

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4755:4-1-09

Rule Type: New

Rule Title/Tagline: Unique and exceptional qualifications.

Agency Name: Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Division: Orthotics, Prosthetics, Pedorthics

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 509 - 134
- Marilyn S. John, Sarah Fowler Arthur
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4779.08
5. **What statute(s) does the rule implement or amplify?** 4779.08, 4779.10, 4779.11, 4779.12, 4779.17, 4779.18
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

House Bill 509 eliminated the temporary license for orthotics prosthetics, and pedorthics. This rule is proposed as part of the implementation of that legislation.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Explains the process of obtaining a license through unique and exceptional circumstances. The rule change eliminates references to temporary licenses and supervision that were eliminated in House Bill 509.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Costs related to compliance include:

- Cost of education (master's degree for new graduates, except for pedorthics requires a high school diploma)
- Cost of residency program (\$1,800)
- Cost of ABC exam
- Cost of a BCI/FBI background check (\$47.25)

- Cost of licensure fee (\$100, plus \$3.50 eLicense fee)
- Possible verification of licensure to Ohio (varies)
- Verification sent by Ohio (\$15)

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

An initial license costs \$100 plus a \$3.50 eLicense fee. This fee goes toward the cost of maintaining the eLicense system and the staff time for reviewing the application.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**
- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**
- A license is required by ORC 4779 to practice orthotics, prosthetics, and pedorthics.
- 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**
- Practicing without a license may result in discipline by the board.
- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**
- An initial license costs \$100 plus a \$3.50 eLicense fee and completion of an online application.
- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable