

**MEMORANDUM**

**TO:** Missy Anthony, Occupational Therapy, Physical Therapy, and Athletic Trainers Board

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** November 9, 2018

**RE:** **CSI Review – Continuing Education (OAC 4755-23-08)**

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On behalf of Lt. Governor Mary Taylor, 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 Agency as provided for in ORC 107.54.

**Analysis**

This Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board) rule package consists of one amended rule for review. This rule package was submitted to the CSI Office on August 22, 2018 and the public comment period was open through August 31, 2018. Three comments were received during that time.

Ohio Administrative Code (OAC) 4755-23-08 outlines biennial continuing education (CE) requirements for licensed physical therapists and physical therapist assistants to renew their licenses. The rule is being proposed with amendments to implement House Bill 290 of the 131st General Assembly by permitting licensees to complete a portion of their required CE hours by providing services to uninsured or indigent populations. In addition, the Board proposes to adopt a jurisprudence test, previously as an optional component of renewal, as a mandatory requirement for biennial renewal, starting in 2022 (for physical therapists) and 2023 (for physical therapist assistants).

The Board sought early stakeholder input from all physical therapy license holders via email,

posted the draft rule on its website, and discussed the draft rule at the public Physical Therapy Section meetings. Stakeholder input was either supportive or expressed concern over the new requirement for licensees to complete the jurisprudence module. The Board did not opt to make any changes at this stage. During the CSI public comment period, the Board received three additional comments, opposing the addition of the jurisprudence module requirement. The Board responded that it felt that the benefits outweigh the costs, as the requirement would shore up certain ethical areas where the Board has been seeing complaints and discipline, and that the cost of the exam is generally less than two hours of CE elsewhere. In addition, the Board notes that this requirement would bring physical therapists in line with the other professions regulated by the Board - occupational therapists and athletic trainers - which are required to complete ethics and jurisprudence coursework as a part of their CE.

The rule impacts licensed physical therapists and physical therapist assistants, as well as their employers who may cover the cost and time of CE. The inclusion of volunteer CE, which is mandated by statute, does not increase the adverse impact to licensees, as it is voluntary, providing an additional avenue for licensees to complete CE hours.

After reviewing the proposed rule, BIA, and response to comments the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule justifies the adverse impact identified in the BIA.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

CC: Emily Kaylor, Lt. Governor's Office