



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### Business Impact Analysis

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

**Rule Contact Name and Contact Information:**

**Missy Anthony, Executive Director** – [missy.anthony@otptat.ohio.gov](mailto:missy.anthony@otptat.ohio.gov), 614-466-3474

**Regulation/Package Title (a general description of the rules' substantive content):**

Athletic Trainers – evidence based practice continuing education

**Rule Number(s):** 4755-45-01

**Date of Submission for CSI Review:** 2/5/2021

**Public Comment Period End Date:** 2/19/2021

**Rule Type/Number of Rules:**

New/\_\_\_ rules

No Change/\_\_\_ rules (FYR? \_\_\_)

Amended/ X rules (FYR? N)

Rescinded/\_\_\_ rules (FYR? \_\_\_)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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### **Reason for Submission**

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

**Which adverse impact(s) to businesses has the agency determined the rule(s) create?**

**The rule(s):**

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☐ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

### **Regulatory Intent**

2. **Please briefly describe the draft regulation in plain language.**

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

This rule describes the amount and type of continuing education that is required for renewal of an athletic trainer license. Recently, the Board of Certification of Athletic Trainers (BOC) announced a decision to restructure its continuing education requirements to incorporate evidence based practice in ALL of its CE offerings and eliminate the requirement that a small number of hours be dedicated to evidence based practice. Since most athletic trainers are BOC certified and take BOC certified continuing education, the AT Section of the OTPTAT Board is proposing to mirror that change by eliminating the separate requirement for evidence-based practice continuing education. This will result in consistency with the certification body and not burden the license holders with an additional requirement.

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

ORC 4755.61

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4. 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.*

No.

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

Not Applicable.

6. 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)?

ORC 4755.73 requires license holders to submit proof of continuing education when renewing a license. Continuing education encourages competence and growth as a professional.

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

Compliance with continuing education requirements.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

### **Development of the Regulation**

9. 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 sent the rules out for public comment via its email list serve. Public comment was open from 1/8/2021-1/15/2021.

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

Comments were considered by the Board and the elected not to make changes.

I have had no issues for 24 years fulfilling my responsibilities with whatever ruling on CEU's are given. I feel it keeps people on their feet if it's something out of their comfort
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zone. We all have many things to juggle and it makes us stronger if we have to push through things to cross things off lists - especially now. Whatever is chosen, I'm fine with it.
I think removing the EBP requirement is a great idea. Thank you.
Comment: I think that evidence base education should not be eliminated to uphold the highest standard care of practice in the state of Ohio.
I agree with the proposed changes for Rule 4755-45-01.
YES! I would agree with the following proposal. It is hard enough to find CEUs as it is.

**11. 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?**

None.

**12. 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?**

None. The Ohio Revised Code requires continuing education.

**13. 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.***

No. The Board is aligning with a process that is already in place for most license holders.

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

Review of laws and rules.

**15. 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 will communicate with license holders via email and newsletter and by partnering with the Ohio Athletic Trainers Association to communicate this change.

**Adverse Impact to Business**

**16. 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; and

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

Scope: Athletic Trainers in Ohio, continuing education providers, the BOC.

Nature of Adverse Impact: The financial cost and time cost spent on continuing education

Quantify: 25 CE hours over two years – financial cost varies.

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

It is required by law. This change aligns processes with two separate oversight bodies.

**Regulatory Flexibility**

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

No.

**19. 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?**

The Board takes into account a first time offense as a mitigating factor and typically allows the license holder to make it up with a warning.

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

The Board website and Board contact email provide customer service.