

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2013 OT No Change Chap 5

Rule Number(s): 4755-5-03; 4755-5-04; 4755-5-05; 4755-5-07; 4755-5-08; 4755-5-09;
4755-5-10

Date: October 15, 2012

Rule Type:

- ☐ New
☐ Amended

- ☒ 5-Year Review
☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

4755-5-03 – Fee for escrow of license

This rule establishes the fee to renew a license in escrow status. The fee is \$20.

4755-5-04 – Fee for copies of certificate of licensure

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This rule establishes the fee to obtain a duplicate wall certificate. The rule states that the fee shall not exceed \$30.

4755-5-05 – Fees for renewal

This rule establishes the biennial renewal fee. The rule states that the fee shall not exceed \$120.

4755-5-07 – Administrative processing charge for verification of OT licensure

This rule establishes the fee to verify an Ohio license to another state. The rule states that the fee shall not exceed \$30.

4755-5-08 – Fee for reinstatement

This rule establishes the fee to reinstate an expired Ohio license. The rule states that the fee is \$100.

4755-5-09 – Fee for restoration of an escrowed license

This rule establishes the fee to restore an escrowed license. The rule states that the fee is \$80.

4755-5-10 – Waiver of fees

This rule states that the Occupational Therapy Section may grant waivers of the fees listed in Chapter 4755-5 of the Administrative Code in cases of undue hardship, including, but not limited to, natural disasters and acts of terrorism.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

ORC 4755.06

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?
*If yes, please briefly explain the source and substance of the federal requirement.***

The answer is no to both questions for the rules in this package.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable to the rules in this package.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The General Assembly determined that the profession of occupational therapy required regulation and established a Board to license individuals and enforce the laws and rules governing the practice of occupational therapy in Ohio. The Board is entirely funded by fees

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collected from licensees. These regulations allow the Board to ensure that it has appropriate resources to carry out its statutory mission.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success will be measured by having the rules written in plain language for clarity and by applicants knowing the appropriate fee to submit with an applications, duplicate wall certificates, and/or verification requests.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Board emailed stakeholders on August 28, 2012. Stakeholders were informed that comments were due to the Board by September 5. Stakeholders included licensees who are on the Board's listserv.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

One stakeholder stated that renewal fees present a "hardship to practitioners and the Board's proposal to overlook it's elimination or reduction is disappointing. I suggest a one-time "forever" license." Since the Board is entirely funded from fees, the Board felt that keeping the current renewal fee was appropriate.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these proposed changes. The Board does long range forecasting of revenues and expenditures to determine an appropriate fee to charge. The fees charged for mailing lists are based on the state's public records laws.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Board did not consider alternatives. We are required to support all operations from fees charged to licensees.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

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Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

This question does not apply to these rules.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This question does not apply to these rules.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

This question does not really apply to these rules since they govern standard operations of the Board. This information regarding fees is posted on the Board's website.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

Applicants for licensure as an occupational therapist or occupational therapy assistant and current licensees seeking to verify their Ohio license to another state or requesting a duplicate copy of their wall certificate.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance);

The adverse impact is the fee that the individual must pay to the Board.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

The cost of the adverse impact is \$20 for licensees renewing an escrowed license, \$10 for licensees requesting a duplicate wall certificate, \$80 for licensees renewing an active license, \$15 for licensees requesting licensure verification to another state, \$100 for individuals applying to reinstate an expired license, and \$80 for individuals applying to restore an escrowed license.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

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Since the Board is entirely funded by fees, we are required to raise sufficient revenues to cover all operational costs. These costs include processing, reviewing, and issuing licenses to practice and processing verification and duplicate wall certificate requests.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

All applicants for licensure are required to pay the appropriate application fee. In addition all individuals must pay the fee for verifications and/or duplicate wall certificates. Rule 4755-5-10 of the Administrative Code does provide for a waiver of the fees in cases of undue hardship.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

This question does not apply to these rules.

18. What resources are available to assist small businesses with compliance of the regulation?

The Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of occupational therapy services in Ohio receive safe and effective services from the Board's licensees. As a result, the following resources are available:

Board's mailing address:
77 S. High Street, 16th Floor
Columbus, Ohio 43215-6108

Board's phone number: 614-466-3774

Board's fax number: 614-995-0816

Board's website: <http://otptat.ohio.gov>

Board's email: board@otptat.ohio.gov

To Join a Board listserv: <http://otptat.ohio.gov/consumers/boardlistservs.aspx>

Board's Facebook: <https://www.facebook.com/OhioOTPTATBoard>

Board's Twitter: <http://twitter.com/OhioOTPTATBd>

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