



Common Sense Initiative

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

Joseph Baker, *Director*

MEMORANDUM

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

FROM: Michael Bender, Business Advocate

DATE: November 27, 2023

RE: **CSI Review – Requirements for Foreign Educated Applicants (OAC 4755-23-12 and 4755:2-1-07)**

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This rule package consists of one new rule and one rescinded rule proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on October 26, 2023, and the public comment period was held open through November 9, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 26, 2023.

Ohio Administrative Code (OAC) 4755-23-12 is rescinded and replaced by proposed new rule OAC 4755:2-1-07. OAC 4755:2-1-07 establishes the means by which an individual who was educated outside of the United States in a program not accredited by the Commission on Accreditation of Physical Therapy Education may obtain licensure by the Board as a physical therapist or physical therapist assistant. Such individuals are required to submit to the Board an evaluation of education credentials by an approved professional education evaluating service. Compared to the rescinded

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

CSIPublicComments@governor.ohio.gov

rule, the new rule is revised to allow an applicant's educational standard to be based on the period when the applicant completed his or her education coursework in the other country if that country does not require licensure.

During early stakeholder outreach, the Board discussed the rules at its July and September board meetings and sent them to stakeholders to solicit feedback from August 11, 2023, through August 24, 2023. No stakeholders offered input on the rules. During the CSI public comment period, the Board received a comment from an individual asking whether the rule change would prohibit physical therapists from other countries from practicing in Ohio without proper educational requirements. The Board replied that if someone is educated in another country, that education must be equivalent to a United States education based upon the graduation date.

The business community impacted by the rules includes individuals educated in physical therapy outside of the United States. The adverse impacts created by the rules include the costs of credential evaluation, which according to the Board is hundreds of dollars. The Board notes that the changes in the new rule compared to the rescinded version will remove obstacles to obtaining licensure in Ohio. The Board states that the adverse impacts to business are justified to implement statutory requirements and ensure that Ohioans are confident in receiving physical therapy by a qualified individual.

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.