



## Common Sense Initiative

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

**Sean McCullough**, Director

### MEMORANDUM

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

**FROM:** Joseph Baker, Regulatory Policy Advocate

**DATE:** July 23, 2021

**RE:** **CSI Review – Unique and Exceptional Qualifications (OAC 4755-63-15)**

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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 consists of one new rule proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on May 28, 2021, and the public comment period was held open through June 9, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on May 28, 2021.

The rule in this package establishes an additional pathway to licensure for individuals with special qualifications to practice orthotics and prosthetics in Ohio.

OAC 4755-63-15 allows individuals with “unique and exceptional qualifications” to apply for licensure based on work experience or a combination of academic accomplishment. In addition, the rule requires that an individual seeking licensure based on this new pathway must submit two letters of recommendation and proof of current and unrestricted active certification. Upon the submission of the completed application, the Board will conduct a case-by-case review of the individual's record to determine if a license should be granted under the rule.

During early stakeholder outreach, the Board shared the proposed rules with all orthotics and prosthetics license holders in Ohio, as well as the Board of Certification/Accreditation, the American Board for Certification in Orthotics and Prosthetics, and the Orthotics, Prosthetics, and

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Pedorthics Advisory Council. The Board received comments from various parties, largely individual practitioners expressing general support of the rule. In addition, The American Board for Certification suggested that education standards be retained for individuals seeking licensure based on exceptional qualifications, while the Board of Certification/Accreditation offered their “enthusiastic support” for the rule as written. No changes were made in response to the early stakeholder feedback. In addition, three comments were received during the CSI public comment period. One individual suggested that universal licensure standards be adopted for the relevant licenses that apply identically across the United States. Another individual signaled her approval for the rule as written. The final commenter suggested that similar changes be made to the process for licensing pedorthists. The Board replied to the comments but did not make any changes.

According to the BIA, the adverse impact to business includes the fee for the initial orthotics and prosthetics license (\$100), and the cost of continuing education classes associated with maintaining licensure (varies in cost). The CSI Office identified an additional adverse impact to business involving the administrative effort necessary to obtain letters of recommendation, provide proof of current, active certification, and complete an application. The Board states in the BIA that the adverse impact to business is necessary to open licensure in this field to additional practitioners, increasing the workforce pool for employers.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Occupational Therapy, Physical Therapy, and Athletic Training Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.