitioner's license. The Board also may reprimand a license holder, place a license holder on probation, or refuse to issue a license to an applicant. The bill allows the Board to impose a fine or a requirement that a licensee take corrective action courses.

The bill also allows the Board to take disciplinary action against a licensee or applicant who has experienced denial, revocation, suspension, or restriction of authority to practice any health care profession in Ohio, another state, or any other jurisdiction. This provision does not include people who were sanctioned for failing to renew a license.

Fee for administrative hearing costs

(R.C. 4779.2810)

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

Responsibility for investigations

(R.C. 4779.33)

The secretary of the OTPTAT Board is currently responsible for investigating violations by an orthotist, prosthetist, or pedorthist. The bill transfers this duty to the full Board.

Sharing of investigatory information

(R.C. 4779.33)

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

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

Discipline based on intervention in lieu of conviction

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

When a professional licensed by the OTPTAT Board is convicted of a crime, the Board is authorized to take disciplinary action. The bill permits the Board to take action not only based on conviction, but also if the licensee has been subject to a judicial finding of eligibility for intervention in lieu of conviction.

The specifics of the disciplinable crimes vary by profession. For occupational therapists and occupational therapy assistants, disciplinary action may be taken in response to a felony, a crime of moral turpitude, or a misdemeanor reasonably related to the practice of occupational therapy. The same applies to physical therapists and physical therapist assistants, except the misdemeanor must have occurred during the practice of physical therapy. Athletic trainers may be disciplined only for a felony or a crime of moral turpitude. Orthotists, prosthetists, and pedorthists may be disciplined for felonies or misdemeanors involving moral turpitude.

Discipline based on sexual interactions with patients

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

The OTPTAT Board currently has some disciplinary power concerning sexual contact between licensees and patients. The Physical Therapy Section may discipline a licensee for sexual contact with a patient or for verbal behavior that is sexually demeaning. Sexual contact refers to vaginal or anal intercourse and oral sex. Verbal behavior that is sexually demeaning includes any communication that may be reasonably interpreted by the patient as sexually demeaning. The bill adds sexual conduct with a patient as a disciplinable action for physical therapists and physical therapist assistants. Sexual conduct is defined as contact with an erogenous zone of another person with the intent to sexually arouse or gratify either person.

The Board currently does not have the authority to discipline other licensees for sexual interactions with patients, including occupational therapists, occupational therapy assistants, athletic trainers, orthotists, prosthetists, and pedorthists. In the same manner described above for physical therapists, the bill prohibits the other professionals regulated by the Board from engaging in sexual contact, sexual conduct, or verbal behavior that is sexually demeaning with a patient. This applies even if the sexual interaction is consensual. These restrictions do not apply if the patient is the licensee's spouse.

Jurisdiction for appeals

(R.C. 119.12)

An order issued by the OTPTAT Board, such as denying an applicant admission to an exam, denying the issuance or renewal of a license, or revoking or suspending a license, may be appealed by the person affected. The bill establishes the Franklin County Court of Common Pleas as the jurisdiction for all appeals from orders issued by the Board. This change is consistent with the appeal process for orders issued by several other occupational licensing boards, including the State Medical Board and the Board of Nursing. Current appeals of OTPTAT Board orders go to the common pleas court of the licensee's county of residence or the county where the licensee's place of business is located.