

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4779-10-01

Rule Type: Rescission

Rule Title/Tagline: Ethical and professional conduct.

Agency Name: State Board of Orthotics, Prosthetics, and Pedorthics

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? 7/15/2020
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 49 - 132
- Ryan Smith
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?

In January 2018, the Ohio Orthotics, Prosthetics, and Pedorthics (OPP) Board was eliminated and the Occupational Therapy, Physical Therapy, and Athletic Trainers (OTPTAT) Board took over regulation of the OPP professions. The old board's rules are being rescinded and replaced by new rules in OAC 4755 to align the profession's rules with the regulation of the other OTPTAT professions.

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

The rule provides for an ethical code of conduct in the practice of orthotics, prosthetics, and pedorthics. This will be replaced by a similar rule which will also add a duty to report to the board any misconduct by a fellow licensee and well as a requirement to self-report certain offenses.

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.**

Not Applicable

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.

Not Applicable

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

In order to practice orthotics, prosthetics, or pedorthics in Ohio, a license from the OTPTAT Board is required by 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

Violations of this rule may result in discipline by the OTPTAT Board.

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

Certain disclosure to patients are required.

- 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