



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: Joseph Baker, CSI Director

DATE: September 28, 2023

RE: **CSI Review – Youth Sports Concussion (OAC 4755-5-01, 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This rule package consists of one new and three rescinded rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on August 10, 2023, and the public comment period was held open through August 24, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 10, 2023.

The rules in this package set forth standards surrounding an occupational therapist, physical therapist, or athletic training authorizing a youth to return to practice or competition after exhibiting signs, symptoms, or behaviors related to a concussion. Under the rule, an occupational therapist, physical therapist, and athletic trainer must comply with statutory requirements to complete an assessment and clearance, and be in consultation with, pursuant to a referral with, in collaboration with, or under the supervision of a physician. The rule also requires the practitioner to complete education and training in concussion protocols consistent with the sixth international conference on concussion in

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

CSIPublicComments@governor.ohio.gov

sport and requires that practitioners engage in continuing education on the topic. The Board proposes to rescind 4755-7-11, 4755-27-08, and 4755-43-13, as the content of those rules has been updated to reflect the most recent guidelines for concussion protocols and consolidated into the new rule.

During early stakeholder outreach, the Board provided the rules to all licensees electronically and discussed the rules at their July and August 2023 Board meetings. Based on feedback from stakeholders, the rules were amended to address grammatical issues and improve clarity. No comments were received during the CSI public comment period.

The business community impacted by the rules includes physical therapists, occupational therapists, and athletic trainers in Ohio, and/or their employers. The adverse impacts to business identified by CSI include the costs and time necessary for a practitioner (physical therapist, athletic trainer, or occupational therapist) to complete the necessary agreement with a supervising or collaborating physician to approve youths to return to competition or practice following a concussion-related injury, costs and time necessary to complete the required training program in concussion treatment before performing clearances and assessments, costs and time necessary to complete continuing education in the detection and features of concussions in youth sports, and potential discipline for failure to comply with the requirements in the rule. The Board states that the adverse impact to business is necessary based on its statutory responsibility to license these professions, and that the rules are needed to outline the responsibilities when evaluating youth sports concussions.

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.