



## Ohio Revised Code Section 4779.28 Disciplinary actions.

Effective: October 9, 2021

Legislation: House Bill 110

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(A) The Ohio occupational therapy, physical therapy, and athletic trainers board, pursuant to an adjudication under Chapter 119. of the Revised Code, and except as provided in division (B) of this section, may limit, revoke, or suspend a license issued under this chapter, may refuse to issue a license to an applicant, or may reprimand, fine, place a license holder on probation, or may require the license holder to take corrective action courses, for any of the following reasons:

- (1) Conviction of, or a plea of guilty to, a misdemeanor or felony involving moral turpitude;
- (2) Any violation of this chapter;
- (3) Committing fraud, misrepresentation, or deception in applying for or securing a license issued under this chapter;
- (4) Habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice;
- (5) Violation of any rule adopted by the board under section 4779.08 of the Revised Code;
- (6) A departure from, or failure to conform to, minimal standards of care of similar orthotists, prosthetists, orthotists-prosthetists, or pedorthists under the same or similar circumstances, regardless of whether actual injury to a patient is established;
- (7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;
- (8) Publishing a false, fraudulent, deceptive, or misleading statement;
- (9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the



waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter;

(10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay;

(11) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including orthotics, prosthetics, or pedorthics, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(12) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the orthotist, prosthetist, orthotist-prosthetist, or pedorthist:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;

(b) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(B) The board shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.