

**MEMORANDUM**

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

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

**DATE:** January 11, 2019

**RE:** **CSI Review – Wall License Display (OAC 4755-23-05)**

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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 one amended rule submitted for review. This rule package was submitted to the CSI Office on August 22, 2018 and the public comment period was open through August 31, 2018.

Ohio Administrative Code (OAC) 4755-23-05 relates to licensed physical therapist (PT) and PT assistants, describing the certificate of licensure, display requirements, and license verification. The rule is proposed with amendments to accommodate the eLicense system. In addition, the amended rule gives licensees the option to meet the display requirement by showing the copy available electronically. This new compliance option is intended to address technological changes and the practice of physical therapy in home health settings.

The Board sought early stakeholder input from all PT and PT assistant license holders via email and the draft rule was discussed at public Board meetings. Comments received during early stakeholder outreach were supportive. In addition, one comment was received during the CSI

public comment period, expressing support for the amendments.

The rule impacts licensed PTs and PT assistants. The BIA notes that the cost of the license is initially \$100 and \$70 for renewal, plus a \$3.50 license fee. While licensees are required to display their certificate of licensure, the amendments to the rule reduce the cost of compliance by allowing them to display the copy available online. The BIA justifies the rule as a necessary measure for public protection by freely providing licensure information to the consumer.

After reviewing the proposed rule 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 rule 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