

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2013 AT License Eligibility Changes

Rule Number(s): 4755-43-01, 4755-43-02, 4755-43-04, 4755-44-02

Date: October 19, 2012

Rule Type:

☒ New

☒ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

4755-43-01 – Applications for licensure

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This rule establishes to process to submit an application for licensure. The rule is being amended to reflect the increasing use of online applications. The rule is removing references to “forms” and instead references “the manner specified by the section”.

4755-43-02 – Examination requirements

This rule establishes the exams that an applicant must pass to be eligible to receive an Ohio athletic training license. The rule is being amended to refer to the “laws and rules” exam as the “jurisprudence” exam.

4755-43-04 – Education

This rule clarifies the educational requirements references in section 4755.62 of the Revised Code that are needed to be eligible for an Ohio athletic training license. Under the rule, all licensees must graduate from a CAATE accredited athletic training education program to be eligible for a license. The new language for the rule states that the CAATE requirement may be waived if the following 3 conditions are met by the applicant: (1) the applicant passed the BOC exam; (2) the applicant has practice athletic training in another state for a period of no less than 5 years immediately preceding the application date; and (3) the applicant’s license is active and without restriction.

4755-44-02 – Certificate of license; display; copies

This rule requires all licensees to display their original wall certificate at their principal place of business and to have access to the licensure information via the Ohio e-License Center at all other locations of service delivery. The rule is being amended to clarify that access to licensure information includes electronic access through the internet.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

ORC 4755.61

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?
If yes, please briefly explain the source and substance of the federal requirement.

The answer is no to the rules in this package.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable to the rules in this package.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

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The mission of the Board is to ensure that the consumers of athletic training services receive safe and adequate services from Ohio-licensed athletic trainers. To accomplish this, the Board licenses qualified applicants. As part of this process, applicants must submit an application for licensure, meet certain educational requirements, and must pass specified licensing examinations.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success will be measured by having the rules written in plain language for clarity and by applicants submitting licensure applications in an appropriate manner.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Board emailed stakeholders on August 27, 2012. Stakeholders were informed that comments were due to the Board by September 5. Stakeholders included licensees who are on the Board's listserv.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The Board did not receive any comments regarding the rules included in this package.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these proposed changes.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

Under the current education rules, an applicant that graduated prior to 2004 was required to demonstrate that their athletic training education covered a specified list of courses. In many cases, applicants already licensed in another state could not demonstrate that their education from the 1980s or 1990s contained the required coursework, which impacted their ability to be eligible for an Ohio license. The proposed rule will remove those requirements provided the applicant was already engaged in the active practice of athletic training with a license in good standing.

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- 11. Did the Agency specifically consider a performance-based regulation? Please explain.**
Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

This question does not apply to these rules.

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

This question does not apply to these rules.

- 13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

This question does not really apply to these rules since they govern standard operations of the Board. The changes to the education rule will require the Board to modify the application packet to remove forms that are to be used by applicants that graduated prior to 2004.

Adverse Impact to Business

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**

The impacted community are licensed athletic trainers and applicants for an athletic training license.

- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance);**

Individuals must submit an application for licensure and must complete an accredited education and pass a national exam to be eligible for an Ohio license..

- c. Quantify the expected adverse impact from the regulation.**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

The current application fee is \$100. At most accredited programs, the entry level degree is a BS in Athletic Training. Based on how many days prior to an exam date that an individual registers, the fee to sit for the BOC exam is either \$300 or \$375.

- 15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

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The mission of the Board is public protection. The rules in this package help ensure that the Board only issues a license to an applicant that has demonstrated that they have the appropriate knowledge to safely practice athletic training in Ohio.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No. All individuals must submit an application to be eligible for a license. In addition, all applicants must pass the BOC certification exam. There is some flexibility built into the education rule changes for applicants that graduated prior to 2004.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

This question does not apply to these rules. An applicant cannot be licensed in Ohio if all provisions of the rules in this package are not met.

18. What resources are available to assist small businesses with compliance of the regulation?

The Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of occupational therapy services in Ohio receive safe and effective services from the Board's licensees. As a result, the following resources are available:

Board's mailing address:
77 S. High Street, 16th Floor
Columbus, Ohio 43215-6108

Board's phone number: 614-466-3774

Board's fax number: 614-995-0816

Board's website: <http://otptat.ohio.gov>

Board's email: board@otptat.ohio.gov

To Join a Board listserv: <http://otptat.ohio.gov/consumers/boardlistservs.aspx>

Board's Facebook: <https://www.facebook.com/OhioOTPTATBoard>

Board's Twitter: <http://twitter.com/OhioOTPTATBd>

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