

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2014 PT No Change Chap 27

Rule Number(s): 4755-27-01; 4755-27-02; 4755-27-03; 4755-27-04; 4755-27-05; 4755-27-06; 4755-27-07

Date: September 18, 2013

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☐ Rescinded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.

4755-27-01 – Physical therapy practice defined

This rule clarifies the title protection provision of the Physical Therapy practice act and lists the definitions used in Chapters 4755-21 to 4755-29 of the Administrative Code.

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4755-27-02 – Physical therapist assistant

This rule outlines provisions related to physical therapy practice by the licensed physical therapist assistant.

4755-27-03 – Delegation

This rule outlines the responsibility of the physical therapist in delegating duties related to physical therapy practice.

4755-27-04 – Supervision

This rule outlines the supervision required for physical therapist assistants, student physical therapists/physical therapist assistants, other licensed personnel, and unlicensed personnel.

4755-27-05 – Code of ethical conduct for PTs and PTAs

This rule establishes the code of ethical conduct that licensees must follow. The code contains provisions related to ethical integrity, ethical conduct, and cooperation with the Board.

4755-27-06 – Reporting requirements

This rule states that licensees must self-report to the Board within 30 days various items, which include criminal convictions, impairment due to drugs/alcohol, etc.

4755-27-07 – Documentation

This rule specifies the credentials that licensees must use to indicate licensure status. The rule also governs co-signature requirements for documentation written by the physical therapist assistant.

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

ORC 4755.411

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 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)?

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The mission of the board is to ensure that consumers of physical therapy services receive safe, competent, and adequate services from licensed practitioners. The rules in this package govern issues related to professional standards that, if followed, will help ensure safe practice.

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 licensees following the standards of practice of the profession and not acting in a manner that will potential lead to disciplinary action for violation of the Practice Act.

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 16, 2013. A message seeking comment was also posted to the Board's Facebook and Twitter pages. Stakeholders were informed that comments were due to the Board by September 6. Stakeholders included licensees who are on the Board's listserv and individuals who follow the Board's Facebook and Twitter pages.

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 the rules included in this package.

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?

There were no alternative regulations that the agency considered since the roles and responsibilities of the individuals providing physical therapy services must be followed by all licensees.

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.*

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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.

The Board's website contains information for licensees on the professional standards that licensees and other individuals must follow in the provision of physical therapy services. The Board is not planning on making changes to these existing rules, so licensees are currently aware of the requirements. The laws and rules documents are 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;

Licensed physical therapists and physical therapist assistants, student physical therapists and student physical therapist assistants, other licensed personnel, and unlicensed personnel.

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

Individuals violating the rules in this package could potentially face disciplinary action against their Ohio license.

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.

Sanctions can range from a written reprimand or monetary fine to suspension or revocation of the Ohio license.

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

The mission of the Board is public protection. The rules in this package help ensure that the consumers of physical therapy services receive safe and competent services from the Board's licensees. These rules also provide a mechanism for the Board to be notified when a licensee commits an action that should be investigated for potential disciplinary action.

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Regulatory Flexibility

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

No. However someone violating the rules in the is package or reporting a violation to the Board will not automatically lead to disciplinary action being taken against the individual's license.

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?

The provisions of R.C. 119.14 would be taken into account by the Board when determining if disciplinary action should be taken. The disciplinary guidelines followed by the Board address first time offenses for paperwork violations. In most cases, those individuals would receive a non-disciplinary warning letter.

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 physical 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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