

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: 2015 AT Students

Rule Number(s): 4755-46-02

Date: 12/16/2014

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☐ Rescinded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.

Rule 4755-46-02 outlines the licensing requirements for athletic training students. The rule clarifies that a student completing clinical fieldwork requirements of the entry level educational program is exempt from licensing requirements. In all other situations, a student

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is considered unlicensed personnel. The amendment removes an unneeded comma in paragraph (C).

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

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.

No.

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 rule 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 athletic training services receive safe, competent, and adequate services from licensed practitioners. The Ohio Revised Code states that individuals seeking to practice athletic training in Ohio must obtain a license from the Board. The statute also provides for a licensure exemption for students completing clinical fieldwork as part of an entry level education.

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

Success will be measured by having the rules written in plain language for clarity and by students not practicing athletic training outside of the school-affiliated clinical assignments.

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 November 14, 2014. Stakeholders were informed that comments were due to the Board by December 5. 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?

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The Board received a comment from the program director of the athletic training program at Ohio State University. He recommended that the rule specify that the student must be enrolled in a CAATE accredited entry level AT educational program. Since that was the intent of the existing language, that change was included.

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 proposed changes.

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?

The Board did not consider alternatives. The statute requires individuals to be licensed to practice athletic training and only provides for a licensure exemption for when the student is performing services associated with their educational requirements.

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.

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.

Upon implementation of the amendment, stakeholders would be notified of the update. Since the proposed changes are not altering the current enforcement of the rule, there is no change to how it would be implemented/enforced.

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;**
Athletic trainers and athletic training students.
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

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Students must obtain an education to be eligible for licensure as an athletic trainer.

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.

The cost of tuition to a 4 year college or university.

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 to ensure that the consumers of athletic training services receive competent services from the Board’s licensees. Only licensed individuals may provide athletic training services. This rule clarifies the licensure exemption contained in the Revised Code for students.

Regulatory Flexibility

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

This question does not apply to this rule.

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 this rule.

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 43215-6108

Board’s phone number: 614-466-3774

Board’s fax number: 614-995-0816

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

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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>