MEMORANDUM

TO: Jeff Rosa, Executive Director, Ohio OTPTAT Board

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: November 8, 2013

RE: **CSI Review – 2014 PT Licensure Changes (OAC 4755-23-12 and 4755-23-16)**

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 two rules being proposed by the Ohio Occupational Therapy, Physical Therapy, & Athletic Trainers (OTPTAT) Board. Both rules relate to the Board's role of licensing physical therapists and physical therapy assistants. OAC 4755-23-12 addresses applicants for licensure who did not graduate from an accredited PT school in the United States, and is being proposed with amendments correcting the qualifying scores on the TOEFL iBT exam as well as when in the licensure process an applicant needs to have achieved a passing score on the exam. OAC 4755-23-16 is a new rule which creates a pathway for temporary licensure for the spouse of a member of the military who is stationed in Ohio.

The BIA submitted by the OTPTAT Board identifies the adverse impact from these rules as the requirements and costs of application for licensure, which for the international applicants includes additional costs for the TOEFL iBT exam and potential timing delays for application reviews based on the need to verify credentials from overseas sources. The Board notes that the requirements for international applicants are necessary in order to protect Ohio consumers of PT services by ensuring that licensees have the appropriate qualifications, including the ability to communicate in English. Rule number 4755-23-16 creates a new pathway for a physical therapist

or physical therapy assistant who is married to a member of the military who gets stationed in Ohio to have the ability to practice quickly while his/her application for full licensure is pending. However, the BIA points out that the rule includes provisions to protect the public by ensuring that these military spouses meet the minimum standards to safely practice. No comments were received during the CSI review period, and the CSI Office finds that the purpose of the rules justifies the adverse impacts 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.