



Ohio Administrative Code Rule 4755-7-08 Code of ethical conduct.

Effective: August 15, 2020

(A) Operations.

License holders must use the provisions contained in paragraphs (A)(1) to (A)(9) of this rule as guidelines for promoting ethical integrity and professionalism. Failure to comply with paragraphs (A)(1) to (A)(9) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) License holders must familiarize themselves with, seek to understand, and comply with the laws and rules governing the practice of occupational therapy.

(2) License holders must remain abreast of revisions in the laws and rules governing the practice of occupational therapy and must inform employers, employees, and colleagues of those revisions.

(3) License holders must achieve and continually maintain high standards of competence by doing the following:

(a) Maintain and document competency by participating in professional development, continuing competence, and other educational activities.

(b) Critically examine and keep current with emerging knowledge relevant to the practice of occupational therapy. A license holder must not perform or attempt to perform techniques and/or procedures in which the license holder is untrained by education or experience.

(4) A person must not practice occupational therapy without a valid license, or without holding student status, including:

(a) Practicing occupational therapy while a person's license is suspended or revoked.



(b) Practicing occupational therapy with an expired license or when no longer enrolled as a student in an accredited occupational therapy educational program.

(5) License holders must ensure that a person supervised or directed by the license holder possesses a valid license or is a student occupational therapist or student occupational therapy assistant, as those terms are defined in rule 4755-7-01 of the Administrative Code.

(6) License holders must not aid, abet, authorize, condone, or allow the practice of occupational therapy by any person not legally authorized to provide services.

(7) An applicant or License holder must not cheat or assist others in conspiring to cheat on the certification examination referenced in paragraph (C)(2) of rule 4755-3-01 of the Administrative Code or the state jurisprudence examination.

(8) License holders must not permit another person to use a person's wall certificate, license number, or national provider identifier for any illegal purpose.

(9) License holders must report to the occupational therapy section any unprofessional, incompetent, or illegal behavior of an occupational therapist or occupational therapy assistant of which the license holder has knowledge.

(B) Professionalism of license holder.

Professionalism of the license holder includes conforming to the minimal standards of acceptable and prevailing occupational therapy practice, including practicing in a manner that is moral and honorable. Conduct may be considered unethical regardless of whether or not actual injury to a client occurred. Failure to comply with paragraphs (B)(1) to (B)(17) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A license holder must not:

(a) Forge the signature of other practitioners.



- (b) Forge a wall certificate or any other proof of current licensure, including eLicense Ohio.
- (2) An occupational therapy assistant must not provide occupational therapy services without a supervising occupational therapist.
- (3) All occupational therapy documentation, including, but not limited to, evaluations, assessments, intervention plans, treatment notes, discharge summaries, and transfers of care must be in written or electronic format.
- (4) A license holder must not falsify, alter, or destroy client records, medical records, or billing records without authorization. The license holder must maintain accurate client and/or billing records.
- (5) A license holder must not deliver, obtain, or attempt to obtain medications through means of misrepresentation, fraud, forgery, deception, and/or subterfuge.
- (6) A license holder must not initiate, participate in, or encourage the filing of complaints against colleagues that are unwarranted or intended to harm another practitioner.
- (7) A license holder must not practice occupational therapy while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If a license holder's or applicant's ability to practice is in question, the license holder or applicant must submit to a physical or mental examination or drug/alcohol screen as requested by the occupational therapy section to determine the applicant's or license holder's qualifications to practice occupational therapy.
- (8) A license holder must preserve, respect, and safeguard confidential information about colleagues, staff, and students, unless otherwise mandated by national, state, or local laws.
- (9) A license holder must exercise sound judgment and act in a trustworthy manner in all aspects of occupational therapy practice. Regardless of practice setting, the occupational therapy practitioner must maintain the ability to make independent judgments. A license holder must strive to effect



changes that benefit the client.

(10) A license holder must accurately represent the qualifications, views, contributions, and findings of colleagues and students.

(11) A license holder must not misrepresent the credential, title, qualifications, education, experience, training, and/or specialty certifications held by the license holder.

(12) A person licensed by the occupational therapy section has a responsibility to report any organization or entity that holds itself out to deliver occupational therapy services that places the license holder in a position of compromise with this code of ethical conduct.

(13) A license holder must provide appropriate supervision to persons for whom the practitioner has supervisory responsibility.

(14) A license holder must only seek compensation that is reasonable for the occupational therapy services delivered. A license holder must never place the license holder's own financial interests above the welfare of the license holder's clients. A license holder, regardless of the practice setting, must safeguard the public from unethical and unlawful business practices.

(15) A license holder must adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a client occurred, includes, but is not limited to:

(a) Documenting or billing for services not actually performed.

(b) Performing techniques/procedures in which the license holder cannot demonstrate and document competency, either by experience or education.

(c) Practicing in a pattern of negligent conduct, which means a continued course of negligent conduct or of negligent conduct in performing the duties of the profession.

(d) Delegating occupational therapy functions or responsibilities to a person lacking the ability or



knowledge to perform the function or responsibility in question.

(e) Failing to ensure that duties assumed by or assigned to other occupational therapy practitioners match credentials, qualifications, experience, and scope of practice.

(16) A license holder must respect the rights, knowledge, and skills of colleagues and other health care professionals.

(17) A license holder must not use or participate in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.

(C) License holder and client interactions.

The license holder must demonstrate concern for the well-being of the client. Failure to comply with paragraphs (C)(1) to (C)(17) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A license holder must adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a client occurred, includes, but is not limited to:

(a) Failing to assess and evaluate a client's status or establishing an occupational therapy intervention plan prior to commencing treatment/intervention of an individual.

