

**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 – Minimum Age Requirement (OAC 4755-23-01, 4755-27-01, and 4755-27-04)**

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 three amended rules 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.

The rules in this package apply to physical therapists (PT) and PT assistants regarding initial applications for licensure, definitions for PT practice, and PT supervision of personnel. Changes to the rules align with the new state licensing system, and stipulate that an individual must be at least 18 years old to hold a PT or PT assistant license.

The Board sought early stakeholder input from all PT and PT assistant license holders via email and the draft rules were discussed at public Board meetings. The Board received a comment, urging them to correct the term “physical therapy assistant” to “physical therapist assistant” and the Board incorporated the change. In addition, the Board received several comments in support of

the rules and several comments questioning why the minimum age requirement was necessary; the Board responded that the requirement is due to liability concerns. One comment was received during the CSI public comment period likewise questioned the age requirement, and the Board responded with their rationale.

The rules impact licensed PTs and PT assistants. The BIA notes that the initial cost of the license is \$100. The only potential impact is the minimum age requirements, which may slightly reduce the pool of graduating students. The BIA defends this requirement due to liability concerns for employers, supervisors, and students as well as the fact that programs require applicants to complete high school anyway.

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