



## Common Sense Initiative

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

**Joseph Baker**, Director

### Business Impact Analysis RESCINDED RULES

**This form is intended for rules that are being permanently rescinded and not replaced by a new rule. New, Amended, No Change, and Rescind/New rules must use the standard BIA.**

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

**Rule Contact Name and Contact Information:** Missy Anthony, [missy.anthony@otptat.ohio.gov](mailto:missy.anthony@otptat.ohio.gov)

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

OTPTAT Board Five-year Rule Review and Rule Restructuring Rescissions

**Rule Number(s):** 4755-1-01, 4755-21-01, 4755-40-01, 4755-61-01, 4755-1-02, 4755-21-02, 4755-40-02, 4755-61-02, 4755-8, 4755-26, 4755-40, 4755-61, 4755-3-06, 4755-21-03, 4755-48-02, 4755-64-04, 4755-3-07, 4755-23-15, 4755-43-10, 4755-63-10, 4755-1-03, 4755-48-01, 4755-64-03, 4755-3-02, 4755-23-05, 4755-44-02, 4755-63-07, 4755-3-08, 4755-23-07, 4755-44-01, 4755-64-05, 4755-3-13, 4755-23-11, 4755-43-09, 4755-63-11, 4755-3-14, 4755-23-14, 4755-43-07, 4755-63-12, 4755-5, 4755-24, 4755-47, 4755-66, 4755-5-10, 4755-24-09, 4755-66-11, 4755-3-03, 4755-3-04, 4755-3-05, 4755-3-09, 4755-3-10, 4755-9-02, 4755-41-01, 4755-41-02, 4755-41-03, 4755-42-01, 4755-42-03, 4755-64-01, 4755-64-02

**Date of Submission for CSI Review:** 6/29/2023

**Public Comment Period End Date:** 7/14/2023

**Rule Type/Number of Rules:**

✓ Rescinded/ 104 rules (FYR? Y)

**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**

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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.

### **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 describe in plain language the regulation that is being rescinded.

|                                                        |                                                                     |                                                                                                                                                                                     |
|--------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4755-1-01,<br>4755-21-01,<br>4755-40-01,<br>4755-61-01 | Notice of meetings                                                  | These nearly identical rules for all OTPTAT Board sections detail how a person can receive notice of OTPTAT Board meetings in accordance with the sunshine law.                     |
| 4755-1-02,<br>4755-21-02,<br>4755-40-02,<br>4755-61-02 | Method of public notice in adopting, amending, or rescinding rules  | These nearly identical rules for all OTPTAT Board sections detail the rule-making process for the Board in accordance with Chapter 119 and section 106.03 of the Ohio Revised Code. |
| 4755-8-01, -<br>02, -03, -04, -<br>05, -06,            | Personal Information Systems, Definitions, Procedures for accessing | These nearly identical rules for all OTPTAT Board sections implement the restrictions to accessing confidential                                                                     |

|                                                                                                     |                                                                                                                                                                                                              |                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4755-26-01, -02, -03, -04, -05, -06, 4755-40-03, -04, -05, -06, -07, 4755-61-03, -04, -05, -06, -07 | confidential personal information, confidentiality statutes, restricting and logging access to CPI in computerized personal information systems                                                              | personal information that are Ohio Revised Code Chapter 1347.                                                                                                                                   |
| 4755-3-06, 4755-21-03, 4755-48-02, 4755-64-04                                                       | Denial, suspension or revocation of license, Denial and disciplinary action procedures, Disciplinary procedures,                                                                                             | These nearly identical rules for all OTPTAT Board sections detail the board's authority to discipline or deny a license in accordance with Ohio Revised Code Chapters 4755 and 4779.            |
| 4755-3-07, 4755-23-15, 4755-43-10, 4755-63-10                                                       | Reinstatement or reconsideration of denial of license, Reinstatement or reconsideration of denied/revoked license,                                                                                           | These nearly identical rules for all OTPTAT Board sections detail the board's authority and the questions to consider when asked to reconsider the reinstatement of a revoked or denied license |
| 4755-1-03, 4755-48-01, 4755-64-03                                                                   | On-site investigations/inspections, Investigations and inspections, Investigations.                                                                                                                          | These rules detail the various Board sections' ability to conduct investigations and inspections at workplaces related Ohio Revised Code chapters 4755 and 4779.                                |
| 4755-3-02, 4755-23-05, 4755-44-02, 4755-63-07                                                       | Certificate of license; display; copies, Certificate of license; display                                                                                                                                     | These duplicative rules detail the manner by which a license holder must be able to display their certificate of license.                                                                       |
| 4755-3-08, 4755-23-07, 4755-44-01, 4755-64-05                                                       | Notice of change of name, place of employment, e-mail, and mailing address; Notice of change of name; place of business; address; Notice of change of name, place of employment, e-mail, and mailing address | These duplicative rules remind a license holder that they must update the board with important contact information within 30 days of a change.                                                  |
| 4755-3-13, 4755-23-11, 4755-43-09, 4755-63-11                                                       | Verification of licensure.                                                                                                                                                                                   | These repeated rules detail the process to obtain an official verification to another state or entity of license status from the OTPTAT Board.                                                  |
| 4755-3-14, 4755-23-14, 4755-43-07, 4755-63-12                                                       | Criminal records check                                                                                                                                                                                       | These are rules that detail the process for obtaining a criminal background check as required by ORC 4779.091 and 4755.70 for the purpose of obtaining an initial license.                      |
| 4755-5-01, -04, -05, -06, -                                                                         | Fee                                                                                                                                                                                                          | Each individual rule sets a single fee amount or ceiling. These will be                                                                                                                         |

