

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

Agency Name

Division

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**4755-43-05**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Temporary license for military spouse.****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? **Yes**

Bill Number: **HB490**General Assembly: **129**Sponsor: **Dovilla, Landis**

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: **4743.04**

5. Statute(s) the rule, as filed, amplifies or implements: **4743.04**

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

A recent amendment to state law authorized state licensing agencies to issue temporary licenses to individuals whose spouse is on active military duty in Ohio.

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 rule states that an individual whose spouse is on active military duty in Ohio is eligible for a temporary military spousal license to practice as an athletic trainer. The rule establishes some of the documentation required as part of the application, specifies the application fee as \$100, and states that the temporary license is valid for 6 months and is not renewable.

If an applicant obtains a full license to practice prior to the expiration of the temporary military spousal license, the application fee for the full license will be waived.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. 119.032 Rule Review Date:

(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 have no impact on revenues or expenditures.

\$0.00

Although there might be a minimal amount of additional work associated with processing the temporary licenses, the fee collected for the application should make the rule cost neutral for the Board. We do not expect to receive a significant number of individuals applying for the temporary license each biennium.

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

Fund 4K90; ALI 890609

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 applying for the temporary license must submit the application fee of \$100. If they do not obtain the full license prior to the 6 months expiration date, they would be required to submit an additional \$100 application fee for the full license application. This fee is waived if the full license is issued prior to the 6 month expiration date.

The applicant might also have some costs associated with obtaining the documentation required to demonstrate that the applicant's spouse has been assigned to a duty station in Ohio.

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

All individuals seeking to practice athletic training in Ohio must obtain a license from the Board. In accordance with ORC 4743.04, the Board is adopting a rule to establish a process for a military spouse to obtain a 6 month temporary license. This should provide enough time for the spouse to obtain the full license, while still allowing them to start practicing pending receipt of all required components of the full license application.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

If an individual practices athletic training without a license issued by the Board, they are illegally practicing in Ohio and could be subject to civil and criminal penalties.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Individuals applying for the temporary license would be required to submit the \$100 fee. If the full license is issued within the 6 month validity period of the temporary license, the Board will waive the full license fee. If the full license is not issued within that timeframe, the individual would need to submit an additional \$100 with the application for full license.

In addition to the fee, the rule will require the military spouse to submit certain documentation that demonstrates they are eligible for the temporary license. This documentation would include proof of marriage, proof of an unrestricted license to practice in another jurisdiction of the US, and proof that the spouse is assigned to a

duty station in Ohio.