



## 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### Business Impact Analysis RESCINDED RULES

This form is intended for rules that are being permanently rescinded and not replaced by a new rule.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

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

OTPTAT Board Five-year Rule Review and Rule Restructuring Rescissions

**Rule Number(s):** 4755-3-15, 4755-7-01, -02, -03, -04, -05, -08, -10, 4755-23-01, -06, -08, -09, -10, -16, -17, 4755-27-01, -02, -03, -04, -05, -06, -07, -09, 4755-29-01, 4755-41-04, 42-02, 43-02, 43-08, 43-11, 43-12, 4755-45-02, 4755-46-01, -02, 4755-62-02, 4755-63-03, -04, -05, -08, -09, -13, -14, 4755-65-01, -02, 4755-70-01

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

**Public Comment Period End Date:** 5/7/2024

**Rule Type/Number of Rules:**

✓ Rescinded/ 44 rules (FYR?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.

4755-3-15 4755-23-17 4755-43-12 4755-63-13	Military provisions related to licensure.	These nearly identical rules for all OTPTAT Board sections detail how a person can receive a temporary military license pursuant to ORC 4743.041. The rule also details special considerations to professional education received in the military, continuing education waivers, fee waivers, and license renewals.
4755-7-01	Occupational therapy practice defined	This rule defines terms related to the practice of occupational therapy.
4755-7-02	Roles and responsibilities	This rule defines how occupational therapists and occupational therapy assistants interact in a supervisory

		relationship, also addressing students and unlicensed personnel.
4755-7-03	Delegation	Describes how duties are delegated between occupational therapy personnel.
4755-7-04	Supervision	Describes the expectations of a supervisory relationship between occupational therapy personnel.
4755-7-05	Telehealth	Describes how care can be delivered via telehealth pursuant to ORC 4743.09.
4755-7-08	Code of ethical conduct	Sets for the code of ethics in occupational therapy for the state of Ohio. Violations of this code may result in discipline by the board.
4755-7-10	Required credential to indicate licensure or student status	Indicates what initials should be used to indicate the practice of occupational therapy.
4755-23-01	Applications for initial license	Describes how applications for initial licensure should be submitted for the practice of physical therapy.
4755-23-06	Biennial renewal of licensure	Describes when and how physical therapy licenses may be renewed.
4755-23-08	Continuing education	Details the continuing education requirements for renewal of physical therapy licenses.
4755-23-09	Waivers for continuing education	Details the process and the reasons for which a waiver of continuing education requirements may be requested.
4755-23-10	Reinstatement of license	Describes how a physical therapy license may be reinstated.
4755-23-16	Physical therapy compact privileges	Sets forth requirements for holders of PT Compact privileges.
4755-27-01	Physical therapy practice defined.	This rule defines terms related to the practice of physical therapy.
4755-27-02	Physical therapist assistant	This rule defines the duties related to a physical therapist assistant.
4755-27-03	Delegation	This rule defines how duties are delegated between physical therapy personnel.
4755-27-04	Supervision	This rule defines how the physical therapist must supervise other physical therapy personnel.
4755-27-05	Code of ethical conduct for physical therapists and physical therapist assistants	Sets for the code of ethics in physical therapy for the state of Ohio. Violations of this code may result in discipline by the board.

4755-27-06	Reporting requirements	Lists the circumstances that must be reported to the Board within 30 days so they can be considered for possible disciplinary purposes.
4755-27-07	Documentation	Describes what credentials must be used to indicate the practice of physical therapy in Ohio.
4755-27-09	Telehealth	Describes how care can be delivered via telehealth pursuant to ORC 4743.09.
4755-29-01	Referrals	Defines when a physical therapy referral is necessary and how it be conducted.
4755-41-04	Scope of practice	Defines the scope of practice for athletic training in Ohio.
4755-42-02	Referring practitioner	Lists the other medical personnel upon whose referral an athletic trainer may practice.
4755-43-02	Examination requirements	Requires candidates for licensure in Ohio for athletic training to have passed the BOC exam and a jurisprudence test.
4755-43-08	Biennial renewal of license	Describes when and how athletic trainer licenses may be renewed.
4755-43-11	Approval of an event	Provides a process for approval of an event at which athletic trainers who are licensed out of state may provide temporary coverage.
4755-45-02	Waivers for continuing education	Details the process and the reasons for which a waiver of continuing education requirements may be requested.
4755-46-01	Delegation of tasks to unlicensed persons	Describes what duties may delegated to unlicensed personnel in the practice of athletic training and how delegation occurs.
4755-46-02	Athletic training students	Allows a student in an accredited athletic training program to practice under the supervision of an athletic trainer for educational purposes.
4755-62-02	Device-related and scope of practice definitions	Defines terms related to devices and scope of practice in orthotics, prosthetics, and pedorthics.
4755-63-03	Educational programs	Details the educational program requirements for practicing in orthotics, prosthetics, and pedorthics.

4755-63-04	Certificate program requirements	Details the requirements of a program that issues a certificate in orthotics and prosthetics.
4755-63-05	Examinations	Details what examinations are required for licensure in orthotics, prosthetics, and pedorthics.
4755-63-08	Biennial renewal of license	Describes when and how orthotics, prosthetics, and pedorthics licenses may be renewed.
4755-63-09	Reinstatement of licensure	Details how a license in orthotics, prosthetics, and pedorthics may be reinstated.
4755-63-14	Foreign education licensure	Details the requirements for licensure for a person who was educated outside of the United States
4755-65-01	Continuing education requirements and reporting	Details the requirements to obtain continuing education for orthotics, prosthetics, and pedorthics.
4755-65-02	Waivers for continuing education	Details the process and the reasons for which a waiver of continuing education requirements may be requested.
4755-70-01	3-D Printing of Open-Source Prosthetic Kits	Details the requirements for authorization for 3-D printing of open-source prosthetic kits

### 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 (occupational therapy (OT), physical therapy (PT), athletic trainers (AT), orthotics, prosthetics, and pedorthics (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. There are costs to obtain continuing education to renew the license. 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.