

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: Athletic Trainers Five Year Rule Review

Rule Number(s): 4755-43-01, -02, -04, -08, -10, -11, -12, 44-01, -02, 47-01, -02, -03, -04, -05, -06

Date: December 14, 2018

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☐ Rescinded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.

Rule number	Title	Description of proposed change
4755-43-01	Applications for licensure	This rule describes the application process for athletic trainers. It has been updated to reflect processes of the new eLicense system.

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<u>4755-43-02</u>	Examination requirements	This rule describes the examination requirements which must be met to obtain licensure. Proposed changes update the name of the National Athletic Trainers' Association Board of Certification, Inc.
<u>4755-43-04</u>	Education	This rule describes the educational requirements which must be met to obtain licensure. Proposed changes update the name of the National Athletic Trainers' Association Board of Certification, Inc.
<u>4755-43-08</u>	Biennial renewal of license	This rule describes the renewal process for athletic trainers. Proposed changes update the rule to reflect processes of the new eLicense system.
<u>4755-43-10</u>	Reinstatement or reconsideration of denied/revoked license	This rule describes the criteria for reinstatement of a license, including what the Board can consider when deciding whether to grant reinstatement. No change.
<u>4755-43-11</u>	Approval of an event	This rule describes the process for submitting an event for approval to the Board at which an athletic trainer can practice from out of state. Proposed changes update the name of the National Athletic Trainers' Association Board of Certification, Inc. and also extends the time in advance by which an event approval must be filed to sixty days in order to accommodate board meeting schedules.
<u>4755-43-12</u>	Military provisions related to licensure	This rule describes how military licensure should be handled. Proposed changes make use of consistent terminology.
<u>4755-44-01</u>	Notice of change of name, place of employment, and address	This rule describes how a license holder notifies the Board of basic information changes. Proposed changes update the rule to reflect processes of the new eLicense system.
<u>4755-44-02</u>	Certificate of license; display; copies	The proposed revisions to this rule will allow athletic trainers to use the eLicense system to facilitate display of their wall certificate. Proposed changes also update the rule to reflect processes of the new eLicense system.
<u>4755-</u>	Duplicate license	This rule lays out the fee for the issuance of a duplicate

47-01	fee	wall license. No change.
4755-47-02	License verification fee	This rule states the fee for verification of a license. No change.
4755-47-03	Fee for mailing lists	Updated to reflect that mailing list requests are accepted electronically and there is no fee for electronic distribution.
4755-47-04	License fee	This rule states the fees for licensure. No change.
4755-47-05	Reinstatement fee	This rule states the fee for reinstatement of a license. No change.
4755-47-06	Biennial renewal fee	This rule states the fee for renewal of a license. No change.

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

Rule number	Title	Statutory Authority
4755-43-01	Applications for licensure	4755.61
4755-43-02	Examination requirements	4755.61
4755-43-04	Education	4755.61
4755-43-08	Biennial renewal of license	4755.61
4755-43-10	Reinstatement or reconsideration of denied/revoked license	4755.61
4755-43-11	Approval of an event	4755.61
4755-43-12	Military provisions related to licensure	5903.03

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4755-44-01	Notice of change of name, place of employment, and address	4755.61
4755-44-02	Certificate of license; display; copies	4755.61
4755-47-01	Duplicate license fee	4755.61
4755-47-02	License verification fee	4755.61
4755-47-03	Fee for mailing lists	4755.61
4755-47-04	License fee	4755.61
4755-47-05	Reinstatement fee	4755.61
4755-47-06	Biennial renewal fee	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.**

A license is required to practice athletic training in the state of Ohio.

- 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 rules are needed to establish the process required to implement the licensure describer by law.

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

Success is measured by efficient license processing practices and the ability to operate within the current fee structure.

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.

Draft rules were posted for public comment and sent to all license holders and interested parties. The rules were also discussed in a public meeting of the Board.

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

Only one comment was received, with regard to the name of the accrediting body, and it was addressed. The Board's rule changes reflect the legal name of the entity.

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?

None.

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?

No alternatives were considered, as the law requires licensure and the only recent changes have been the introduction of the eLicense system, which is reflected in the rule changes.

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.*

Law requires licensure of athletic trainers.

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

Review of current laws and rules to ensure no duplication was conducted. The rules also line the language up with the other regulated professions by the Board.

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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 regulations result in consistency in the licensure process. The rules will be publicly accessible on the web and the eLicense process establishes consistency. Processes for review of licensure documents are in place.

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;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- 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 impacted business community are license holders and their employers. Fees are required for licensure and may be paid by the employer. Fees will not be changed by these rules.

AT Examination Application:	\$100
AT Endorsement Application:	\$100
AT Reinstatement Application:	\$100
AT Renewal	\$70
Official License Verification:	\$15
Duplicate Wall Certificate:	\$10

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

Fees are required to support agency operations that ensure entry-level requirements are met for the profession and that enforcement is conducted to protect the health and safety of Ohioans.

Regulatory Flexibility

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

No.

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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 Board has disciplinary guidelines which take into account mitigating factors such as first time offenses.

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

Board website and staff