

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4755-63-12

Rule Type: Rescission

Rule Title/Tagline: Criminal records check.

Agency Name: Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 8/25/2023
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4779.08
5. **What statute(s) does the rule implement or amplify?** 4776.03, 4779.091
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The Board is going through an overhaul of its rules. Because the board is structured in four separate sections for governance purposes (OT, PT, AT, OPP), over time duplicative rules were developed. Most of these rules are nearly identical in order to promote uniform processes for efficiency purposes. The Board has decided to combine these

rules which are often repeated four times. This will result in a very large reduction in rules, going from 169 total rules to 86. Some of these rules are also up for five-year rule review and are being rescinded and renumbered as a result.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Details the process for obtaining a criminal background check as required by ORC 4779.091 and 4755.70 for the purpose of obtaining an initial license.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

No fee for the board.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

\$47.25 fee to FBI/BCI

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? Yes

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

The professions of occupational therapy, physical therapy, athletic training, orthotics, prosthetics, and pedorthics are required to be licensed according to Ohio Revised Code Chapters 4755 and 4779.

- 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

Failure to be licensed or comply with the occupational practice act may result in disciplinary action or loss of license.

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

\$47.25 and fingerprint submission

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable