

AN ACT

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

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

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

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

(A)(1) "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 ~~any disability~~ physical impairments, functional limitations, and physical disabilities. "Physical therapy" includes physiotherapy. ~~If~~

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

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

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

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

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

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

~~(4) Physiotherapy.~~

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

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

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

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

(C) "Physical measures" include massage and other manual therapy techniques, heat, cold, air, light, water, electricity except as provided in division (A)(2)(a) of this section, sound, and the

performance of tests of neuromuscular function as an aid to ~~such~~ the provision of treatment.

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

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

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

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

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)~~ (K) For purposes of ~~section~~ 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. 4755.42. (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 application that includes the following:

(1) Name;

(2) Current address;

(3) Physical description and photograph;

(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:

(a) A minimum of one hundred twenty academic semester credits or its equivalent, including courses in the biological and other physical sciences;

(b) A course in physical therapy education that has provided instruction in basic sciences, clinical sciences, and physical therapy theory and procedures.

(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.

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

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

(2) 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.

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

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

(1) Name;

(2) Current address;

(3) Physical description and photograph;

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

(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.

(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;

~~(B)~~(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;

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

~~(D)~~The (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;

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

~~(F)~~(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 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.

SECTION 2. That existing sections 4755.40, 4755.411, 4755.42, 4755.421, and 4755.451 of the Revised Code are hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____