



## 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 – Athletic Trainer Practice Act Changes (OAC 4755-41-01, 4755-41-04, 4755-42-02, 4755-43-11, and 4755-46-02)**

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 and one new rule proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on February 7, 2022, and the public comment period was held open through February 21, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on February 7, 2022.

Ohio Administrative Code (OAC) 4755-41-01 sets forth the code of ethical conduct for athletic training. The rule is amended to prohibit athletic trainers from engaging in harassment that creates a hostile work environment, to update calendar and statutory references, and to incorporate additional language regarding existing prohibitions on romantic, dating or sexual relationships between athletic trainers and patients. New OAC 4755-41-04 defines a collaboration agreement between an athletic trainer and a physician and delineates the scope of practice for athletic trainers when working under a collaboration agreement as well as limitations for those not working under a collaboration agreement. OAC 4755-42-02 specifies practitioners that may refer patients to athletic trainers. The rule is amended to allow physician assistants, certified nurse practitioners, certain athletic trainers when a referral has already been made, and all physicians to refer patients for athletic training.

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OAC 4755-43-11 requires organizers for events where athletic training services will be provided by individuals who are not licensed in Ohio to apply for event approval from the Board. The rule is amended to update a statutory reference. Finally, OAC 4755-46-02 sets forth limitations and conditions for individuals who are athletic training students. The rule is amended to update the definition of a student and require that supervisory athletic trainers demonstrate knowledge and competence in any procedure or service delegated to student.

During early stakeholder outreach, the Board shared the proposed rule with license holders via email. No comments were received in response to the request for early stakeholder feedback. One comment was received during the CSI public comment period sharing general support for the rules and concern regarding nurse practitioners, physician assistants, and chiropractors providing supervision and referrals for athletic trainers. The Board responded to the comment noting that the rule is aligned with Ohio Revised Code 4755.623, which specifically authorizes nurse practitioners, physician assistants, and chiropractors to do so.

The business community impacted by the rules consists of athletic trainers, referring practitioners, and their employees. The adverse impact to business consists of potential disciplinary action stemming from violations of ethical standards, time and expenses associated with the development of a collaboration agreement between a physician and an athletic trainer, and costs and time required to apply for event approval when athletic training services are provided by individuals not licensed in Ohio. The Board states that the rules are necessary set forth the requirements for athletic training licensure and the scope of practice for athletic training and to comply with its statutory responsibilities under H.B. 176 (134<sup>th</sup> General Assembly).

### **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.