



Ohio Administrative Code

Rule 4755-2-02 Denial and disciplinary procedures.

Effective: November 9, 2023

(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 Chapter 119. of the Revised Code, a request for an administrative hearing on the proposed action shall be received by the occupational therapy, physical therapy, and athletic trainers board ("board") within thirty days of service of the notice of opportunity for a hearing.

(2) If a request for an administrative hearing is not received by the board within thirty days of service 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 sections 4755.031 and 4779.281 of the Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, 4755.64, or 4779.28 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 board 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. or 4779. of the Revised Code or any lawful order or rule of the board.

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

(D) In the event a license issued by the board is suspended or revoked by the board pursuant to violation of any provision of Chapter 4755. or 4779. of the Revised Code or violation of any lawful order or rule of the board, the license holder shall, upon receipt of the final order of the board, 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 license holder and destroyed.

This rule applies in the case of consent agreements, which may result in the voluntary surrender of a license issued by the board.

(E) In accordance with section 4755.11, 4755.47, 4755.64, or 4779.29 of the Revised Code, if the section of the board determines that a license holder poses an immediate threat to the public, the section shall immediately suspend the license 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 revoking the person's license.

(F) The hearings and investigations related to Chapters 4755. and 4779. 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 board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of Chapter 4755. or 4779. of the Revised Code allegedly occurred are confidential and are not subject to discovery in any civil action.

(G) If requested by the board, 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. or 4779. of the Revised Code allegedly occurs, will take charge of and conduct the prosecution.

(H) In addition to any other remedy provided in Chapter 4755. or 4779. of the Revised Code, the board 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. or 4779. of the Revised Code. On a showing that a person has violated or is about to violate Chapter 4755. or 4779. 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. or 4779. of the Revised Code.