



## 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:** Joseph Baker, CSI Director

**DATE:** August 2, 2023

**RE:** **CSI Review – OTPTAT Board Five-year Rule Review and Rule Restructuring New Rules for OT/PT/AT/OPP (OAC 4755-1-01, 4755-1-02, 4755-1-03, 4755-1-04, 4755-1-05, 4755-1-06, 4755-1-07, 4755-1-08, 4755-2-02, 4755-2-03, 4755-2-04, 4755-3-01, 4755-3-02, 4755-3-03, 4755-3-05, 4755-4-01, and 4755-4-02)**

---

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 seventeen new rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on June 30, 2023, and the public comment period was held open through July 14, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 30, 2023.

The rules in this package set forth meeting notice requirements, management of confidential personal information, disciplinary action and investigation procedures, license and documentation standards, criminal records check requirements, and fees and fee waivers. The rules are proposed as new, but the Board notes no major changes have been made from previous versions of the rules. Minor amendments are made to reorganize its regulatory text through the elimination of unnecessary and duplicative language as part of its broader effort to reduce the number of Board regulations from 169 total rules to 86.

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

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

During early stakeholder outreach, the Board provided the rules to all licensees. Comments recommended reducing or eliminating a \$50 fee for replacing a license certificate, consolidating the mandatory laws and rules exam fee into the overall fee for renewing a license (or providing alternative low-cost or free options to licensees for fulfilling the requirement), limiting the range of topics for the laws and rules exam to areas where there are frequent infractions by licensees, and reducing the cost of renewing a license to address the increased cost of completing the training module required by the Board and continuing education requirement. The Board responded that the rules in this package do not propose any changes to fees and that the thresholds in the rules represent fee ceilings, rather than minimum requirements.

Six comments were received during the CSI public comment period. Three comments thanked the Board for its work in consolidating and reorganizing the rules for increased clarity. One commenter requested that the Board reinstitute escrow licensing in order to enable therapists to more easily return to work after being inactive from the profession for an extended time. The Board responded that no escrow license had been issued since 2018, and that the terms for restoring a license to active status from escrow status are identical to the requirements for reinstating a license, rendering the former status obsolete. Another commenter asked that the Board consider evaluating insurance reimbursement for physical therapy services to ensure physical therapists are compensated appropriately. The Board responded that insurance reimbursement for physical therapy is beyond the purview of the Board. Finally, a commenter requested that the Board reduce the costs of relicensure by ensuring that the combined costs of completing the mandatory jurisprudence assessment module (\$48) and the costs of renewing a license (\$70) are no higher than \$100. The Board responded that no changes were being made to the fee structure at this time, and that the jurisprudence module qualified towards two hours of the continuing education requirements for biennial license renewal (12 hours for physical therapy assistants, or 24 hours for physical therapists). The Board further noted to CSI that the implementation of the jurisprudence assessment module was beneficial in ensuring that licensees were aware of current Ohio laws and rules, as well as any changes.

The business community impacted includes all board licensees, including occupational therapists, physical therapists, athletic trainers, orthotists, pedorthists, and prosthetists in Ohio. The adverse impact includes the cost and time associated with completing an Ohio Bureau of Criminal Investigation or Federal Bureau of Investigation background check (\$47.25), the cost of a licensure fee (\$100, plus a \$3.50 eLicense fee), possible verification of licensure to Ohio (cost varies), and verification sent by Ohio (\$15). The Board states that the adverse impact to business is justified to comply with statutory responsibilities to license and regulate the professions under the Board's purview. The Board notes the adoption of the new rules will streamline and simplify regulations by the Board and eliminate duplicative regulatory language, and that fee waivers are permitted in certain instances.

### **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.