



## 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 – OPP Rules – Definitions (OAC 4755-62-01 and 4755-62-02)**

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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 two new rules submitted by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board) as part of the statutorily required five-year review process. The package was submitted on June 2, 2020, and the public comment period was held open through June 15, 2020. One comment was received during that time and the Board provided its response on July 16, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on June 2, 2020.

These rules define terms related to the practice of orthotics, prosthetics, and pedorthics (OPP). Due to the elimination of the Orthotics, Prosthetics and Pedorthics Board, in a previous package the Board rescinded all of the current rules in OAC Chapter 4779 and is reorganizing them into OAC Chapter 4755 with some updates intended to conform with the processes of the Board.

As part of early stakeholder outreach, the Board shared the rules with license holders and the Ohio Orthotics and Prosthetics Association. The rules were also reviewed by the Board's Orthotics, Prosthetics, and Pedorthics Advisory Council. No comments were received during early stakeholder outreach.

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One comment was received during the CSI public comment period from a pedorthist who expressed concerns that the definition of “for use from the apex of the medial malleolus and below” unnecessarily limits the pedorthic scope of practice. In response, the Board stated that the language is derived from ORC 4779.01(G) and a change would require action by the legislature.

The rules impact all individuals licensed to practice orthotics, prosthetics, and pedorthics. While the rules only provide definitions, adverse impacts related to OPP licensure include time and several monetary costs associated with completing required education and continuing education, exams, and background checks, as well as \$1,800 for a residency program. The Board asserted that the rules are necessary to implement requirements of the ORC, and that the rules are consistent with standards of practice for OPP and other regulated professions.

### **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.