

**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 – Occupational Therapy Section Five Year Review (OAC 4755-5-01, 4755-5-04 through 4755-5-08, 4755-5-10, 4755-5-11, and 4755-9-02)**

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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 seven no-change rules submitted for the statutorily-required five-year 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 Ohio Administrative Code (OAC) Chapter 4755-5 establish the fee ceilings for services provided by the Board, including initial licensure, copies of certification of licenses, license renewal, requesting a mailing list, license verification, reinstatement of license, and continuing education review. OAC 4755-5-10 permits the Board to waive fees in cases of undue hardship. OAC 4755-9-02 establishes the process for licensees to request a waiver or extension for the continuing education requirement for license renewal. OAC 4755-5-06 is amended to acknowledge electronic mailing list requests, which are free of charge and OAC 4755-5-08 is amended to clarify that the fee for license reinstatement is a ceiling and not an absolute number.

The Board sought early stakeholder input from Occupational Therapy (OT) licensees and professional associations. Three comments of support were received, and the rules were reviewed at a public Board meeting, along with the comments. Five comments of support were received during the CSI public comment period.

The rules impact licensed OTs and OT assistants, which currently includes 11,193 active licenses in the state, as well as any business which employs licensees. The fees include \$100 for examination, endorsement, and reinstatement application; \$80 for escrow restoration; \$70 for license renewal; \$15 for license verification; and \$10 for a duplicate wall certificate. The BIA justifies the rules as necessary to bring in revenue for Board operation and continuing education is necessary to ensure sustained professional competence. In addition, the rules allow the Board to issue waivers for either in cases of undue hardship.

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