



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Emily Groseclose, Senior Policy and Business Advocate

DATE: April 7, 2020

RE: **CSI Review – Physical Therapy Section – 2020 Five Year Review (OAC 4755-23-01, 4755-23-05, 4755-23-06, 4755-23-07, 4755-23-08, 4755-23-09, 4755-23-11, 4755-23-13, 4755-23-14, and 4755-23-15)**

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 five amended and five no-change rules submitted by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board) as part of the statutorily required five-year review process. The package was submitted to CSI on February 24, 2020, and the public comment period was held open through March 9, 2020. No comments were received during that time. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on February 24, 2020.

The rules establish requirements for initial and renewal licenses for physical therapists and physical therapist assistants, displaying licenses, notifying the Board of a change in name or address, verifying licensure for another state, teaching physical therapy, obtaining criminal records checks, and how/when reinstatement or reconsideration of a denied or revoked license may take place. Proposed changes to the rules regard clarifications to continuing education requirements, including that proof of clinical instruction will not always include documentation of the number of hours completed and that the Board may accept a continuing education waiver request. Additionally,

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language was added to clarify the earliest date when a person may apply for reinstatement of a license that has been denied or revoked. The Board also changed “licensee” to “license holder” and “shall” to “must” throughout the rule.

As part of early stakeholder outreach, the Board solicited feedback from all active license holders and everyone who has signed up to receive notification. Five comments were received; three were supportive of the proposed changes, and two commenters posed questions to the Board regarding continuing education credit for volunteer work for the indigent, and a new American Physical Therapy Association (APTA) Medicare rule that they are concerned may impact the physical therapy assistant profession. The Board provided clarification and the statute that requires it to give continuing education credit for free clinic volunteer time and referred the second commenter to the APTA. No comments were received during the CSI public comment period.

The rule impacts Ohio physical therapists and physical therapist assistants, as well as license applicants and the businesses for which they work. Adverse impacts include licensing fees (\$103.50), the costs of obtaining a background check, the cost (\$560) and time associated with completing the required examinations, as well as the time and variable costs associated with meeting the continuing education requirements. Additionally, failure to comply with the continuing education requirements could result in disciplinary action ranging from a warning letter to denial, revocation, or voluntary surrender of a license. The Board asserted that the rules help to ensure the competence of licensees and assist with their public protection mission.

Recommendations

For the reasons described above, the CSI office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI office recommends that the Occupational Therapy, Physical Therapy, and Athletic Trainers Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.