



MEMORANDUM

TO: Missy Anthony, Occupational Therapy, Physical Therapy, and Athletic Trainers Board
FROM: Christopher Smyke, Regulatory Policy Advocate
DATE: November 9, 2018
RE: **CSI Review – Physical Therapist Referral Rule (OAC 4755-29-01)**

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 its statutorily-required five-year 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) 4755-29-01 expands upon ORC 4755.48 and 4755.481 to describe the process of patient referrals and the relationship of the physical therapist (PT) to other practitioners. The rule is proposed with amendments to align it with the statutory language.

The Board sought early stakeholder input from all physical therapy (PT) license holders via email. One comment was received from a licensee, who took issue with the referral language that spelled out the licensed professionals eligible to make referrals to a PT. The Board responded that the language in question reflected statute and declined to make changes based on the suggestion. No comments were received during the CSI public comment period.

The rule impacts licensed PTs and PT Assistants, as well as all of the other licensed practitioners listed in rule. The BIA identified the only adverse impact as the administrative time necessary to document a referral, which is a minor cost. In addition, the requirements are statutorily required for continuity of care. The changes to the rule do not impose any new requirements on licensees.

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