

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

Agency Name

Division

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**4755-23-06**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Biennial renewal of licensure.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB403**General Assembly: **126**Sponsor: **Fessler**

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: **4755.46**

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

Under the previous law, physical therapy practitioners renewed their licenses based on their last name. Individuals whose last name started with the letter A to L renewed in even years and individuals whose last name started with the letter M to Z renewed in odd years. Since approximately 50% of the licensees are female, individuals changing their name would often be forced to switch renewal cycles. This change was confusing for the licensee, as well as an employer who must verify that all employees have current, valid licenses. Under the proposed change, all physical therapists, regardless of last name, would renew in even numbered years

and all physical therapist assistants, regardless of last name, would renew in odd numbered years. This should make the process simpler for both the licensee and the employer, who now knows that all PTs on staff need to renew at the same time.

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:

As a result of the proposed change, all PT's would renew in even numbered years and all PTA's would renew in odd numbered years. The rule also clarifies that an individual who's license lapsed can only legally practice once the PT Section approves the reinstatement application. The current rule is poorly worded and some licensees could believe that they could return to practice once they submitted the reinstatement application, regardless of whether the Section actually approved the application. The final change is a clarification that individuals using the online renewal system are responsible for safeguarding their user ID and passwords.

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:

This rule is being refiled to correct a typo in the public hearing notice.

12. 119.032 Rule Review Date: **4/1/2010**

(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

The proposed changes will simply shift when revenues are potentially received by the Board. However, since licenses will still be valid for a two year period, there is no fiscal impact on biennial revenues or expenditures.

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

N/A

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:

Licensees will still be required to pay the \$80 renewal fee for a biennial license. The proposed change will eliminate the possibility of individuals getting off cycle due to a name change, which currently requires a one year license. In addition, the rule clarifies that individuals receiving an initial license on or after October 1 of the year prior to the year that the respective license type renews will receive a license that is valid through the following renewal period. For example, a physical therapist

initially licensed in November 2009 will receive a license that is valid through January 31, 2012, instead of being required to renew by January 31, 2010.

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**