



## Common Sense Initiative

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

**Carrie Kuruc**, Director

### Business Impact Analysis

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

**Rule Contact Name and Contact Information:**

**Missy Anthony, Executive Director** – [missy.anthony@otptat.ohio.gov](mailto:missy.anthony@otptat.ohio.gov), 614-466-3474

**Regulation/Package Title (a general description of the rules' substantive content):**

Athletic Trainers 2020 rule updates

**Rule Number(s):** 4755-43-04, 4755-45-02, 4755-46-02

**Date of Submission for CSI Review:** 2/10/2020

**Public Comment Period End Date:** 2/24/2020

**Rule Type/Number of Rules:**

New/\_\_\_ rules

No Change/\_X\_\_\_ rules (FYR? \_Y\_\_)

Amended/\_X\_\_\_ rules (FYR? \_Y\_\_)

Rescinded/\_\_\_ rules (FYR? \_\_\_)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### **Regulatory Intent**

2. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

Rule number	Title	Description of proposed change
<a href="#">4755-43-04</a>	Education	This rule describes the minimum educational requirements need in order to be licensed as an athletic trainer. Through its mutual recognition agreement program, the BOC allows certified athletic trainers in other countries to sit for the BOC exam, which is required for licensure in most states in the U.S. This rule change would allow the AT Section to accept the program of education from other countries which have an agreement for licensure in Ohio if they passed the BOC exam. Currently, there is a mutual recognition agreement with Athletic Rehabilitation Therapy Ireland. Formerly, there was one with Canadian Athletic Therapists Association.
<a href="#">4755-45-02</a>	Waivers for continuing education	This rule describes the circumstances under which someone could receive a waiver from having to complete continuing education requirements and the process for requesting one. Reviewed for five-year rule review. No changes proposed.

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<a href="#">4755-46-02</a>	Athletic training students	The rule describes the role of students who are studying athletic training and how they should identify themselves. This rule change specifies more precisely how athletic training students should document their student status by using the title "athletic training student" or "ATS."
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**3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

Authorizing statute: 4755.61

Amplifies 4755.61, 4755.62, 4755.63, 4755.65

**4. 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. Licensure is state-based.

**5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not Applicable.

**6. 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 OTPTAT Board is public protection. These rules enhance public protection by requiring a minimum level of education to obtain a license, requiring continued learning through continuing education, and properly regulating students learning the profession. The Board's authority to issue these rules is based in statute.

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

Licenses issued, CE waiver requests received, and feedback from athletic training programs about students.

**8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

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## **Development of the Regulation**

**9. 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.*

All athletic training license holders and the professional associations received the rule changes via email. They were also posted to the OTPTAT Board website.

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

Feedback was sought and considered.

- Yes. I would agree with the proposed changes. Anne aguist
- Yes, "entry level" is an appropriate description to associate with "professional" education programs. It is the most commonly understood way to describe it, although sometimes people describe professional education as education that leads to eligibility for a professional credential.  
Mark Merrick

**11. 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.

**12. 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?**

None. The Ohio Revised Code requires licensure.

**13. 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.**

Board systems, such as eLicense Ohio, dictate the processes the Board uses.

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

Review of existing laws and rules.

**15. 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.**

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The Board will inform all license holders of the new rules and post implementation guidance as applicable to the web.

### **Adverse Impact to Business**

**16. 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; and**

3,050 licensed athletic trainers and the employers for whom they work.

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

Athletic training degrees are moving to a master's requirement, so the cost obtaining a master's level of education, Continuing education can be free or can be the cost of attending a conference. Many employers give time off to obtain continuing education – a total of 25 hours is required. In order to get a license, athletic trainers must also pass an exam (\$300), background check (\$47.25), obtain verification of licenses, and pay the OTPTAT Board fee of \$100 plus \$3.50 for eLicense.

**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.*

See above.

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

These steps are required by law and are necessary to verify by primary source that a person has met the requirements to practice.

### **Regulatory Flexibility**

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

No. All licensees are held to the same standard.

**19. 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 prefers to work with first time offenders to educate and takes that into account in things such as disciplinary guidelines.

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

Anyone can call us, fax us, email us, visit us, and message us on facebook and receive a response during business hours and a reply by the next day.

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