



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

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

**FROM:** Paula Steele, Common Sense Initiative Office

**DATE:** June 14, 2019

**RE:** CSI Review – Foreign Educated Physical Therapy Assistants (OAC 4755-23-02 through 4755-23-04, and 4755-23-12)

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On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

#### Analysis

This rule package contains four amended rules being proposed by the Occupational Therapy, Physical Therapy and Athletic Trainer Board (Board) pursuant to the five-year review requirement in Ohio statute. The rule package was submitted to the CSI Office on April 24, 2019 with a public comment period held open through May 7, 2019. Two comments were received during this time.

The proposed rules address some of the requirements for licensure for physical therapists (PT) and physical therapy assistants (PTA). The rules' amendments incorporate changes made in House Bill 131 of the 132<sup>nd</sup> General Assembly and provide a pathway for foreign educated PTAs to become licensed in Ohio, and the amended language mirrors that for foreign educated physical therapists.

The rules prescribe educational and licensure requirements, license by examination and license by endorsement. Most amendments simply add requirements of foreign educated PTA candidates. OAC 4755-23-12 *Requirements for Foreign Educated Applicants* prescribes English language

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requirements including the working knowledge of English and applies to PTs and PTAs. The rule is being amended to increase the required scores of the Test of English as a Foreign Language Internet-based Test (TOEFL iBT) to match the soon-to-be increased language testing standards for the National Physical Therapy Examination.

According to the BIA, the Board distributed the rules to licensed PTs and PTAs for comment. The BIA states, “Comments were supportive and reiterated that foreign trained individuals must have an education that has been deemed equivalent to a US education by an expert reviewer.” During the CSI review period, there were two comments provided by stakeholders. One emphasized the need for applicants to pass the PTA licensure exam for Ohio and meet the educational needs to practice, to which the Board confirmed candidates must pass the Ohio exam. The other comment expressed some initial confusion upon reading the rules.

The CSI Office requested a revised BIA to provide additional information about the amendments’ adverse impacts to business and the justification thereof. The revised BIA identifies the adverse impacts as licensure fees, cost of taking the TOEFL exam (approximately \$250), the educational credential review (\$1,200) and the National Physical Therapy Exam (\$385). Finally, the fee to take the Ohio exam is \$90. Fees. Many of the rules’ impacts are driven by requirements in statute. The Board justifies the license fees as necessary to fund the operations of the Board and the education requirements as a means to ensure professional competency.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.