



# Common Sense Initiative

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

Joseph Baker, *Director*

## MEMORANDUM

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

**FROM:** Joseph Baker, CSI Director

**DATE:** September 28, 2023

**RE:** **CSI Review – Senate Bill 131 Reciprocity Changes (OAC 4755:2-1-02, 4755:2-1-03, 4755:2-1-04, 4755:2-1-08, 4755:3-1-03, and 4755:4-1-02)**

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 six new rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on August 10, 2023, and the public comment period was held open through August 24, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 10, 2023.

The rules in this package set forth qualifications and pathways for obtaining licensure in Ohio in the field of physical therapy, athletic training, orthotics, prosthetics, or pedorthics. OAC 4755:2-1-02 sets forth educational standards, including that physical therapists (PTs) or physical therapist assistants (PTAs) complete an accredited program in physical therapy or an accredited physical therapy assistant program, as applicable. The rule also permits a practitioner to obtain an Ohio license if the individual completed a reasonably equivalent program in another country. OAC 4755:2-1-03 requires PTs and PTAs to complete a national examination and laws and rules exam prior to becoming licensed by examination and sets forth the process for becoming licensed in Ohio for

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individuals who are already licensed in another state or country, or who previously passed the national physical therapy examination in another state and are seeking licensure in Ohio.

OAC 4755:2-1-04 sets forth licensure by endorsement requirements for PTs and PTAs. Under the rule, the Board may issue a license to an applicant who is licensed in another state, provided that the requirements for licensure in the originating state are substantially similar to Ohio. The rule also specifies that individuals who have not practiced physical therapy in the previous five years must retake the national physical therapy exam or complete an action plan approved by the Board. OAC 4755:2-1-08 sets forth requirements for individuals engaged in teaching physical therapy teaching and procedures, including that the teacher be licensed to practice physical therapy (except in certain instances or on a short-term basis), and that the Board is notified regarding any individual who is teaching physical therapy theory and procedures without an Ohio license.

OAC 4755:3-1-03 sets forth the educational requirements for athletic trainer licensure in Ohio, including that the individual complete an accredited program. The rule also states that the Board shall recognize the education credentials of an applicant who passed the athletic training examination and has been engaged in the practice of athletic training in another state. Finally, OAC 4755:4-1-02 specifies licensure processes for individuals who have previously practiced orthotics, prosthetics, or pedorthics in another state, as well as minimum requirements for Ohio licensure.

During early stakeholder outreach, the Board provided the rules to all licensees electronically and discussed the rules at their July and August 2023 Board meetings. Based on feedback from stakeholders, the rules were amended to address grammatical issues and improve clarity. One comment was received during the CSI public comment period in support of the Board's work in a separate rule package to develop licensure pathways for certified orthotists and better align with federal standards. Another comment shared general support for the proposed rules, while two licensees shared general, but unrelated feedback regarding various employment concerns.

The business community impacted includes all board licensees, including occupational therapists, physical therapists, athletic trainers, orthotists, pedorthists, and prosthetists in Ohio. The adverse impact to business created by the rules includes the cost and time associated with completing background check (\$47.25), the cost of a licensure fee (\$100, plus a \$3.50 eLicense fee), as well as costs associated with completing educational requirements for licensure, documenting required minimum hours of practice, and examination costs. Individuals who are already licensed in another state and have already completed the required examination only sustain the application and processing expenses of becoming licensed in Ohio, since the rules enable the Board to recognize the credentials of applicants from other states. The Board states that the adverse impact to business is justified to comply with statutory responsibilities to license and regulate the professions under the Board's purview, ensure minimum standards to practice are met, and protect the public through

enforcement of its laws and rules. The Board further notes the adoption of these new rules is part of the Board's effort to streamline language and eliminate duplicative regulations.

### **Recommendations**

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

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.



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## MEMORANDUM

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

**FROM:** Joseph Baker, CSI Director

**DATE:** September 28, 2023

**RE:** **CSI Review – Senate Bill 131 Rule Rescissions (OAC 4755-23-02, 4755-23-03, 4755-23-04, 4755-23-13, 4755-43-04, and 4755-63-02)**

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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 consists of six rescinded rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on August 10, 2023, and the public comment period was held open through August 24, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 10, 2023.

The rules in this package set forth qualifications and pathways for obtaining licensure in Ohio in the field of physical therapy, athletic training, orthotics, prosthetics, or pedorthics. The Board is proposing to rescind all six rules and proposed six new and renumbered rules in a separate rule package submitted to CSI on the same date (see separate BIA *Senate Bill 131 Rule Rescissions*, submitted to CSI on August 10, 2023).

During early stakeholder outreach, the Board provided the restructured rules to all licensees electronically and discussed the rules at their July and August 2023 Board meetings. Based on

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feedback from stakeholders, the new rules were amended to address grammatical issues and improve clarity. No comments were received during the CSI public comment period.

The business community impacted includes all board licensees, including occupational therapists, physical therapists, athletic trainers, orthotists, pedorthists, and prosthetists in Ohio. The adverse impact to business created by the rules include the cost and time associated with completing background check (\$47.25), the cost of a licensure fee (\$100, plus a \$3.50 eLicense fee), as well as costs associated with completing educational requirements for licensure, documenting required minimum hours of practice, and examination costs. Since the rules in this package are proposed for rescission, such adverse impacts are now contained in the new and renumbered rules submitted by the Board. For a further overview of those rules and their impacts to business, please see the CSI recommendation memo for that BIA submitted by the Board.

### **Recommendations**

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

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.