



## Ohio Administrative Code

### Rule 4755-3-06 Denial, suspension or revocation of license.

Effective: October 19, 2018

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(A) Denial of an application for licensure or any proposed action against a license shall be in accordance with Chapter 119. of the Revised Code.

(1) Pursuant to section 119.07 of the Revised Code, a request for an administrative hearing on the proposed action shall be received by the occupational therapy section within thirty days of the mailing of the notice of opportunity for a hearing.

(2) If a request for an administrative hearing is not received by the occupational therapy section within thirty days of the mailing of the notice of opportunity for a hearing, the section, upon consideration of the charges cited, may take appropriate action in the absence of the applicant or license holder.

(3) Pursuant to section 4755.031 of the Revised Code, a person sanctioned under section 4755.11 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel.

(B) The occupational therapy section may deny, suspend, or revoke the license of any person or reprimand, fine, or place a license holder on probation for violation of any provision of Chapter 4755. of the Revised Code or any lawful order or rule of the section.

(C) If the physical or mental condition of a license holder is at issue in a disciplinary proceeding, the occupational therapy section may order the license holder to submit to reasonable examinations by a health care practitioner designated or approved by the section at the cost of the license holder.

(D) In the event the license of an occupational therapist or occupational therapy assistant is suspended or revoked by the occupational therapy section pursuant to violation of any provision of sections 4755.04 to 4755.13 of the Revised Code or violation of any lawful order or rule of the



occupational therapy section, the occupational therapist or occupational therapy assistant shall, upon receipt of the final order of the occupational therapy section, immediately surrender to the board office all evidence of the person's license, including the wall certificate.

Any photocopies of the wall certificate maintained in offices of employment shall be retrieved by the occupational therapist or occupational therapy assistant and destroyed.

This rule shall apply in the case of consent agreements, which may result in the voluntary surrender of a license by an occupational therapist or occupational therapy assistant.

(E) In accordance with division (D) of section 4755.11 of the Revised Code, if the occupational therapy section determines that a license holder poses an immediate threat to the public, the section shall immediately suspend the license of the occupational therapist or occupational therapy assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code. If the license holder fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the person's license.

(F) The hearings and investigations related to sections 4755.04 to 4755.13 of the Revised Code shall be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the occupational therapy section relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of Chapter 4755. of the Revised Code allegedly occurred are confidential and are not subject to discovery in any civil action.

(G) If requested by the occupational therapy section, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of Chapter 4755. of the Revised Code allegedly occurs, shall take charge of and conduct the prosecution.

(H) In addition to any other remedy provided in Chapter 4755. of the Revised Code, the occupational therapy section may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of Chapter 4755. of the Revised Code. On a showing that a person has violated or is about to violate Chapter 4755. of the Revised



Code, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in Chapter 4755. of the Revised Code.