



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 – Reorganized FYR AT Rules 2024 (OAC 4755:3-1-02, 4755:3-1-05, 4755:3-2-02, 4755:3-2-04, 4755:3-2-06, 4755:3-2-07, 4755:3-3-02, and 4755:3-3-03)**

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 eight new rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). 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 practice of athletic training are proposed as part of the Board's work to consolidate overlapping rules and reduce its total number of rules from 169 to eighty-six. Ohio Administrative Code (OAC) 4755:3-1-02 describes how an applicant for licensure as an athletic trainer can satisfy examination requirements. OAC 4755:3-1-05 sets forth the requirements for biennial renewal of licensure as an athletic trainer. OAC 4755:3-2-02 establishes the scope of practice for athletic trainers. OAC 4755:3-2-04 lists the types of practitioners who are allowed to make an athletic training referral. OAC 4755:3-2-06 allows for certain athletic training tasks to be delegated.

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OAC 4755:3-2-07 provides for the training of athletic training students. OAC 4755:3-3-02 authorizes the Board's Athletic Trainers Section to grant waivers of continuing education requirements or extensions of time to fulfill these requirements. OAC 4755:3-3-03 provides for the approval of an event at which athletic trainers not licensed in Ohio perform athletic training services.

During early stakeholder outreach, the Board posted the rules on its website and sent them out to stakeholders on all its listservs to solicit feedback. No comments were received during this time or during the CSI public comment period, although the Board subsequently made a grammatical correction to the rules.

The business community impacted by the rules includes athletic trainers and athletic training students. The adverse impacts created by the rules include the requirements and standards of practice one must follow with respect to examination, renewal of licensure, scope of practice, referrals, delegation, training, continuing education, and event approvals. According to the Board, the cost of licensure renewal is \$70. The Board states that the adverse impacts to business are justified to implement statutory requirements and protect the health of Ohioans.

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.