

**MEMORANDUM**

TO: Diane Moore, Interim Executive Director, OTPTAT Board

FROM: Sophia Papadimos, Regulatory Policy Advocate

DATE: September 3, 2015

RE: CSI Review – Concussion Rule (OAC 4755-7-11, 4755-43-13, and 4755-27-08)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of three new rules proposed by the Ohio Occupational Therapy, Physical Therapy, & Athletic Trainers (OTPTAT) Board. The rule package was filed with the CSI Office on July 30, 2015 and the public comment period was held open until August 31, 2015. Six comments were received during this time. The proposed rules were submitted with individual BIAs but have been combined for the purpose of this recommendation.

The proposed rules outline youth concussion assessment and clearance guidelines recommended by the Ohio Youth Sports Concussion & Head Injury Return to Play Guidelines Committee. The Committee was made up of professional licensees with expertise in treating youth sports concussions and head injuries. The Committee also relied upon and directed licensees to meet the "Zurich Guidelines" which is the international consensus statement on concussions in sports. The rules explain that athletic trainers, physical therapists, and occupational therapists may assess and clear youth athletes provided they consult with a physician and have received training in the area of concussion management. The rules recommend that athletic trainers, physical therapists, and occupational therapists maintain a level of continuing education in the field of concussion management.

While the rules do require a certain level of education and training in detecting concussions or recreation-related traumatic brain injuries; they are required by House Bill 487 of the 130th General Assembly. Most of the comments received were requesting clarification. One comment that was received, though, questioned the continuing education recommendation. The Board explained that continuing education in the field of concussion management is recommended but not required. Therefore, the CSI Office has determined the purpose of the rules is justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office