Ohio | 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: August 2, 2023

RE: **CSI Review – OTPTAT Board Five-year Rule Review and Rule Restructuring Rescissions (OAC 4755-1-01, 4755-21-01, 4755-40-01, 4755-61-01, 4755-1-02, 4755-21-02, 4755-40-02, 4755-61-02, 4755-8, 4755-26, 4755-40, 4755-61, 4755-3-06, 4755-21-03, 4755-48-02, 4755-64-04, 4755-3-07, 4755-23-15, 4755-43-10, 4755-63-10, 4755-1-03, 4755-48-01, 4755-64-03, 4755-3-02, 4755-23-05, 4755-44-02, 4755-63-07, 4755-3-08, 4755-23-07, 4755-44-01, 4755-64-05, 4755-3-13, 4755-23-11, 4755-43-09, 4755-63-11, 4755-3-14, 4755-23-14, 4755-43-07, 4755-63-12, 4755-5, 4755-24, 4755-47, 4755-66, 4755-5-10, 4755-24-09, 4755-66-11, 4755-3-03, 4755-3-04, 4755-3-05, 4755-3-09, 4755-3-10, 4755-9-02, 4755-41-01, 4755-41-02, 4755-41-03, 4755-42-01, 4755-42-03, 4755-64-01, and 4755-64-02)**

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This rule package consists of 104 rescinded rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board).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 June 30, 2023, and the public comment period was held open through July 14, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 30, 2023.

The rules in this package specify meeting and public notice standards, personal information management policies, disciplinary processes for licensees, investigation and inspection procedures,

name change processes, license verification standards, criminal records check requirements, fees and fee waivers, educational requirements, examination requirements, license escrow and restoration, definitions, license renewal processes, ethical standards, reporting requirements, and the use of credentials. The rules are rescinded through efforts by the Board to streamline its regulations and eliminate duplicative and unnecessary language, which the Board notes is frequently repeated four times. Through this work, the Board plans to reduce its rules by almost 50%, from 169 rules to 86.

During early stakeholder outreach, the Board provided the rules to all current licensees. No comments were received in response to that request for feedback or during the CSI public comment period, although several comments were provided in response to the newly-proposed rules in a separate package submitted by the Board.

The adverse impacts to business created in these rules derive from statutory language related to the licensed professions, including an initial license fee of $100, the cost of completing a Federal Bureau of Investigation or Bureau of Criminal Investigation background check, as well as costs and time associated with completing educational requirements and examination requirements necessary for licensure. The Board notes that it is separately proposing new rules that replace the rescinded language in a more consolidated and efficient manner and that no major regulatory changes are contemplated in the overhaul and streamlining of these rules.

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.