

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4755-27-05

Rule Type: Amendment

Rule Title/Tagline: Code of ethical conduct for physical therapists and physical therapist assistants.

Agency Name: Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/7/2020
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4755.411
5. What statute(s) does the rule implement or amplify? 4755.47
6. What are the reasons for proposing the rule?

Five year review.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule details the physical therapy code of conduct, violations of which may result in discipline.

Addition of "place the best interests of the patient over the interests of the physical therapist" in (A)(2).

Addition of "based on current available evidence" to the requirement to conform to minimal standards of acceptable and prevailing physical therapy practice in (B).

Addition of the "renewal jurisprudence module" to the list of things on which a license holder must not cheat.

Addition of a legal guardian to the people who may provide informed consent in (B)(4).

Clarification in (B)(7)(b) that conversations with a patient must not be "sexual in nature" rather than "sexually explicit."

Addition of new (B)(16) relative to minimal standard of care when providing pro bono service.

Replacement of words such as "must" instead of "shall" to conform with current rule drafting standards and provide consistency throughout all rules.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Incorporated comments received from request for public input to correct (A)(2) to apply to both physical therapists and physical therapist assistants.

05/07/2020 Revised RSFA

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No specific costs are required by this rule, aside from a license, which requires an education in physical therapy, a license (\$100 fee) and regular renewal (\$70). Compliance with standards of practice may require documentation and other expenses.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

A license is required by law to practice physical therapy.
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

This rule sets forward the code of ethics, which defines how physical therapists and physical therapist assistants. Violations of this rule may result in discipline, the extent of which depends on the scope and severity of the offense.
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable