

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? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 110 - 134 - Oelslager
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. What are the reasons for proposing the rule?

Updates the orthotics, prosthetics, and pedorthics ethics rule to add additional items that line up with the rest of the OTPTAT professions and the language in House Bill 110 that updates the sexual conduct disciplinary provisions.

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

The Code of Ethics lists the conduct under which the Board can discipline a licensee. The updates include:

1. Prohibition on billing for services not provided.
2. Prohibition on falsifying and destroying records and requiring accurate records.
3. Prohibition on patient abandonment.
4. Updating the sexual conduct and harrassment provisions.
5. Requiring cooperation with the OTPTAT Board.

- 8. Does the rule incorporate material by reference? No**

- 9. 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

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

To correct the BIA and CSI recommendation.

II. Fiscal Analysis

- 11. 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

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

Not Applicable.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

The Board may impose a fine as one option for imposing discipline. A fine could cover the cost of the investigation.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. 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 by Ohio Revised Code Chapter 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

This rule lists out the code of conduct expected of a license holder. The Board may issue discipline for infractions of this rule.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable