

Rule Summary and Fiscal Analysis (Part A)**Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

Agency Name

Division

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4755-23-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

License by endorsement.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **4755.411**5. Statute(s) the rule, as filed, amplifies or implements: **4755.45, 4755.451**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To comply with the five year rule review requirements.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule outlines the requirements that an applicant must meet to be eligible for a

license by endorsement. One amendment clarifies that the requirements for foreign educated applicants only applies to PT applicants since state law requires PTA applicants to graduate from a CAPTE accredited program without a substantial equivalency route. The other amendment states that, as an alternative to retaking the National Physical Therapy Exam, the Board can also require applicants who have been out of practice for more than five years to complete the Practice Review Tool developed by the Federation of State Boards of Physical Therapy.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **4/1/2015**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

In addition to submission of the \$100 application fee, an applicant who has been out of practice for more than 5 years would incur additional costs to either retake the NPTE (\$400) or complete the Practice Review Tool (\$250).

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Individuals seeking to practice physical therapy must be licensed.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

An individual can be sanctioned for practicing physical therapy without a license.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The \$100 application fee. In addition, an applicant who is out of practice for more than five years would also have the cost of either the NPTE (\$400) or the Practice Review Tool (\$250).