



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 – Occupational Therapy Section – Supervision Rule (OAC 4755-7-04)**

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 Commission as provided for in ORC 107.54.

Analysis

This rule package consists of one amended 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 4755-7-04 specifies requirements for the supervision of occupational therapy assistants, student occupational therapists, student occupational therapist assistants, and other unlicensed personnel by a supervising occupational therapist. The rule is amended to specify that student occupational therapists or assistants on level II fieldwork must be supervised by an occupational therapist (or, if the student is an assistant, an occupational therapist assistant) who has completed at least one year of professional practice, but that no experience requirement is necessary for an occupational therapist or assistant to supervise students engaged in level I fieldwork. The rule previously required at least one year of experience to supervise students engaged in class I or class II fieldwork. The Board states that this change more closely aligns with the Accreditation Council for Occupational Therapy Education standards.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

During early stakeholder outreach, the Board shared the proposed rule with license holders via email and discussed the proposed changes at the November 2021 and January 2022 occupational therapy section meetings. The Board reports that numerous comments suggested that the requirement to complete one year of experience prior to engaging in any form of supervision be maintained. However, the Ohio Occupational Therapy Association stated its support of the rule as drafted. The Board also received a comment suggesting clarification of a term used in the rule, a change which it adopted prior to submitting to CSI for review. Two comments were received from individuals during the CSI public comment period. The first comment recommended that therapists with less than one year of experience be prohibited from supervising certain students due to inadequate experience. The second comment suggested that supervision of occupational therapist students should only be performed by occupational therapists, rather than other disciplines (such as physician assistants, social workers, nurses, and others). The Board responded to the comments stating that the supervision requirements in the rule aligned with national standards governing occupational therapy education and did not adopt the recommended changes.

The business community impacted by the rule includes occupational therapists, occupational therapist assistants, higher education institutions training such individuals, and businesses that provide occupational therapy services. The adverse impact to business includes the costs and time associated with ensuring appropriate supervision of personnel, such as ensuring that supervision takes place at the required intervals in the rule, establishing evidence that the supervision occurred, and related expenses. The Board states that the adverse impact is necessary to ensure that students training to be licensed professionals have an appropriate forum to learn their skills in a supervised way while maintaining the safety of patients. The Board further notes that the amendments to the rule are designed to ease the burden to business by creating flexibility so that occupational therapy and occupational therapy assistant programs can recruit healthcare professionals able to provide supervision to students in the field.

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 rule with the Joint Committee on Agency Rule Review.