



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: May 10, 2024

RE: CSI Review – OTPTAT Board Five-Year Rule Review and Rule Restructuring Rescissions (OAC 4755-3-15, 4755-7-01, 4755-7-02, 4755-7-03, 4755-7-04, 4755-7-05, 4755-7-08, 4755-7-10, 4755-23-01, 4755-23-06, 4755-23-08, 4755-23-09, 4755-23-10, 4755-23-16, 4755-23-17, 4755-27-01, 4755-27-02, 4755-27-03, 4755-27-04, 4755-27-05, 4755-27-06, 4755-27-07, 4755-27-09, 4755-29-01, 4755-41-04, 4755-42-02, 4755-43-02, 4755-43-08, 4755-43-11, 4755-43-12, 4755-45-02, 4755-46-01, 4755-46-02, 4755-62-02, 4755-63-03, 4755-63-04, 4755-63-05, 4755-63-08, 4755-63-09, 4755-63-13, 4755-63-14, 4755-65-01, 4755-65-02, 4755-70-01)

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This rule package consists of forty-four rescinded rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board) as part of the statutory five-year review process.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 April 26, 2024, and the public comment period was held open through May 7, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 26, 2024.

The rules in this package govern the fields of occupational therapy, physical therapy, athletic training,

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and orthotics, prosthetics, and pedorthics. Topics covered by the rules include roles and responsibilities, delegation, supervision, telehealth, ethical conduct, credentials, applications for licensure, renewal of licensure, reinstatement of licensure, continuing education, examination requirements, and reporting requirements. The rules are rescinded as part of the Board's broader effort to eliminate duplicative rules.

Because the Board is structured into four separate sections (those being occupational therapy, physical therapy, athletic training, and orthotics, prosthetics, and pedorthics) for governance purposes, many of its rules overlap. The Board has determined to consolidate overlapping rules and reduce its total number of rules from 169 to eighty-six. No comments were received during the CSI public comment period.

The business community impacted by the rules includes occupational therapists, occupational therapy assistants, physical therapists, physical therapist assistants, athletic trainers, orthotists, prosthetists, and pedorthists. The adverse impacts created by the rules include licensure requirements, educational requirements, examination requirements, and standards of ethical conduct. The cost for an initial license is \$100 plus the cost of a background check with both the Federal Bureau of Investigation and the Ohio Bureau of Criminal Investigation. The Board also notes that there are costs for obtaining continuing education. The Board states that new rules will replace the rescinded ones in order to maintain compliance with statutory requirements.

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.