

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2013 OT Fees Changes

Rule Number(s): 4755-5-01; 4755-5-06

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☐ Rescinded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.

4755-5-01 – Fee for initial licensure

This rule establishes the fee for an initial license to practice as an occupational therapist or occupational therapy assistant. According to the rule, the fee shall not exceed \$100. The rule

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is being amended to remove outdated language related to waiver of a portion of the licensure fee if the application is received after April 1.

4755-5-06 – Fee for mailing lists

This rule establishes the fee for the listing of the current addresses of licensees. Under the rule, the fee shall not exceed the actual cost of the duplication and mailing. The rule is being amended to reflect a change to Treasurer of State deposit rules regarding how payments to the state treasury should be made out and reflects that some licensees provide the Board with a business address in lieu of a home address.

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 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 application or a request for mailing list.

Development of the Regulation

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

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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?

The Board did not receive any comments regarding the rules included in this package.

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. In addition, the amount that the Board may charge for mailing lists is governed by the state's public records laws.

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

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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 initial licensure as an occupational therapist or occupational therapy assistant. For the mailing list rule, the impacted community are organizations that request a list of current individuals licensed by the Board.

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

The adverse impact is the \$100 fee that an applicant for an initial license 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 \$100 for an applicant for an initial license. For mailing lists, most individuals request the information electronically. There is no cost for providing this information electronically via email. For those that request physical mailing labels, the Board charges 12 cents for each page of labels plus postage.

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

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 initial licenses to practice, as well as the supplies associated with providing information requested in accordance with the state’s public records laws.

Regulatory Flexibility

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

No. All applicants for licensure are required to pay the \$100 application fee.

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?

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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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