



# Common Sense Initiative

Mike DeWine, Governor  
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## Business Impact Analysis

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

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

Reorganized FYR PT rules 2024

Rule Number(s): 4755:2-1-01, 2-1-05, 2-1-06, 2-1-09; 4755:2-2-01, 2-2-02, 2-2-03, 2-2-04, 2-2-05, 2-2-06, 2-2-07, 2-2-08; 4755:2-3-01, 2-3-02

Date of Submission for CSI Review: 4/26/2024

Public Comment Period End Date: 5/7/2024

Rule Type/Number of Rules:

New/ 14 rules

No Change/      rules (FYR?     )

Amended/      rules (FYR?     )

Rescinded/      rules (FYR?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.***

Rule number	Title	Description
4755:2-1-01	Applications for initial license	Describes the requirements to obtain an initial license.  Changes include adding a requirement to view a presentation if required by the board, so we may educated license holders on important issues such as the new Safe Haven program.
4755:2-1-05	Biennial renewal of licensure	Defines the requirement to renew a license on a biennial basis.
4755:2-1-06	Reinstatement of license	Describes the requirements to reinstate a license. Changes include adding a requirement to view a presentation if required by the board, so we may educated license holders on important issues such as the new Safe Haven program.
4755:2-1-09	Physical Therapy Compact Privileges	Details the requirements to maintain a physical therapist compact privilege in the state of Ohio. One

		<p>of the requirements is to pass the jurisprudence assessment module.</p> <p>This rule change puts the compact privilege renewal process in line license renewal process and exempts first-time renewals from having to take the module.</p>
4755:2-2-01	Code of ethical conduct for physical therapists and physical therapist assistants	<p>Defines the code of conduct for physical therapists and physical therapist assistants, violations of which may cause disciplinary action.</p> <p>Adds language prohibiting use of social and electronic media to distribute inappropriate or disparaging content.</p>
4755:2-2-02	Physical therapy practice defined	Defines terms used in the rules and statutes for physical therapy practice.
4755:2-2-03	Physical therapist assistant	Defines the roles that physical therapist assistant play in PT practice.
4755:2-2-04	Delegation	Describes the process of delegating tasks among physical therapy personnel.
4755:2-2-05	Supervision	Details how physical therapy personnel are supervised by the physical therapist.
4755:2-2-06	Documentation	Describes minimal physical therapy documentation requirements.
4755:2-2-07	Telehealth	Defines the requirements to practice physical therapy via telehealth.
4755:2-2-08	Referrals	Defines when a physical therapy referral is required and by whom and how it may be provided.
4755:2-3-01	Continuing education	Details the requirements for continuing education to renew a license on a biennial basis.
4755:2-3-02	Waivers for continuing education	Defines the process to request a waiver of continuing education requirements

**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.**

Rule number	Title	Authority
4755:2-1-01	Applications for initial license	<p>Authorized By: 4755.411</p> <p>Amplifies: 4755.42, 4755.421</p>

4755:2-1-05	Biennial renewal of licensure	Authorized By: 4755.411 Amplifies: 4755.46
4755:2-1-06	Reinstatement of license	Authorized By: 4755.411 Amplifies: 4755.411, 4755.46
4755:2-1-09	Physical Therapy Compact Privileges	Authorized By: 4755.57 Amplifies: 4755.57
4755:2-2-01	Code of ethical conduct for physical therapists and physical therapist assistants	Authorized By: 4755.411 Amplifies: 4755.47
4755:2-2-02	Physical therapy practice defined	Authorized By: 4755.411 Amplifies: 4755.40, 4755.48
4755:2-2-03	Physical therapist assistant	Authorized By: 4755.411 Amplifies: 4755.40
4755:2-2-04	Delegation	Authorized By: 4755.411 Amplifies: 4755.411
4755:2-2-05	Supervision	Authorized By: 4755.411 Amplifies: 4755.40, 4755.411
4755:2-2-06	Documentation	Authorized By: 4755.411 Amplifies: 4755.411
4755:2-2-07	Telehealth	Authorized By: 4743.09 4755.90 Amplifies: 4743.09, 4755.47
4755:2-2-08	Referrals	Authorized By: 4755.411 Amplifies: 4755.48, 4755.481
4755:2-3-01	Continuing education	Authorized By: 4755.411 Amplifies: 4755.46, 4755.47, 4755.51, 4755.511, 4755.52
4755:2-3-02	Waivers for continuing education	Authorized By: 4755.52 Amplifies: 4755.51, 4755.511, 4755.52

- 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 implements a federal requirement, but 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)?**

The mission of the OTPTAT Board is to actively promote and protect the health of Ohioans through effective regulation of the professions of occupational therapy, physical therapy, athletic trainer, orthotics, prosthetics, and pedorthics. These rules implement requirements for initial licensure, reinstatement, biennial renewal, and the overall practice of physical therapy.

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

Ability to meet the Board's 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.*

These rules were set out for early stakeholder feedback. No substantive comments were received.

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

No substantive comments. These rules were previously duplicated four times each in the OTPTAT rules and were consolidated in one rule each that applies to all professions.

- 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?**  
*Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

None. These elements are required in order to implement the Ohio Revised Code.

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

Review of the current laws and rules.

- 14. 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.**

Revised rules and changes to the practice act are regularly published on the Board website.

### **Adverse Impact to Business**

- 15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

- a. Identify the scope of the impacted business community, and
- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

*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.*

Costs to initial licensure include the cost of a college education, Cost of taking an examination, cost of the BCI/FBI background check (\$47.25), Cost of obtaining continuing education. Licensure costs \$100, renewal \$70.

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

The goal of this rule package is to streamline and simplify rules.

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

Ohio Revised Code chapters 4755 and 4779 require licensure of the OTPTAT board professions.

### **Regulatory Flexibility**

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

No. The Board regulates individuals, not businesses.

**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 consideration first time offenses as a mitigating circumstance when determining any discipline.

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

Call, email, mail, or visit the board in order to receive personal assistance.