

**MEMORANDUM**

**TO:** Missy Anthony, Occupational Therapy, Physical Therapy, and Athletic Trainers Board

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** December 19, 2018

**RE:** **CSI Review – Elimination of Escrow of License (OAC 4755-3-05, 4755-5-03, and 4755-5-09)**

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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 Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board) rule package consists of two amended rules and one rescinded rule submitted for review. This rule package was submitted to the CSI Office on December 6, 2018 and the public comment period was open through December 16, 2018.

The rules in this package address the process for Occupational Therapy (OT) licensees to put their license into escrow. Escrow is a type of inactive status under which a licensee may not practice, but may renew the license up to three times for a lesser fee than a regular renewal and without completing Continuing Education (CE). The rules are amended to eliminate the escrow option, while leaving the license restoration framework in place and updating language for the eLicense system. The rescinded rule establishes the fee to put a license into escrow. The Board has elected to eliminate the escrow option, because the option is confusing to licensees, the Board prefers to maintain continuity of competence by having licensees complete CE, and the OT licensees are the only Board regulated profession that has the option. Currently, the Board encourages licensees to

complete CE and keep their license up to date or let the license go to inactive status and renew at a later date.

The Board sought early stakeholder input from OT licensees, the Ohio Occupational Therapy Association, and stakeholders in August. In addition, the Board discussed the rules at their public meetings in July and September. During this period, the Board received three comments of support and one question which was ultimately supportive. During the CSI public comment period, five additional comments of support were received.

The rules impact licensed OTs and OT assistants, which number 11,193 active licenses in the state. The current fees include \$20 to place a license in escrow and \$80 to restore a license from escrow. The Board will advise licensees currently in escrow to allow their license to lapse to inactive status and pay the \$100 fee when they are ready to restore their license. This approach would make the change cost neutral for escrowed licensees. The Board justifies the elimination of the escrow option, as it is duplicative of inactive status, but carries additional requirements that licensees have found confusing. While there is no net change to the cost of compliance, the amended rules are easier to understand, and make compliance easier.

After reviewing the proposed rules and BIA the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact identified in the BIA.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

### **Conclusion**

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

CC: Emily Kaylor, Lt. Governor's Office