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INTRODUCTION

This guide is published to assist the general public in understanding how the Board adopts rules. It provides highlights only and is not intended to be an in-depth review of the rule making process. Rules, if adopted in accordance with Ohio's Administrative Procedures Act (Chapter 119 of the Ohio Revised Code), have the force and effect of law. The process of rule adoption is designed to offer an opportunity for the public to provide input to the Board regarding the contents of any rule being considered.

MISSION

The mission of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board is to protect Ohio's consumers from unqualified, unethical, and incompetent practitioners who would pose serious risk to the consumer's life, health, safety, and/or economic well being.

The Board is an agency created by statute and charged with the responsibility of administering and enforcing Chapter 4755 of the Ohio Revised Code, which is the law regulating the practice of occupational therapy, physical therapy, and athletic training. The Board consists of three separate Sections, which are responsible for licensing and regulating their specific profession. The members of the Occupational Therapy Section consist of five occupational therapists. The members of the Physical Therapy Section consist of nine physical therapists. The members of the Athletic Trainers Section consist of four athletic trainers and one physician. The members of all three sections and one public member meet three times a year as a Joint Board to discuss fiscal and personnel issues. All Board members are appointed by the governor with the advice and consent of the Senate to serve a term of three years. The Board employs an executive director, and a support staff to assist in implementing the various functions of the Board that are mandated by law.

RULE MAKING AUTHORITY

By law, the Board is authorized to promulgate (adopt, amend, and rescind) all rules necessary to carry out the provisions of the Occupational Therapy, Physical Therapy, and Athletic Trainers Practice Act. All rules of the Board can be found in the Ohio Administrative Code. Rules may describe the minimum qualifications for examination and licensure, fees, procedures

for renewing and reinstating licenses, requirements for continuing education, standards for professional conduct, supervision requirements, disciplinary actions, investigations, and other areas relevant to the practice of occupational therapy, physical therapy, and athletic training.

RULE REVIEW PROCESS

In accordance with Ohio law, the Board is required to review each of its rules every five years. As a result of the review, the Board determines whether a particular rule should be unchanged, revised, or rescinded. In addition to the regular five year review required by law, the Board may consider its other rules to determine what if any modifications may be needed as a result of the enactment of new laws by the General Assembly or because of changes to professional regulation. In addition, new rules may also be proposed. Once rules are filed as required by law, the **public** has an opportunity to provide input during the Board's public hearing scheduled 31 to 40 days after the rules are filed.

ADOPTING, REVISING, OR RESCINDING A RULE

The law requires the Board to file its proposed rules with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC), and the Secretary of State. Additionally, the Board must make a reasonable effort to inform those affected by the rules of the

filing, which generally takes the form of published notices in the Columbus Dispatch, Cleveland Plain Dealer, and Cincinnati Enquirer. The Board then conducts a public hearing within the time frame required by law. This public hearing held, in Columbus, offers an opportunity for members of the Board to hear from the **public**, licensed professionals and others affected by the proposed new rules or rule changes.

The hearing is a formal process presided over by the chair of the Section. A quorum of the Section, must be present (at least three Board members for the Occupational Therapy and Athletic Trainers Section, and at least five Board members for the Physical Therapy Section). A court reporter is on hand to record the proceedings. The Board's attorney, an Assistant Attorney General, conducts the hearing, first eliciting testimony from the Board's Executive Director to determine Board compliance with all of the filing and public notice requirements contained in the law. Following the Executive Director's testimony, witnesses are called to testify. Anyone who wishes to present comments or concerns orally to the Board may do so. Testimony may be in favor of the proposed rules, may offer suggestions for revisions, or may describe how rules, if adopted, would be detrimental to those affected by the rules. For those who do not want to provide oral testimony, written remarks may be submitted to the Board by mail or fax any time prior to the day of the hearing.

Once all witnesses have been heard, the hearing is adjourned. The Board then thoroughly considers the testimony it has received, both written and oral, and decides whether to make changes to the rules proposed. If changes are warranted, the rules must be refiled with JCARR, LSC, and the Secretary of State. The Board is not required to conduct another public hearing when rules are refiled.

Once the Board's public hearing is completed and rules refiled, if applicable, JCARR holds its meeting to review the rules under consideration. JCARR is made up of five Senators and five members of the House of Representatives. The committee's primary function is to review the rules to make certain they (1) do not exceed the scope of the Board's statutory authority, (2) do not conflict with any other rule of the Board or another rule-making agency, (3) do not conflict with the intent of the legislature in enacting the statute under which the rule is proposed and, (4) the Board has prepared a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission. The JCARR meeting is the final opportunity for the **public** to provide comments about the rules; however, the comments before JCARR must only address those four issues that are within JCARR's jurisdiction. If JCARR believes the rules violate one of these areas, there are two possible results. The Board may withdraw the proposed rules. If the Board

does not withdraw them, the committee may adopt a resolution proposing to invalidate the rules under consideration. If the resolution is approved by the General Assembly, the Board would not be able to make any more rules on the subject matter at issue until the next session of the General Assembly.

Assuming the proposed rules are not invalidated, once JCARR jurisdiction expires the Board may take final action on the rules. This action occurs at the first Board meeting after JCARR has completed its review. Rules become effective no sooner than ten days after the final Board action. Reasonable effort is made to notify the affected licensees.

CONCLUSION

The Board relies on **public** input to guide its rule making activities. The general **public** and licensees are strongly encouraged to get involved in the rule making process. If you have any questions regarding this material, please contact the Board office at 614-466-3774.