



## Common Sense Initiative

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

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Missy Craddock Anthony, Occupational Therapy, Physical Therapy and Athletic Trainer Board

**FROM:** Paula Steele, Common Sense Initiative Office

**DATE:** June 14, 2019

**RE:** CSI Review – Athletic Trainer Five-year Review Continuing Education and Standard Operating Procedures (OAC 4755-43-05, 4755-43-06, 4755-43-07, 4755-43-09, 4755-46-01, 4755-41-01, 4755-45-01)

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On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

#### Analysis

This rule package contains two no-change and five amended rules being proposed by the Occupational Therapy, Physical Therapy and Athletic Trainer Board (Board) pursuant to the five-year review requirement in Ohio statute. The rule package was submitted to the CSI Office on April 23, 2019 with a public comment period held open through May 7, 2019. No comments were received during this time.

The proposed rules address licensure provisions for athletic trainers. They prescribe ethical conduct, temporary licensure for a military spouse, the process to reinstate a license and delegation of tasks to an unlicensed person. The draft rules also provide requirements for criminal records check, license verification, and continuing education (CE). The no-change rules include *Temporary License for Military Spouse* which includes a \$100 fee and the *Criminal Records Check* rule which requires initial athletic trainers to submit a criminal records check by the Bureau of Criminal investigations

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(BCI) and the Federal Bureau of Investigation (FBI). The amendments accommodate for license reinstatements and new processes in the eLicense Ohio Professional Licensure system, clarify athletic trainer's delegation responsibilities, define Standard Operating Procedures and ease continuing education requirements.

According to the BIA, the proposed rules were provided to all athletic trainer licensees. Stakeholders provided feedback and where appropriate, the Board incorporated the suggestions into the rules.

The CSI Office requested a revised BIA to augment information regarding the rules' adverse impacts to business and the justification for those impacts. In the revised BIA, the Board identified overall licensure fees, temporary licensure fees for military spouse, potential fines and discipline for non-compliance, and the costs associated with master's degree level education and continuing education requirements upon licensure.

Many of the adverse impacts created by the rules are prescribed in statute. The BIA justifies the impacts to ensure a baseline competency level for the profession and address complaints for non-compliance.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.