



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: November 13, 2020

RE: **CSI Review – Temporary Licensure – Military and Military Spouse – Senate Bill 7 (OAC 4755-23-17)**

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) as part of the statutorily required five-year review. The package was submitted to CSI on June 5, 2020, and the public comment period was held open through June 19, 2020. Six comments were received during that time. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI office on June 5, 2020.

The rule establishes acceptable military programs of training for licensure for physical therapists and physical therapy assistants, and renewal and continuing education requirements for military members. Proposed amendments establish the licensing process and requirements for applicants who are a military member or spouse who have a valid license in another state. Amendments are proposed to comply with ORC 4743.041, enacted by Am. Sub. Senate Bill 7 (133rd General Assembly), which requires the Board to issue a temporary occupational license to individuals who are on military duty or whose spouse is on military duty in Ohio, who hold a valid license in good

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standing to practice the profession in another state or jurisdiction, and who comply with background check requirements. The license must be issued at no cost and the Board must adopt rules to ensure that the application of a military member or their spouse is tracked, prioritized, and expedited.

As part of early stakeholder outreach, the Board solicited feedback from interested parties via email and by placing a notice on its website. The Board stated that it received one comment of support. Six comments were received during the CSI public comment period, four of which expressed support for the rules. One commenter stated that a six-year temporary license that doesn't require renewal every two years would be preferable, and another commenter suggested aligning the requirements for physical therapists with those for occupational therapists, athletic trainers, orthotics, prosthetics, and pedorthics licensees. The Board stated in response that the Physical Therapy Section of the Board feels strongly that all licensees take the Jurisprudence Assessment Module every two years, but that the license can be renewed up to six years.

The rules impact members of the military and their spouses who are physical therapists or physical therapist assistants. The Board stated that in order to obtain a license, an applicant must meet qualification requirements, including education and examination, or hold a valid license in another state. Additionally, the Board stated that an applicant must complete a background check and pass a jurisprudence exam. The cost of education can vary depending on the school and type of license. The physical therapy exam costs \$485 and the jurisprudence exam costs \$48. Additionally, the required background check costs \$47.25. The Board noted that the rules implement statutory requirements and provide more details on eligibility, and asserted that the rules lighten the regulatory burden for applicants eligible for temporary licensure.

Recommendations

Amended Substitute Senate Bill 7 (133rd General Assembly) provides military members and their spouses with better employment opportunities by simplifying the process to transfer their occupational licenses to Ohio. The bill mandates that state licensing agencies issue licenses or certificates to military members and spouses who already hold a valid license to practice a trade or profession in another state, in a timely manner and at no cost.

The bill ensures that the State of Ohio has procedures in place to provide exceptional customer service and support to our military members and their families. Therefore, CSI makes the following recommendations to the Board.

1. Qualifications

In OAC 4755-23-17 (B)(1)(e), the Board proposes that in order for an applicant to qualify for licensure under ORC 4743.041, they must take and pass the renewal jurisprudence module. Additionally, it is unclear if the Board intends for

paragraphs (C) through (F) to apply to military members and their spouses with out-of-state licensure.

In doing so, these provisions would require the applicant to meet more qualifications than required by Am. Sub. S.B. 7. ORC 4743.041(B) only requires an individual to hold a valid license or certificate to practice the trade or profession in another state or jurisdiction, be in good standing in the state or jurisdiction of licensure or certification, present adequate proof that the applicant or the applicant's spouse is on military duty in Ohio, and comply with criminal records check requirements.

Therefore, CSI recommends that the Board refer to the statutory requirements in ORC 4743.041 for out-of-state licensure recognition rather than the more complicated requirements proposed in the draft rules.

2. License Type

CSI recommends that the Board clearly identify if the license being issued is a temporary or regular license throughout the rules.

Conclusion

Based on its review, the CSI office recommends that the Occupational Therapy, Physical Therapy, and Athletic Trainers Board should review its proposed rule based on the recommendations above prior to filing it with the Joint Committee on Agency Rule Review.