

4755-64-01

Ethical and professional conduct.

A license holder must provide professional services with objectivity and with respect for the unique needs and values of the health care recipient, as follows:

- (A) A license holder must not discriminate on the basis of factors that are irrelevant to the provision of professional services including, but not limited to, race, creed, sex, national origin, age, or medical condition.
- (B) Prior to a license holder entering into a contractual relationship with a health care recipient, the license holder must provide sufficient information to enable the health care recipient to make an informed decision to enter into a contractual relationship. Sufficient information must include any fees and arrangements for payment which might affect the decision.
- (C) A license holder must not mislead the public and/or colleagues about services and must not advertise in a misleading manner.
- (D) A license holder must not engage in any activities that seek to meet his or her personal needs at the expense or detriment of the health care recipient.
- (E) A license holder must not receive or give a commission, rebate, or any other form of direct or indirect remuneration or benefit for the referral of patients/clients for professional services.
- (F) A license holder must disclose to health care recipients any financial interest in commercial orthotics, prosthetics, or pedorthics device which the license holder promotes for the purpose of direct or indirect personal gain or profit.
- (G) A license holder must not accept gratuities for any reason including, but not limited to, preferential consideration of the health care recipient.
- (H) A license holder must report to the board any unprofessional, incompetent, unethical, or illegal behavior of an orthotist, prosthetist, prosthetist-orthotist, or pedorthist of which the person has knowledge. An obligation to report is inherent in the professions.
- (I) A license holder must practice orthotics, prosthetics, or pedorthics in accordance with prevailing professional standards or guidelines and must not endeavor to extend his/her practice beyond his/her competence and the authority vested in him/her under division (B) of section 4779.02 of the Revised Code.
- (J) A license holder must not carry out a prescribed service that he knows to be harmful to a patient.

(K) A license holder must only access health care recipient information which is necessary and relevant to his/her function and authority as a orthotics, prosthetics, or pedorthics provider.

(L) When responding to a consumer's, prescriber's or provider's request for orthotic, prosthetic, or pedorthic services, if it is evident from the initial evaluation and a review of patient history and/or chart information that another licensed orthotic, prosthetic, or pedorthic service provider is currently providing services based on the same or similar medical orders, the second provider has a professional duty of care to the consumer and the prescriber to contact the first provider and offer the opportunity to complete or clarify the appropriate provision of services.

(M) Maintenance of consumer care information

(1) A license holder must maintain consumer care documentation which includes, at minimum:

(a) Medical presentation/history data appropriate to the service provided;

(b) Evaluation and measurement data supporting device choice and recommendation;

(c) All dates of service with narrative progress notes describing presenting problem and service/procedure performed;

(d) Medical orders and therapist notes supporting services provided;

(e) Documentation required by third party payers including assignment of benefits, privacy notices, delivery receipts, financial arrangements, and records reflecting contacts for and provision of follow-up care;

(2) Consumer care data must be maintained with privacy and security safeguards appropriate to the data retained in file.

(3) The license holder responsible for provision of care should take steps to assure the consumer file data is maintained a minimum of five years from last date of service unless a longer period is required by federal or state law or conditions imposed by any third-party payer.

(N) A license holder, or an applicant for licensure, must provide a written response within a reasonable period of time not to exceed thirty days to any written inquiry regarding compliance with law or rule received from the board. A license holder or an applicant for licensure may not withhold or refuse to provide copies of any records requested by the board or its representative unless otherwise ordered by a court.

(O) A license holder must self report to the occupational therapy section, within thirty days, any of the items outlined in paragraphs (O)(1) to (O)(7) of this rule. Failure to comply with paragraphs (O)(1) to (O)(7) of this rule may be grounds for disciplinary action pursuant to section 4779.28 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) Impairment by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or license holder's ability to practice with reasonable skill and safety.

(2) Conviction of a felony.

(3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of orthotics, prosthetics, or pedorthics.

(4) The termination, revocation, or suspension of membership by a state or national orthotics, prosthetics, or pedorthics professional association.

(5) The termination, revocation, suspension, or sanctioning of a credential issued by a state or national orthotics, prosthetics, or pedorthics credentialing organization.

(6) A positive drug and/or alcohol screening.

(7) A finding of malpractice by a court of competent jurisdiction.

Replaces: 4779-10-01

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 4779.08

Rule Amplifies: 4779.28, 4779.29, 4779.30, 4779.99

Prior Effective Dates: 08/09/2002, 11/01/2008, 11/01/2010, 07/01/2016