

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2014 OT No Change Chap 7

Rule Number(s): 4755-7-01; 4755-7-02; 4755-7-03; 4755-7-04; 4755-7-08

Date: September 27, 2013

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☐ Rescinded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.

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.

4755-7-01 – Occupational therapy practice defined

This rule lists the definitions used in the administrative rules governing occupational therapy practice.

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4755-7-02 – Roles and responsibilities

This rule outlines the roles and responsibilities of the occupational therapist, occupational therapy assistant, student OT and OTA, and unlicensed personnel.

4755-7-03 – Delegation

This rule governs how the occupational therapist may delegate components of the occupational therapy treatments to the occupational therapy assistant, student OT/OTA, and unlicensed personnel.

4755-7-04 – Supervision

This rule governs the supervision requirements that must be followed in occupational therapy practice. The rule also establishes the OT:OTA supervisory ratio.

4755-7-08 – Code of ethical conduct

This rule establishes the code of ethical conduct that all licensees must follow. The main areas covered are operations; professionalism; licensee/client interactions; cooperation with the Board; and self-reporting to the Board.

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

ORC 4755.06

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 the rules in this package.

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 the rules in this package.

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 mission of the board is to ensure that consumers of occupational therapy services receive safe, competent, and adequate services from licensed practitioners. The rules in this package govern issues related to professional standards that, if followed, will help ensure safe practice.

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 having the rules written in plain language for clarity and by licensees following the standards of practice of the profession and not acting in a manner that will potential lead to disciplinary action for violation of the Practice Act.

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 August 16, 2013. A message seeking comment was also posted to the Board's Facebook and Twitter pages. Stakeholders were informed that comments were due to the Board by September 6. Stakeholders included licensees who are on the Board's listserv and individuals who follow the Board's Facebook and Twitter pages.

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 one comment asking for Level I students to be included in the definition of "student". The definition of student is used in the rules covering supervision and delegation of occupational therapy services. The Board felt that the activities completed in a Level I fieldwork did not entail the level of supervision and delegation issues that are covered in the various administrative rules. As a result, the Board decided to not make this change to the 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 the rules included in this package.

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?

There were no alternative regulations that the agency considered since the roles and responsibilities of the individuals providing occupational therapy services must be followed by all licensees.

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.

The Board's website contains information for licensees on the professional standards that licensees and other individuals must follow in the provision of occupational therapy services. The Board is not planning on making changes to these existing rules, so licensees are currently aware of the requirements. The laws and rules documents are posted on the Board's website.

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 occupational therapists and occupational therapy assistants; student occupational therapists and student occupational therapy assistants; unlicensed personnel

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

Individuals violating the rules in this package could potentially face disciplinary action against their Ohio license.

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.

Sanctions can range from a written reprimand or monetary fine to suspension or revocation of the Ohio license.

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

The mission of the Board is public protection. The rules in this package help ensure that the consumers of occupational therapy services receive safe and competent services from the Board's licensees. These rules also provide a mechanism for the Board to be notified when a licensee commits an action that should be investigated for potential disciplinary action.

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Regulatory Flexibility

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

No. However someone violating the rules in this package or reporting a violation to the Board will not automatically lead to disciplinary action being taken against the individual's license.

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?

The provisions of R.C. 119.14 would be taken into account by the Board when determining if disciplinary action should be taken. The disciplinary guidelines followed by the Board address first time offenses for paperwork violations. In most cases, those individuals would receive a non-disciplinary warning letter.

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 occupational therapy 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 43215-6108

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>

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