



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Missy Anthony, Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: March 16, 2021

RE: **CSI Review – Youth Sports Concussion and Head Injury Assessment and Clearance (OAC 4755-7-11, 4755-27-08, and 4755-43-13)**

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 consists of three amended rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on February 8, 2021, and the public comment period was held open through February 19, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 8, 2021.

Ohio Administrative Code 4755-7-11, 4755-27-08, and 4755-43-13 establish protocol for assessments and clearance of youth sport concussions and head injuries by occupational therapists, physical therapists, and athletic trainers. The rules establish requirements that must be met for a child to be cleared to return to practices and competitions, and recommendations for continuing education and forms. The rules are being amended to introduce the Berlin Guidelines for concussions, which replace the use of the Zurich Guidelines that were previously used throughout the rules.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

During early stakeholder outreach, the Board sent the rules to stakeholders for comment through interested party emails. Most stakeholder comments received were supportive of the proposed changes, while others submitted comments related to scope of practice. During the CSI public comment period, the Board received three comments. One comment suggested changing the Return to Play form to reflect the update to the Berlin guidelines, which the Board stated would be implemented after the rules are finalized. One comment suggested removing continuing education recommendations and the Board did not make changes in response. Another stakeholder supported the proposed amendments.

The business community impacted by the rules includes all active occupational therapy, physical therapy, and athletic trainer licensees. The adverse impact created by the rules includes requirements for consultations or referrals from physicians and the completion of training and education in the assessment of concussions and head injuries. The Board states that the rules are necessary to ensure that youth concussions are properly assessed and that children return to play at appropriate times.

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.