



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

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

**FROM:** Emily Groseclose, Senior Policy and Business Advocate

**DATE:** July 28, 2020

**RE:** **CSI Review – PT License by Endorsement (OAC 4755-23-04)**

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On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

#### Analysis

This rule package contains one amended rule submitted by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). The package was submitted to CSI on June 30, 2020, and the public comment period was held open through July 14, 2020. Eight comments were received during that time and the Board provided its response on July 15, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI office on June 30, 2020.

The rule establishes the criteria that must be met for a physical therapist or physical therapist assistant applicant to be granted a license by endorsement. The rule also provides how a physical therapist or physical therapist assistant who has been out of practice for over five years may be issued a license. The rule is being amended to remove reference to a general practice review tool, which the Board states is no longer in use, and replaces it with the requirement that an out of practice applicant complete a plan approved by the Board's Physical Therapy Section.

As part of early stakeholder outreach, the Board shared the rules with all physical therapy license holders and the Ohio Physical Therapy Association. Four comments were received during early

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stakeholder outreach, which expressed concerns that applicants for licensure by endorsement would not have to pass the National Physical Therapy Exam (NPTE). The Board responded to commenters and clarified that the exam is required for all individuals seeking physical therapy licensure in Ohio.

Eight comments were received during the CSI public comment period. In addition to several supportive comments, a few of the comments questioned the educational and exam requirements. In response, the Board clarified that the rule and amendment do not change educational or exam requirements.

The rule impacts physical therapist and physical therapist assistant applicants who are licensed in another state or who have been out of practice for more than five years. Adverse impacts include an application and fee of \$103.50, a Laws and Rules exam and fee of \$75, and the time and potential varying costs to complete continuing education requirements or verify out-of-state licensure. For applicants who have been out of practice for more than five years, adverse impacts also include a requirement to take the NPTE at a cost of \$485 or complete an action plan approved by the Board. The action plan is developed based off of the Board's interview and assessment of an applicant, and may include a requirement for the applicant to enter into a mentoring relationship with, or work for a period of time under the supervision of, another physical therapist, or complete specified continuing education courses.

The Board asserted that statute requires a license to practice physical therapy in the State of Ohio and that it must ensure minimum requirements are met.

### **Recommendations**

For the reasons described above, the CSI office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI office recommends that the Occupational Therapy, Physical Therapy, and Athletic Trainers Board proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.