



## Common Sense Initiative

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

**Joseph Baker**, Director

### Business Impact Analysis

**Agency, Board, or Commission Name:** Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

**Rule Contact Name and Contact Information:** Missy Anthony, [missy.anthony@otptat.ohio.gov](mailto:missy.anthony@otptat.ohio.gov)

**Regulation/Package Title (a general description of the rules' substantive content):**  
OTPTAT Board Five-year Rule Review and Rule Restructuring New athletic trainer rules

**Rule Number(s):** 4755:3-2-01, 4755:3-2-03, 4755:3-2-05

**Date of Submission for CSI Review:** 6/29/2023

**Public Comment Period End Date:** 7/14/2023

**Rule Type/Number of Rules:**

New/ 3 rules

Amended/      rules (FYR?     )

**Rule Type/Number of Rules:**

New/ 5 rules

Amended/      rules (FYR?     )

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

#### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

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Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

**Regulatory Intent**

2. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

New rule number	Subject	Description	Rules being replaced
4755:3-2-01	Code of ethical conduct	Establishes a code of ethics for athletic trainers and combines three rules into one to include the requirements that a license holder self-report certain offenses to the board within 30 days.	4755-41-01, 4755-41-02, 4755-41-03
4755:3-2-03	Unauthorized practice	Reiterates that a license is required to practice athletic training in the state of Ohio.	4755-42-01
4755:3-2-05	Required credential to indicated licensure	Specifies the correct credentials to use to indicate licensure.	4755-42-03

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

New rule number	Subject	Authorized by:	Amplifies:
4755:3-2-01	Code of ethical conduct	4755.61	4755.61, 4755.64
4755:3-2-03	Unauthorized practice	4755.61	4755.60, 4755.62

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4755:3-2-05	Required credential to indicated licensure	4755.61	4755.61, 4755.62
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4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?  
*If yes, please briefly explain the source and substance of the federal requirement.*

No.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not Applicable.

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The Ohio Revised Code requires licensure for athletic training. The purpose of regulation is protection of the public – ensuring that practitioners meet the minimum level of competency to practice and removing those who should no longer be practicing due to discipline.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Investigations of complaints and success in correcting the behavior of violating practitioners.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

### **Development of the Regulation**

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

Current rules were posted for early stakeholder comment and sent to the list serves for all professions.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

No comments were submitted for this set of rules.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

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None.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**  
*Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

None. The nature of these rules is so license holders understand how to navigate the processes of the board.

- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The goal of this rule package is to streamline and simplify rules.

- 14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

There are not many changes included in this rule packages except for reorganization, but all revisions will be sent out to the license holders in the form of a complete practice act document.

#### **Adverse Impact to Business**

- 15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

- a. Identify the scope of the impacted business community, and**

Board license holders and the businesses for which they work.

- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.*

Individuals who violate these rules may be subject to discipline, to include fines and covering the cost of a hearing, as applicable.

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

The goal of this rule package is to streamline and simplify rules.

- 17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

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Ohio Revised Code chapter 4755 requires licensure of the OTPTAT board professions.

**Regulatory Flexibility**

**18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. The Board regulates individuals, not businesses.

**19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Fee waiver rules are included in this package.

**20. What resources are available to assist small businesses with compliance of the regulation?**

Call, email, mail, or visit the board in order to receive personal assistance.