

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: Wall license display

Rule Number(s): 4755-23-05

Date: August 21, 2018

Rule Type:

☐ New

☒ 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☐ Rescinded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.

This rule describes certificates of licensure, how they are displayed, and how person can verify their license to a patient.

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.

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CSIOhio@governor.ohio.gov

- 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)?**

This regulation has been necessary in the past so that healthcare professionals can demonstrate to patients that they are fully licensed professionals. Helps to ensure public safety.

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

Reduced consumer complaints.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

In recent times, technology has changed the practice of physical therapy to be a more mobile profession. Technology has also made up-to-date search capabilities available to demonstrate proof of licensure online. In the past, the Board has received regular inquiries about this license display requirement, wondering what a person should do if they do not have a principal place of business because they operate in home health. This change is designed to make it easier for the license holder to demonstrate current and unrestricted licensure. The licensure look-up is also better for the patient as it is most current and accurate, rather than an old paper copy.

This rule was discussed by the PT Section of the Board, posted on the web for comment, and sent out to license holders. Additionally, this is a frequently asked question and a point of confusion that we are attempting to simplify.

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

Feedback was supportive as-is.

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
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			arrangement. The ProCert process is a valid assessment process that CCU/CEU vendors must go through.
Todd	Lewarchick	PT	I am all for the below rule changes. I recommend changing the practice act rules of requiring a Discharge Summary with ending a Plan of Care in outpatient settings. As being considered Doctors, no other Doctor in healthcare is required to Discharge a patient from outpatient services. Our patient should be consider a patient for life and therefore, never be discharged. LBP is considered episode and future re-occurring episodes can be expected. We may be charging insurances and potentially patients more money by requiring to bill an Evaluation when frequently a Re-evaluation is only needed. I propose that this rule and change of wording in our practice act be included now or in the near future to remove the Discharge requirement especially within the outpatient setting.
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.
Rebecca	Butler	OT	This email is regarding the option to display our license on the website versus in our faculty of employment. I would agree with this rule!
Hilary	Coughlin	PT	I think the proposal for having access to the e-licensure website as ability to be the way we display license is an excellent move for our profession in this day and age of technology. I work at a facility that has 6 locations and there are many staff that have to treat at all 6 and has made it difficult to keep track of whom has had it posted and whom has not - especially being we have over 200 staff!!! This will be such a wonderful addition to making sure we meet the rules and continue to have staff available to provide patient care.
Jessica	Manley	OT	I received an email at my office regarding the proposed changes to the following rule. I would agree that this would be beneficial and helpful, especially for those of us that frequently change site locations.
Melissa	Zreny	PT	I am writing to comment on rule # 4755-23-05, Certificate of license; display. I feel that this proposal is very applicable at this time and would make keeping track of licensure much easier.
Ann Marie	Pace	PT	With regard to the wall certificates rule: I am in favor of this rule change.

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?

None.

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?

No alternative was considered. It is the Board's direct authority as the issuer of license to regulate license display. This change will be welcomed as less burdensome by license holders.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

This is a form of performance based regulation. It simply requires the license to be able to be made available. Doesn't spell out exactly how.

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

Search of current laws and rules.

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 provide public education by placing notice of rule change on its website and sending out to license holders. Will also communicate to other health care organizations about the change in policy.

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;

License holders and the general public are impacted.

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

A license is required to practice physical therapy in Ohio. The general public must have access to a free website to access license information. Internet access can be found at no cost. The license should also be displayed upon request by the license holder.

c. Quantify the expected adverse impact from the regulation.

Cost of a license is \$100 initially and \$70 for renewal, plus a \$3.50 eLicense fee.

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

It is essential for public protection for licensure information to be available to the health care consumer.

Regulatory Flexibility

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

No. All PTs and PTAs should have to display their license regardless of practice setting.

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?

First tie offenses and degree of offense are considered in the Board's disciplinary guidelines.

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

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