

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

Agency Name

Division

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**4755-23-12**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Requirements for foreign educated applicants.****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? **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: **4755.42, 4755.43, 4755.44, 4755.44**

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

To clarify the passing scores required on the TOEFL iBT exam and to clarify that a passing score on the TOEFL iBT is required prior to the Board making the applicant eligible to sit for the NPTE and/or the Ohio Jurisprudence Exam.

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:

Under the current rule, the passing scores required for the reading comprehension and listening comprehension sections are 18 and 21, respectively. The Board has been notified that the correct standards on these two section should be reversed. As a result, the proposed amendment will update the passing standard for reading comprehension to 21 and for listening comprehension to 18.

The rule also proposes to clarify current Board policy to not make an applicant eligible to sit for the NPTE and/or Ohio Jurisprudence Exam until after the applicant has passed the TOEFL iBT exam.

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. 119.032 Rule Review 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:

Foreign educated applicants must pay between \$150-\$200 to sit for the TOEFL iBT exam. This fee, which is paid to ETS, varies based on where in the world the applicant sits for the exam. Based on ETS' website, the registration fee to sit in the U.S. is \$180. The fee to sit in the Philippines is \$195 and the fee to sit in India is \$165.

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**

All individuals seeking to practice physical therapy in Ohio must submit an application for licensure. The requirement applies to foreign educated applicants.

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**

If an individual practices physical therapy without a license, they would potentially be subject to civil and criminal penalties.

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

In addition to all other standard application fees, foreign educated applicants must pay for the credential evaluation and the TOEFL exam. As noted above, the fee for the TOEFL exam ranges from \$150-\$200. The cost for a credential evaluation from FCCPT, one of the primary credentialing organizations, is \$490.