



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

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

FROM: Michael Bender, Business Advocate

DATE: April 28, 2023

RE: **CSI Review – Athletic Trainers – Safe Haven educational requirements and reinstatement CE (OAC 4755-43-01, 4755-43-06, and 4755-45-01)**

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) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on February 17, 2023, and the public comment period was held open through March 5, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 17, 2023.

Ohio Administrative Code (OAC) 4755-43-01 sets forth the requirements for applicants for initial licensure from the Board as an athletic trainer. The rule is amended to require applicants to view a presentation on the Board's safe haven program. OAC 4755-43-06 sets forth the requirements for applicants for reinstatement of an expired athletic trainer license. The rule is amended to allow contact hours used to reinstate a license to be used to renew a reinstated license and to require applicants to view a presentation on the Board's safe haven program. OAC 4755-45-01 requires all athletic trainer license holders to complete twenty-five contact hours of continuing education activities within each two-year renewal cycle and provides for such activities. The rule is amended

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to update language, update the name of the Board of Certification, Inc., and require at least one contact hour to consist of mental health and/or substance use education per renewal cycle.

During early stakeholder outreach, the Board discussed the rules at meetings of its Athletic Trainers Section in November 2022 and January 2023. Additionally, the Board sent out the rules for comment to its athletic trainers listserv, which includes all licensed athletic trainers. The Board received two comments expressing concerns with adding the mental health continuing education requirement. During the CSI public comment period, the Board received comments from two individuals, with one asking why the mental health continuing education hour requirement was needed and the other asking if an applicant had to watch a presentation produced specifically by the Board and whether any fee was associated with this. The Board replied to the first individual that the mental health continuing education requirement was not onerous but that the topic was very important. The Board reassured the second individual that it would provide available resources to fulfill the presentation requirement and that no fee was attached to it.

The business community impacted by the rules includes all licensed athletic trainers and applicants for licensure. The adverse impacts created by the rules include application fees and continuing education requirements. The Board emphasizes that the total costs are low and notes that it plans to advertise free continuing education resources on its website and that it offers free continuing education on the safe haven program to all licensees. The Board states that the adverse impacts to business are justified to protect the public through assuring the continuing competence of licensees.

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.