(b) Providing treatment interventions that are not warranted by the client's condition or continuing treatment beyond the point of reasonable benefit to the client.

(c) Providing substandard care as an occupational therapy assistant by exceeding the authority to perform components of interventions selected by the supervising occupational therapist.

(d) Abandoning the client by inappropriately terminating the practitioner-client relationship by the license holder.



(e) Causing, or permitting another person to cause, physical or emotional injury to the client, or depriving the client of the person's dignity.

(2) A license holder must transfer the care of the client, as appropriate, to another health care provider in either of the following events:

(a) Elective termination of occupational therapy services by the client; or

(b) Elective termination of the practitioner-client relationship by the license holder.

(3) A license holder must ensure the client's rights to participate fully in the client's care, including the client's right to select the occupational therapy provider, regardless of the practice setting.

(4) A license holder must respect the person's right to refuse professional services or involvement in research or educational activities.

(5) A license holder must disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom the license holder may establish a professional, contractual, or other working relationship.

(6) A license holder must not influence a client or the client's family to utilize, purchase, or rent any equipment based on direct or indirect financial interests of the license holder. Recommendations of equipment must be based solely on the therapeutic value of that equipment to the client. A license holder who owns or has a direct financial interest in an equipment or supply company must disclose the financial interest to the client if the license holder sells or rents, or intends to sell or rent, to that client.

(7) A license holder must not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting clients or patronage, regardless of the source of the compensation.

(8) A license holder must refer to or consult with other service providers whenever such a referral or consultation would be beneficial to care of the client. The referral or consultation process should be



done in collaboration with the client.

(9) A license holder must not exploit a client, or the parent/guardian of a minor client, sexually, physically, emotionally, financially, socially, or in any other manner.

(10) A license holder must not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, clients, the parent/guardian of a minor client, students, and/or colleagues.

(11) A license holder must not engage in any sexual relationship or conduct, including dating, with any client, or engage in any conduct that may reasonably be interpreted by the client to be sexual, whether consensual or nonconsensual, while a practitioner-client relationship exists and for six months immediately following the termination of the practitioner-client relationship. In the case of minors, the practitioner-client relationship extends to the minor's parent or guardian.

(a) A license holder must not intentionally expose or view a completely or partially disrobed client in the course of treatment if the exposure or viewing is not related to the client diagnosis or treatment under current practice standards.

(b) A license holder must not engage in a conversation with a client that is sexually explicit and unrelated to the occupational therapy intervention plan.

(12) A license holder must not engage in sexual harassment of clients, the parent/guardian of a minor client, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature that results in:

(a) Withholding occupational therapy services to a client;

(b) Creating an intimidating, hostile, or offensive environment; or

(c) Interfering with the client's ability to recover.



- (13) A license holder must advocate for clients to obtain needed services through available means.
- (14) A license holder must provide accurate and relevant information to clients about the clients' care and to the public about occupational therapy services.
- (a) A license holder must not guarantee the results of any therapy, consultation, or therapeutic procedure. A guarantee of any sort, expressed or implied, oral or written, is contrary to professional ethics.
- (b) A reasonable statement of prognosis is not improper, but successful results are dependent upon many uncontrollable factors. Hence, any warranty is deceptive and unethical.
- (15) A license holder must obtain informed consent from the client.
- (a) A license holder, unless otherwise allowed by law, must not provide care without disclosing to the client or the client's representative, the benefits, substantial risks, if any, or alternatives to the recommended evaluation or intervention.
- (b) Information relating to the practitioner-client relationship is confidential and may not be communicated to a third party not involved in that client's care without the prior written consent of the client or the client's representative or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the client or the public.
- (16) A license holder must safeguard the public from underutilization or overutilization of occupational therapy services.
- (17) A license holder must respect the rights and dignity of all clients and provide care as described in paragraphs (C)(17)(a), (C)(17)(b), and (C)(17)(c) of this rule.
- (a) A license holder must recognize individual differences with clients and must respect and be responsive to those differences.
- (b) A license holder must be guided by concern for the physical, psychosocial, and socioeconomic



welfare of clients.

(c) A license holder must recognize and understand the impact of the cultural components of age, economics, gender, geography, race, ethnicity, religious and political factors, marital status, sexual orientation, and disability of all clients.

(D) Cooperation.

In accordance with division (A)(19) of section 4755.11 of the Revised Code, license holders must cooperate with an investigation by the occupational therapy section. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the occupational therapy section and providing copies of the medical records and other documents requested by the occupational therapy section. Failure to comply with paragraphs (D)(1) to (D)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A license holder must respond fully and truthfully to a request for information from the occupational therapy section.

(2) A license holder must comply with a subpoena issued by the occupational therapy section.

(3) A license holder must provide information or documents within the time frame specified by the occupational therapy section.

(4) A license holder must appear and provide information at an interview requested by the occupational therapy section.

(5) A license holder must not deceive, or attempt to deceive, the occupational therapy section regarding any matter, including by altering or destroying any record or document.

(6) A license holder must not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the occupational therapy section, or by use of threats



or harassment against any client or witness to prevent the client or witness from providing evidence in a disciplinary proceeding or any other legal action.

(7) A license holder must not refuse to provide testimony in an administrative hearing.

(E) A license holder must self report to the occupational therapy section, within thirty days, any of the items outlined in paragraphs (E)(1) to (E)(7) of this rule. Failure to comply with paragraphs (E)(1) to (E)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.11 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 or intervention in lieu of a felony.

(3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of occupational therapy.

(4) The termination, revocation, or suspension of membership by a state or national occupational therapy professional association.

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

(6) The termination, revocation, suspension, or sanctioning of a professional license in the state of Ohio or another state.

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

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