

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2015 AT CE

Rule Number(s): 4755-45-01

Date: 1/27/2015

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☐ Rescinded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.

Rule 4755-45-01 establishes the continuing education requirements for licensed athletic trainers. The rule is being amended to require that all licensees complete at least two contact hours of continuing education covering evidence based practice per renewal cycle. Rule

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

4755-45-01 is also being amended to eliminate the requirement that licensees must complete continuing education for their first renewal.

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

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)?

Section 4755.61 of the Ohio Revised Code states that all licensees must complete continuing education requirements to renew the license to practice. This rule outlines the continuing education requirements that must be met by licensees. On the national level, the athletic training profession has moved towards fostering evidence based practice. As one of the requirements to renew the national certification, individuals must complete 10 hours of evidence based practice continuing education every renewal period. This proposed change keeps the rules for state licensure in line with national standards for the profession. This is important since not every licensed athletic trainer holds the national certification.

The Board plans on using the following guidance for licensees to understand the kinds of educational activities that will meet this requirement:

Programming in the category titled Evidence Based Practice (EBP) is intended to promote EBP within the profession by enhancing a clinician's ability to find and evaluate evidence, and apply it to their clinical practice. Diversity among topics is encouraged in order to provide appropriate content for all clinicians relative to their level of expertise with EBP. Programming must be organized around and address practical aspects of EBP. Instruction may also include knowledge gaps or the application of a relevant topic, such as critical appraisal or statistical analysis. Evidence Based Practice programs may be organized around a clinically oriented topic and must be designed in a way that reflects the basic principles of EBP. An EBP presentation would contain most of the following components:

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

- A narrowly focused and clinically relevant question structured in PICO or PIO format
 - A detailed search strategy arising from the clinical question, including useful search terms
 - Identification of the information source (e.g., PEDro; Cochrane; PubMed) used in literature search
 - A critical appraisal of relevant literature and a determination of levels of evidence and/or strength of recommendations
 - A clinical application of the evidence, including a clinical bottom-line,(i.e., is the clinical problem answered by the intervention?), as well as information about the role of clinician experience and expertise
 - An appraisal of the outcome gained through the application of the evidence-based intervention
- 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 licensees complying with the continuing education requirements, including the 2 hours of evidence based practice education. Success will also be measured by a reduction in phone calls/email from licensees asking if they are required to complete continuing education for their first renewal.

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 November 14, 2014. Stakeholders were informed that comments were due to the Board by December 5. Stakeholders included licensees who are on the Board's listserv and individuals who follow the Board's Facebook and Twitter pages.

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

The majority of the comments received from stakeholders was supportive of the change. There were some concerns about adding an additional CE requirement and how it might be

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

confusing for licensees to report how they met the CE requirements when they are renewing their license.

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. A review of the requirements being developed by the national certification organization indicated that a move towards evidence based practice is a priority for the athletic training profession. The national certification body is requiring 10 of the required 50 hours of CE to meet the evidence based practice standard (20%). The Board did not feel that 20% of the total was necessary for renewal purposes and selected at least 2 hours of the 25 required (8%) meet the evidence based practice standard.

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?

The Board did not consider alternative regulations.

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.

The Board's website contains information for licensees on how to comply with the continuing education requirements. We would use our existing listserv, website, and Facebook/Twitter pages to notify licensees of the change to the ethics requirement.

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.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

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

Applicants must complete 25 contact hours of continuing education to renew the Ohio license. For most activities, there is a cost associated with the activity. In addition, licensees must devote time to complete the activity, whether it is an online activity that can be completed at home or an in person conference/workshop.

- 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 activity and time potentially spent away from work. Many employers will allow employees time during the work day to complete continuing education requirements.

Many CE options for licensees are little or no cost. Major conferences can cost \$500+ to register. For example, the annual National Athletic Trainers Association clinical symposium costs \$310 for NATA members and \$600 for non-members. There would also be costs associated with lodging since this is a 4 day conference. Although it appears costly, attending this conference can earn a licensee up to 24 hours of CE, which is one hour short of the amount required for license renewal. For the annual state professional association conference, fees range from \$105 for members to \$205 for non-members. Attendance at OATA’s conference can earn a licensee up to 13.25 hours of CE.

- 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 licensees must complete appropriate continuing education to be eligible to renew a license. In addition, as life-long learners, licensees must complete activities during the course of their practice that will help maintain and improve clinical and related skills needed to maintain current competence in the practice of athletic training.

Regulatory Flexibility

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

Yes. In individual cases involving disability, illness, or undue hardship, the Board may grant waivers or extensions of the continuing education requirements.

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 were deficient by up to one contact hour or who did not comply with the one hour of ethics requirement or the two hour evidence based practice requirement, the Board sends a non-disciplinary warning letter, requires the licensee to complete the missing continuing education, and automatically audits the individual for continuing education compliance on their next renewal.

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 athletic training 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>

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov