



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

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

FROM: Joseph Baker, Business Advocate

DATE: April 6, 2022

RE: **CSI Review – Orthotics, Prosthetics, and Pedorthics – CE and HB 263 (OAC 4755-65-01, 4755-62-01, 4755-63-06, and 4755-63-01)**

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 consists of four amended rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on March 16, 2022, and the public comment period was held open through February March 31, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on March 16, 2022.

Ohio Administrative Code (OAC) 4755-65-01 specifies continuing education responsibilities for orthotists, prosthetists, pedorthists, or orthotist-prosthetists. Under the rule, orthotists and prosthetists are required to complete twenty-five continuing education hours within each two-year renewal cycle, while prosthetist-orthotists are required to complete eighteen continuing education hours. Pedorthists must complete eighteen continuing education hours. The rule is amended to specify that licensees not required to complete continuing education hours within the first renewal period after initial licensure. OAC 4755-62-01 specifies regulatory definitions applicable to orthotists, prosthetists, and pedorthists. The rule is amended to remove a definition for "good moral character" in accordance with statutory changes due to passage of House Bill 263 (133rd General Assembly).

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OAC 4755-63-06 specifies procedures relating to temporary licensure for individuals seeking to practice orthotics, prosthetics, or pedorthics and has also been amended to remove a reference to an applicant's responsibility to attest "good moral character" prior to licensure. Finally, OAC 4755-63-01 specifies application processes for individuals seeking licensure following examination and completion of educational requirements and has also been amended to remove a requirement that the applicant attest "good moral character" prior to licensure.

During early stakeholder outreach, the Board shared the proposed rules with all licensees before submitting the package to CSI for review. One comment was received in support of the rules as proposed. No comments were received during the CSI public comment period.

The business community impacted includes licensed orthotist, prosthetists, pedorthists, and prosthetist-orthotists in Ohio, as well as their employers or individuals seeking to become licensed in one of these professions. The adverse impact to business includes the costs of completing continuing education hours to maintain licensure, costs associated with completing educational and training requirements for licensure (including completion of a bachelor's or high school degree, post-graduate certificate program, residency program, supervision requirements, among others—depending on the type of license), and time and expenses associated with the completion of an examination for licensure. The Board states that the adverse impact is justified to comply with Ohio Revised Code 4779 and to protect the public by ensuring that licensees are properly educated.

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.