

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Occupational Therapy Physical Therapy, & Athletic Trainers Board

Regulation/Package Title: Method of Public Notice & Referring Practitioner for the Athletic Trainers Section

Rule Number(s): 4755-40-01; 4755-40-02; 4755-42-02

Date: February 17, 2012

Rule Type:

☐ New

☐ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

4755-40-01 – Notice of meetings

This rule outlines how members of the public can obtain the time and place of Board meetings.

4755-40-02 – Method of public notice in adopting, amending or rescinding rules

This rule outlines the public notification process the Board follows when proposing changes to administrative rules.

4755-42-02 – Referring practitioner

Section 4755.60 of the Ohio Revised Code lists the individuals from whom an athletic trainer may accept a referral. This rule simply restates that list, which includes physicians, osteopathic physicians, podiatrists, dentists, physical therapists, and chiropractors.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

ORC 4755.61

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

The answer is no to both questions for rules 4755-40-01, 4755-40-02, and 4755-42-02.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable to rules 4755-40-01, 4755-40-02, and 4755-42-02.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The state's open meetings law requires the Board to notify the public of meetings of the Board and when the Board proposes to modify administrative rules. Rules 4755-40-01 and 4755-40-02 outline the process followed by the Board to ensure that the public is informed about the meetings of the Board, including when the Board is proposing to modify or adopt administrative rules.

Rule 4755-42-02 outlines the list of healthcare practitioners from whom a licensed athletic trainer may accept a referral. This list is established in section 4755.60 of the Ohio Revised Code.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

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Success will be measured by licensees understanding from which healthcare practitioners they may accept a referral and from the public being aware of Board meetings and activities related to administrative rules.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Board emailed stakeholders on February 7, 2012. Stakeholders were informed that comments were due to the Board by Tuesday, February 21. Stakeholders included licensees who are on the Board's listserv, representatives of the Ohio Athletic Trainers' Association, representatives of the Board of Certification, the national organization that administers the certification exam, representatives of the National Athletic Trainers' Association, and the directors of the entry-level athletic training education programs in Ohio.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The Board received some input on rule 4755-42-02, which specifies the list of referring practitioners. A common theme to the comments on this rule were why aren't other professions listed in the rule? Stakeholders asked the Board to add athletic trainers and nurse practitioners to the list. Unfortunately, since this list is based on statute, the Board is unable to add to the list via administrative rule.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these rules because no scientific data was necessary to develop them or to measure their outcomes.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

Because the list of referring practitioners and the public notification process are outlined in state law, the Board did not consider alternative regulations.

11. Did the Agency specifically consider a performance-based regulation? Please explain. Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

This question does not apply to these rules.

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12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This question does not apply to these rules.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Since the list of referring practitioners is already established in existing state law, this question does not apply to rule 4755-42-02. This question does not apply to rules 4755-40-02 and 4755-40-03 since those rules governing actions that must be taken by the agency and not by those regulated by the Board.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

Licensed athletic trainers.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance);

State law, and by extension the administrative rule, limits the individuals from whom a licensed athletic trainer may accept a referral.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

This question does not apply.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The regulatory intent justifies the adverse impact because the state law outlines the public notification process and the referring practitioner requirements.

Regulatory Flexibility

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16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

This question does not apply to these rules since rules 4755-40-02 and 4755-40-03 govern actions taken by the agency and not by those regulated by the Board and rule 4755-42-02 is established in state law.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

This question does not apply to the rules in this package.

18. What resources are available to assist small businesses with compliance of the regulation?

The Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of athletic training services in Ohio receive safe and effective services from the Board's licensees. As a result, the following resources are available:

Board's mailing address:
77 S. High Street, 16th Floor
Columbus, Ohio 43215

Board's phone number: 614-466-3774

Board's fax number: 614-995-0816

Board's website: <http://otptat.ohio.gov>

Board's email: board@otptat.ohio.gov

To Join a Board listserv: <http://otptat.ohio.gov/consumers/boardlistservs.aspx>

Board's Facebook: <https://www.facebook.com/OhioOTPTATBoard>

Board's Twitter: <http://twitter.com/OhioOTPTATBd>