

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4755-64-01

Rule Type: Amendment

Rule Title/Tagline: Ethical and professional conduct.

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? No
 - A. What is the rule's five year review date? 10/1/2023
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? 4779.28, 4779.29, 4779.30, 4779.99
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?

These new rules are being proposed as part of an effort to implement a "safe haven" program for licensees and applicants. A safe haven program will:

Provide confidential services to OTPTAT Board practitioners who are seeking help with burnout, mental health, or substance use disorders.

Be a safe space that is intended to be an early intervention before patient safety becomes a concern.

Serve as a therapeutic alternative to Board involvement in a problematic situation while still meeting the Board's mandate of public protection.

Participants of a safe haven program will, in most circumstances, be unknown to the Board as long as they remain in compliance with their treatment program.

In addition to the safe haven program, some of these rules make additional adjustments to the professional code of ethics, as noted in the description and language of the rule.

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

This rule sets for the code of ethical conduct for orthotics, prosthetics, and pedorthics. Changes include:

Inclusion of reports of impairment issues to the safe haven program as fulfilling a practitioner's "duty to report" a fellow practitioner instead of making a report to the Board.

Clarifies that the Board may take action against the license of an impaired practitioner unless they are a participant in the safe haven program.

Includes an option to participate in the safe haven program in lieu of self-reporting impairment to the Board.

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

Not Applicable.

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

The license holder who is participating in the Safe Haven program is responsible for the costs of treatment, which may or may not be covered by their insurance and which will vary in cost depending on that individual's needs.

- 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**

A license is required to practice orthotics, prosthetics, and pedorthics according to Ohio Revised Code 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 comply with this rule may result in disciplinary action against the license.

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

Compliance with a treatment plan will need to be demonstrated through check-ins with the Ohio Physicians Health Program.

- 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