|                                                                                                                                                 |                                              |                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07, -08, -09, -11, 4755-24-01, -03, -04, -05, -06, -07, -08, 4755-47-01, -02, -03, -04, -05, -06, 4755-66-01, -03, -04, -06, -07, -08, -09, -10 |                                              | consolidated into one single rule with all board fees. <u>No fees are being raised by the Board.</u>                                                                                                      |
| 4755-5-10, 4755-24-09, 4755-66-11                                                                                                               | Waiver of fees                               | Rules that detail the circumstances when the Board may waive a required fee.                                                                                                                              |
| 4755-3-03                                                                                                                                       | Educational requirements                     | This rule details the educational requirements that need to be met in order to qualify for licensure in Ohio as an occupational therapist (OT) or occupational therapy assistant (OTA).                   |
| 4755-3-04                                                                                                                                       | Examination requirements                     | This rule states that a person must pass the National Board of Certification of Occupational Therapy exam to qualify for licensure in Ohio as an occupational therapist or occupational therapy assistant |
| 4755-3-05                                                                                                                                       | Escrow of license; restoration               | This rule details how a person by restore a license that is in escrow. Please note: the board no longer allows a license to be put into escrow.                                                           |
| 4755-3-09                                                                                                                                       | Active practice defined.                     | This rule defines the practice of occupational therapy in Ohio.                                                                                                                                           |
| 4755-3-10                                                                                                                                       | Biennial renewal of license.                 | This rule defines how and when an OT and OTA license may be renewed in Ohio.                                                                                                                              |
| 4755-9-02                                                                                                                                       | Waivers; exemptions for continuing education | This rule details how someone may apply for a waiver or extension of time to complete continuing education requirements for renewal of licensure for OTs and OTAs                                         |
| 4755-41-01                                                                                                                                      | Code of ethical conduct                      | This is the athletic trainers code of ethics.                                                                                                                                                             |
| 4755-41-02                                                                                                                                      | Disclosure of confidential information       | States that athletic trainers cannot disclose confidential information, or they may be subject to discipline                                                                                              |
| 4755-41-03                                                                                                                                      | Reporting requirements                       | This is the athletic trainers' duty to report certain information to the board for review to see if it is an ethical violation.                                                                           |

|            |                                           |                                                                                     |
|------------|-------------------------------------------|-------------------------------------------------------------------------------------|
| 4755-42-01 | Unauthorized practice                     | This rule reinforces that a license is required to practice athletic training.      |
| 4755-42-03 | Required credential to indicate licensure | Indicates the credentials which must be used to indicate licensure.                 |
| 4755-64-01 | Ethical and professional conduct          | This rule is the code of ethics for orthotics, prosthetics, and pedorthics.         |
| 4755-64-02 | Proper use of credentials                 | This rule details how a credential may be used and how documentation may be signed. |

### 3. Why is the regulation being rescinded?

*Please be specific (ORC change, request of stakeholders, etc.)*

1. The Board is going through an overhaul of its rules. Because the board is structured in four separate sections for governance purposes (OT, PT, AT, OPP), over time duplicative rules were developed. Most of these rules are nearly identical in order to promote uniform processes for efficiency purposes. The Board has decided to combine these rules which are often repeated four times. This will result in a very large reduction in rules, going from 169 total rules to 86.
2. Some of these rules are also up for five-year rule review and are being rescinded and renumbered as a result.

### 4. Please describe in general terms the adverse impacts to business, including currently impacted industries, in the existing rule(s).

The Ohio Revised Code requires occupational therapists, occupational therapy assistants, physical therapists, physical therapist assistants, athletic trainers, orthotists, prosthetists, and pedorthists to be licensed. There are educational and examination requirements for each profession to meet the minimum qualifications, and corresponding costs to that effort. Cost for an initial license is \$100, plus the cost of the FBI/BCI background check. All of these costs impact the workforce for potential employers providing these healthcare services.

### 5. Are there other regulations (either existing or to be created) which will replace the regulation being rescinded or which will now apply because this regulation is being rescinded? This can include rules, statute, federal regulations, agency policies, or industry standards etc.

Yes. New rules will replace the rescinded ones.

### 6. Does the rescission of this regulation eliminate flexibility or create more adverse impacts for stakeholders? If yes, please describe stakeholder outreach and justify the impacts.

No major regulatory process changes are contemplated with these rescissions and overall rule rewrite.