



## 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 4755-3-15, 4755-43-12, 4755-63-13, 4755-3-11, 4755-23-16, and 4755-43-05)**

---

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This rule package contains one new, two amended, and three rescinded rules submitted by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). The package was submitted to CSI on June 5, 2020, and the public comment period was held open through June 19, 2020. Five comments were received during that time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on June 5, 2020.

These rules establish acceptable military programs of training for licensure for occupational therapists, occupational therapy assistants, athletic trainers, orthotists, prosthetists, prosthetists-orthotics, and pedorthists. Additionally, the rules outline 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 (133<sup>rd</sup> 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

**77 South High Street | 30th Floor | Columbus, Ohio 43215-6117**  
**CSIOhio@governor.ohio.gov**

hold a valid license in good 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. Three rules are proposed for rescission to consolidate provisions related to military members and their spouses into one rule per licensing section of the Board.

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. Five comments were received during the CSI public comment period, three of which expressed support for the rules. One commenter stated that a two-year temporary license that is renewable for up to six years total would be a better option than a six-year temporary license. The Board stated in response that it chose to issue a six-year temporary license because it is the maximum amount of time allowed by statute. Another comment suggested that civilians should also be able to apply for temporary licensure in the same manner and questioned if the separate license increases the cost for traditional licensees. The Board stated that the fiscal impact is minimal.

The rules impact members of the military and their spouses who work in a profession licensed by the Board. 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. The cost of education can vary depending on the school and type of license. The costs of exams are \$555 for occupational therapists, \$300 for athletic trainers, \$1,250 for orthotics and prosthetics, and \$400 for pedorthics. 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 (133<sup>rd</sup> 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**

It is unclear if the Board intends for paragraphs (C) through (F) of OAC 4755-3-15, 4755-43-12, and 4755-63-13 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 clearly identify the requirements applicable to military members and their spouses with an out-of-state license and refer to the statutory requirements in ORC 4743.041 for out-of-state licensure recognition for those applicants 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 review its proposed rules based on the recommendations above prior to filing them with the Joint Committee on Agency Rule Review.