



## Common Sense Initiative

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

**Sean McCullough**, Director

### MEMORANDUM

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

**FROM:** Joseph Baker, Regulatory Policy Advocate

**DATE:** August 9, 2021

**RE:** **CSI Review – Occupational Therapy Section—continuing education requirements (OAC 4755-9-01)**

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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 Commission as provided for in ORC 107.54.

#### Analysis

This rule package consists of one amended rule proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on July 12, 2021, and the public comment period was held open through July 23, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on July 12, 2021.

The rule in this package outlines the continuing education requirements that apply to occupational therapists (OTs) and occupational therapist assistants (OTAs).

OAC 4755-9-01 states that no person shall qualify for a license renewal as an OT or OTA unless the person completes at least two hours of continuing education within the previous two-year renewal cycle. The rule provides an exception from this requirement for individuals who are renewing their license for the first time. The rule also describes the limitations and requirements for training to qualify as continuing education for purposes of renewing an OT or OTA license.

The rule is amended to adopt several changes, including new language that enables the Board to contract with the Ohio Occupational Therapy Association (OOTA) to review and approve continuing education programs, which the Board states is in accordance with changes recently

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

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

adopted in Senate Bill 7 (134<sup>th</sup> General Assembly). The rule is further amended to establish a 16-hour cap on the amount of fieldwork supervision that may be used to qualify towards meeting continuing education hour requirements. Lastly, the rule expands the possible methods to obtain four hours of continuing education credit by means of providing professional therapy-related mentoring.

During early stakeholder outreach, the Board shared the proposed rule with the OOTA and sent it to all license holders via email. In response to comments from stakeholders, the Board amended the rule to ensure that a license holder is not able to complete the continuing education requirements exclusively through fieldwork. Four comments were received during the CSI public comment period. One stakeholder simply indicated support of the proposed rules. A second comment suggested that the Board consider a third pathway to providing proof of supervision where the OT or OTA program would provide certificates indicating that the supervision was provided, and thus enabling the supervisor to be awarded continuing education credit. A third comment sought clarification regarding whether the 16 continuing education hours would be required on an annual or biannual basis. The Board clarified that the requirement would remain on a biannual basis. The final comment expressed concerns about the limit on supervision hours that may be credited towards meeting continuing education requirements. The Board responded to the comment by clarifying that 16 continuing education hours (out of a required total of 20) during each renewal period may still be credited to licensees for supervision. No changes were made in response to the comments.

The business community affected by this rule includes all OTs, OTAs, and their employers in Ohio. The adverse impact created by the rule includes the time, expense, and effort to complete continuing education requirements and provide documentation to the Board when renewing a license. The Board notes that the requirement is for 20 hours, with one hour addressing ethics and jurisprudence, which is available on its website. The costs for such continuing education vary based on the source. In addition, the Board notes that a small cost will also be assessed by the OOTA when reviewing entities seeking to offer OT or OTA continuing education programs. The Board states that the adverse impact to business is necessary to improve the education and understanding of individuals practicing occupational therapy in Ohio and to improve patient well-being.

### **Recommendations**

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

### **Conclusion**

The CSI Office concludes that the Ohio Occupational Therapy, Physical Therapy, and Athletic Training Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.