# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

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

**Regulation/Package Title:** **Minimum Age requirement for a PT or PTA license**

**Rule Number(s):** **4755-23-01, 4755-27-01, 4755-27-04**

**Date:** **August 21, 2018**

**Rule Type:**

- ☐ **New**
- X **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- ☐ **Rescinded**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.**

| | | |
|---|---|---|
| 4755-23-01 | Applications for initial license | This rule details the procedures and minimum requirements for obtaining an initial license as a physical therapist or physical therapist assistant. The changes to this rule line the rule up with the requirements of the new state licensing system and also prohibit a person younger than 18 from obtaining a license due to liability concerns. |
| 4755-27-01 | Physical therapy practice defined | This rule defines the requirements and terms used in the practice of physical therapy. Definitions are changed to require that students of physical therapy shall be at least 18 years old as of January 1, 2020. |
| 4755-27-04 | Supervision | This rule defines how a physical therapist and physical therapist |

| | | |
|---|---|---|
| | | assistant are required to supervise other personnel. The rule requires a student to be at least 18 years old as of January 1, 2020. |

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

   4755.411

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.

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

   Not Applicable.

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)?**

| | | |
|---|---|---|
| 4755-23-01 | Applications for initial license | This rule is important for the operation of the Board by detailing a specific set of rules for application to which applicants must adhere and promoting consistency in the issuance of licenses. With regard to the changes to this rule instituting a minimum age for licensure, the Board believes that there are liability concerns about having a minor child perform care and having a physical therapist or physical therapist student supervise a minor. Other healthcare professions, including those regulated by this Board, have a similar minimum age requirement. |
| 4755-27-01 | Physical therapy practice defined | This rules is critical to the heart of the practice of physical therapy because it defines important terms that establish requirements to practice. With regard to the changes to this rule instituting a minimum age for licensure, the Board believes that there are liability concerns about having a minor child perform care and having a physical therapist or physical therapist student supervise a minor. Other healthcare professions, including those regulated by this Board, have a similar minimum age requirement. |
| 4755-27-04 | Supervision | Also critical to the practice of physical therapy, this rule defines how other personnel should be supervised, establishing a base line standard of practice. With regard to the changes to this rule instituting a minimum age for licensure, the Board believes that there are liability concerns about having a minor child perform care and having a physical therapist or physical therapist student supervise a minor. Other healthcare professions, including those regulated by this Board, have a similar minimum age requirement. |

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

   Data related to these rules is evident within disciplinary statistics, issuance of licenses (including length of time required), and passage rate of the national physical therapy examination.

## Development of the Regulation

7. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**
   These rules were posted on the Board's website and distributed to the Board's list of license holders for initial comment.

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

   Corrections to the term physical therapist assistant were made.

| | | | |
|---|---|---|---|
| John | Myers | PT | Thank you for your email and request for comments and feedback. I noticed that in the description of rules changes below, the title "physical therapy assistants" is used a couple of times. While a minor error, as a PTA program director I am perhaps overly sensitive to correct terminology, physical therapist assistant. I very much applaud and support the rule changes 4755-23-01, 4755-27-01, and 4755-27-04, all of which relate to a minimum age of 18 for PT/PTA clinicals, supervision and licensure. I think these are necessary and important changes. Regarding 4755-23-08, specifically requiring an ethical component to the continuing education, I support the concept of including an ethical component. However I do not support a mandated, single provider model, as that can potentially place an undue burden on some licensees depending on the price point, as well as limit choice, usefulness and applicability. What might be a helpful ethical module for me as an educator would be less useful for a full-time clinician, and vice-versa. I have no issues with the Section/Board offering a renewal module, but I believe people ought to have other options as well. |
| Sajjad | Khan | PT | In reference to the 18 year old requirements: Are these rules really needed? If this has not been a big issue why is it being added? I do not understand why these rules are even necessary. They education requirements for a PT/PTA will result in a candidate being 18 years old anyway. |
| Robert | Frampton | PT | I am in support of the proposed rule changes for 4755-29-01, 4755-23-01, 4755-27-01, 4755-27-04, and 4755-23-05 as written. I encourage the PT section of the OT, PT, AT Board to consider language that would permit licensees to take courses approved by the FSBPT ProCert process. The current rule states that the section may contract with the Ohio physical therapy association with |

| | | | |
|---|---|---|---|
| | | | performing of its continuing education duties. There is nothing in the current rule that suggests that it is an exclusive arrangement. The ProCert process is a valid assessment process that CCU/CEU vendors must go through. |
| Tara | Knepper | PT | When the age of 18 is used to determine status of licensure and student eligibility, you are forgetting the motivated and intelligent students that complete high school early or take college classes while still in high school. Some individuals may be 17 when graduating from high school. (Maybe earlier if home schooled?) This seems to affect the status for PT assistants in particular.<br>Individuals may choose a different career with this limitation.<br>It is becoming more common for high school students to save money and take college classes, while still in high school and graduate early. This allows them to pursue college full time at an earlier age and save money. If they have to wait a year, this defeats the purpose.<br>My own daughter is 21 yr old finishing her masters in social work this summer. She voiced change from nursing to social service because it meant less time in undergraduate due to better usage of her prior college classes while in high school.<br><br>I question why this needs to be changed at this time.<br>I think the motivated and focused good students may choose another career so as not to wait. How is this age of 18 helping? Even younger applicants or students still have to get accepted into programs and meet standards once admitted in programs. |
| Jason | Ashby | PT | I agree with the proposed changes described below. |
| Diane | Shaw | PT | I'm all for the proposal to count volunteer hours toward the CE total of 24 needed hours. I am in favor of the other stated issues. |
| Anne | Wilkin | PT | I agree with all. |

**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?**

No scientific data was used.

**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?**

The processes and terms defined by these rules are integral to the practice of physical therapy. There must be clear sets of terms by which license holders must abide. Educational institutions have expressed to the Board support for a minimum age. If alternatively approached by the educational providers instead of the Board, the result could be uneven application across the state.

11. **Did the Agency specifically consider a performance-based regulation? Please explain.** ***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

    Not considered.

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

    A review of existing rules and statutes was performed.

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.**

    The Board will communicate with educational institutions and providers to be certain that programs are aware of the minimum age change. A period of time for compliance was put in place to give programs time to adjust and change their own criteria. The Board will also work with schools to educate graduating classes on how to apply for licensure.

## 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;**

Exact cost unknown. Businesses must ensure that their healthcare professionals are licensed.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

There is an application fee for an initial license. Instituting a minimum age requirement could reduce the pool of graduating students, however most students would simply wait a year or so to begin their program. There is an adequate number of PT and PTA graduates in Ohio.

**c. Quantify the expected adverse impact from the regulation.**

An unknown number of students will not be able to enter PT or PTA school under the age of 18. This is expected to be small, as some programs already require high school to be complete prior to entry. The amount of the application fee is $100.

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

Having a qualified workforce is valuable, and that is what the license requirements are for. The minimum age requirement is also meant to protect employers, supervisors and students from liability concerns.

## Regulatory Flexibility

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

No. The goal of these regulations is to provide consistency across all license holders, regardless of business or employer affiliation, in order to promote public protection.

**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?**

The Board has disciplinary guidelines that take into account nature of offense, length and first time offenders in the continuum of potential discipline.

**18. What resources are available to assist small businesses with compliance of the regulation?**

Anyone may find out more on our Board website, Facebook page, by emailing, calling, or stopping by the Board office.