

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

**Agency Name:** Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

**Regulation/Package Title:** Occupational Therapy Section – Five Year Review

**Rule Number(s):** 4755-5-01, 5-04, 5-05, 5-06, 5-07, 5-08, 5-10, 5-11 , 4755-9-02

**Date:** December 6, 2018

**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☐ Rescinded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.**

All of the rules in 4755-5 establish fee ceilings for the various services provided by the Board. This rule package will not raise any fees. 4755-9-02 establishes when and how an individual may request a waiver for completing continuing education requirements that are dictated for license renewal.

4755-5-01	Fee for initial licensure	No change.
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<a href="#"><u>4755-5-04</u></a>	Fee for copies of certificate of licensure	No change.
<a href="#"><u>4755-5-05</u></a>	Fees for renewal	No change.
<a href="#"><u>4755-5-06</u></a>	Fee for mailing lists	Updated to reflect that mailing list requests are accepted electronically and there is no fee for electronic distribution.
<a href="#"><u>4755-5-07</u></a>	Administrative processing charge for verification of occupational therapy licensure	No change.
<a href="#"><u>4755-5-08</u></a>	Fee for reinstatement	Clarifies that the fee shall not exceed \$100, allowing the Board to charge a lower amount.
<a href="#"><u>4755-5-10</u></a>	Waiver of fees	No change.
<a href="#"><u>4755-5-11</u></a>	Fee for continuing education review	No change.
<a href="#"><u>4755-9-02</u></a>	Waivers; exemptions for continuing education	No change.

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

4755.06 – Administrative rules

**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?**

No. The federal government does not issue occupational licenses. It does require a state license in order to be reimbursed for services.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Health care regulation is designed to protect the health and safety of the health care consumer. Fees are required to provide revenue for the operation of the agency. Continuing education is required to encourage continued professional competence.

**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 rules are needed so that the public and license holders have transparency into agency operations and know the expectations for licensure and continuing education applications.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

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The fees are measured through monitoring of revenue. Continuing education waivers are also tracked and documented in Board minutes.

### **Development of the Regulation**

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

The rules were posted on the Board website and invitation to comment was sent to all license holders and professional associations. The rules were reviewed in a public Board meeting, as were the comments received.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Three comments were received indicating agreement with these rules. Most of them are no change rules.

**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?**

None.

**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?**

None. In looking at the past practices of the Board, these rules have provided appropriate flexibility to accommodate Board operations.

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

No. There was no obvious performance-based version for these particular rules.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

A review of current rules and law was conducted to ensure there is not duplication.

**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.**

Fees are listed on the Board website, as are instructions to get a waiver of continuing education.

### **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;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- c. Quantify the expected adverse impact from the regulation.**

This rule applies to all licensed occupational therapists and occupational therapy assistants. There are 11,193 with active licenses in the state. This could also apply to the businesses for which they work. Fees are listed below and are not increased by this rule. A waiver for continuing education requirements as in 4755-9-02 is an attempt to give regulatory relief if there is good cause.

OT/OTA Examination Application:\$100

OT/OTA Endorsement Application:\$100

OT/OTA Reinstatement Application:\$100

OT/OTA Escrow Restoration Application:\$80

OT/OTA Renewal                      \$70

OT/OTA Escrow  
Renewal                                \$20

Official License Verification:\$15

Duplicate Wall Certificate:\$10

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

Fees are necessary to provide revenue for Board operation. Continuing education is required to help encourage continued professional competence.

### **Regulatory Flexibility**

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

No.

**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?**

Board disciplinary guidelines take into account mitigating factors such as first time offenses.

**18. What resources are available to assist small businesses with compliance of the regulation?** Board website and Board staff can assist during business hours.

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