

Rule Summary and Fiscal Analysis (Part A)**Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

Agency Name

Division

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4755-23-08

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Continuing education.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4755.52**

5. Statute(s) the rule, as filed, amplifies or implements: **4755.51, 4755.52, 4755.53**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To make clarifications to the continuing education audit process.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The amendment makes two changes to the CE audit process. The first change is to remove the word "random" from the audit selection process. There are times when licensees, during the renewal process, give the Board reason to believe that they

will not be compliant with the CE requirement. This change will allow the Board to add those individuals to the previously selected audit list, which will still be randomly selected. The other change clarifies that compliance with the audit includes submission of the required number of hours of CE. Based on legal advice from the Board's assistant attorney general, there was concern that a licensee could argue that they complied with the audit request simply by sending in proof of completion of CE, even if they did not submit the required number of hours of CE.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **4/1/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase expenditures.

\$5.00

If additional individuals are added to the pre-selected audit list, the Board will need to print and mail additional audit notices. The fiscal impact for the Board would be minimal, since it is likely that fewer than 10 individuals would be added per renewal cycle.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

890-609 (Fund 4K9)

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Individuals selected for an audit are required to submit proof of completion of the required number of hours of CE. The Board includes a return envelope with the audit notice. Audited individuals would only incur expenses to copy their records and postage to mail the information back to the Board. This impact would be minimal for affected persons.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**