

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2013 AT No Change Applications

Rule Number(s): 4755-43-08, 4755-43-10, 4755-43-11, 4755-44-01

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☐ Rescinded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.

4755-43-08 – Biennial renewal of license

This rule establishes the process for a licensee to renew an Ohio athletic trainers license. Under the rule, all licensees must renew by September 30 of each even-numbered year.

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Individuals that do not renew by September 30 must submit a reinstatement application prior to returning to active practice.

4755-43-10 – Reinstatement or reconsideration of denied/revoked license

This rule outlines the factors the Board considers when reviewing a reinstatement application from a licensee whose license was revoked by the Board. The factors taken into account include the nature and severity of the acts that led to the revocation, the time elapsed since the commission of the acts, any additional violations that occurred since the revocation, compliance with all Board orders, and any evidence or rehabilitation.

4755-43-11 – Approval of an event

Section 4755.65 of the Revised Code outlines a process for the Board to approve an event at which athletic trainers that are not licensed in Ohio will be providing services. Under the rule, the event organizer or medical director must submit an event approval request at least 30 days prior to the event that lists the names and license numbers of all non-Ohio licensed athletic trainers that will be providing services at the event.

If an athletic trainer is traveling to Ohio with a visiting team and only providing athletic training services to the members of the visiting team, there is a separate Ohio license exemption provision. That scenario does not require the submission of an event approval request.

4755-44-01 – Notice of change of name, place or employment, and address

This rule states that all licensees are required to notify the Board, within 30 days, of any change in name, place of employment, or mailing address. The rule allows this notification to be made by mail, fax, email, or electronically through the Ohio e-License system.

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 both questions for 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 rules in this package govern procedures related to the application for initial, reinstatement, and/or renewal of licensure for athletic trainers. Licensure of athletic trainers is required pursuant to the Ohio Revised Code.

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 requesting submitting applications in the appropriate form and by the specified deadlines.

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 28, 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?

There are no alternative regulations that the agency considered since the licensure requirement is statutorily mandated.

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?

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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.

The Board’s website contains both the applications, as well as instructions for correctly completing the application.

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;

Licensed athletic trainers and individuals organizing events at which non-Ohio licensed athletic trainers will be providing services.

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

Applicants must submit the appropriate application to maintain/obtain a license to practice in Ohio. Event organizers must submit the appropriate event approval request to the Board..

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 cost of the adverse impact is the fee for the renewal/reinstatement application. The renewal fee is \$80 and the reinstatement fee is \$100. The costs associated with the event approval are minimal. There is no fee for the approval request and the organizer simply needs to fill out the form, which is available on the Board’s website, and attach the list of athletic trainers that will be providing the service.

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

The Ohio Revised Code states that individual must hold a license to practice athletic training. In addition, the statute specifies that the license must be renewed every 2 years. The statute also governs the event approval requirement.

Regulatory Flexibility

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

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No. Individuals must submit the appropriate application to either renew or reinstate and license or have an event approved..

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?

For first time offenders who do not renew but practice on an expired license for less than 7 days, the Board will typically issue a non-disciplinary warning letter instead of taking formal disciplinary action against the licensee.

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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