

**MEMORANDUM**

**TO:** Jeff Rosa, Executive Director, Ohio OTPTAT Board

**FROM:** Mark Hamlin, Director of Regulatory Policy

**DATE:** November 8, 2013

**RE:** **CSI Review – 2014 OT Licensure Changes (OAC 4755-3-09; 4755-3-11; 4755-5-11; and 4755-7-10)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of four rules being proposed by the Ohio Occupational Therapy, Physical Therapy, & Athletic Trainers (OTPTAT) Board related to licensure of occupational therapists and occupational therapy assistants. Two of the rules being proposed are new: OAC 4755-3-11 creates a pathway for temporary licensure for the spouse of a member of the military who is stationed in Ohio, and 4755-5-11 creates a fee for the Board's review of a proposed continuing education activity. The remaining two rules in the package are being proposed with amendments: OAC 4755-3-09 outlines what is considered an active practice and adds new language clarifying what triggers additional application requirements in a separate section of code for licensees who have not been actively engaged in the practice for a period of five years or more. Rule 4755-7-10 outlines the credentials to be used by licensees and students.

During the CSI review, one comment was submitted with regard to OAC 4755-3-09, pointing out that the language of the rule does not include OT education as an area of active practice and suggesting that this is a change that could impact licensees involved in education. However, the language identified in the comment is part of the existing rule unchanged by the amendments in

this package.

The BIA submitted by the Board identifies the adverse impact as additional continuing education activities and other requirements for applicants for licensure who have not been engaged in active practice; the fee and information submittals required for the temporary license created for military spouses; and the \$25 fee for review of a continuing education activity. The Board justifies the adverse impacts by pointing to its responsibilities to ensure that licensees – in this case those who have not been engaged in active practice – meet minimum standards to protect the safety of consumers of occupational services. In the same vein, the Board is obligated to ensure that continuing education activities offered to licensees meet the appropriate standards. The temporary licensure rule creates a mechanism to ensure that military spouses have the ability to practice quickly while their applications for full licensure are pending, but also to ensure that these military spouses meet the minimum standards to safely practice. The CSI Office agrees that the purpose of the rules justifies the adverse impact to businesses.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the OTPTAT Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.