



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: Caleb White, Business Advocate

DATE: July 5, 2023

RE: **CSI Review – House Bill 509 Orthodontics, Prosthetics, and Pedorthics Changes (OAC 4755-62-01, 4755-63-01, 4755-63-06, 4755-63-15, 4755-66-02, 4755-66-05)**

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This rule package consists of four amended and two rescinded rules proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). This rule package was submitted to the CSI Office on April 7, 2023, and the public comment period was held open through April 19, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 7, 2023.

Ohio Administrative Code (OAC) 4755-62-01 defines the terms related to the practice of orthotics, prosthetics, and pedorthics. The rule is amended to eliminate references to temporary licenses and a supervision requirement, both of which were eliminated under House Bill (H.B.) 509, as well as to update the rule's language. OAC 4755-63-01 outlines the process of obtaining a license for orthotics, prosthetics, and pedorthics. This rule is amended to eliminate references to temporary licenses and the requirements to have a signed attestation to an orthotics, prosthetics, or pedorthics applicant having conducted an eight-month supervision under an Ohio license holder, both of which were eliminated under H.B. 509; this rule is also amended to clarify in more general terms how applicants can enroll in eLicense Ohio. OAC 4755-63-06 outlines the process of obtaining a temporary license

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and is rescinded due to the elimination of temporary licenses for orthotics, prosthetics, and pedorthics under H.B. 509. OAC 4755-63-15 outlines the process of obtaining a license through unique and exceptional circumstances. This rule is amended to eliminate references to temporary licenses for orthotics, prosthetics, or pedorthics and the requirement for eight-months of supervision under an Ohio license holder for orthotics, prosthetics, and pedorthics license applicants, as both were eliminated under H.B. 509. OAC 4755-66-02 and 4755-66-05 establish the fee for a temporary license for orthotics, prosthetics, and pedorthics and the fee to upgrade a temporary license to a full license. Both rules are rescinded as temporary licenses for orthotics, prosthetics, and pedorthics were eliminated under H.B. 509.

During early stakeholder outreach, the Board reviewed the proposed rules at its January Joint Board meeting and its January and March orthotics, prosthetics, and pedorthics council meetings. The Board used the input they received from the Advisory Council to help determine which elements should be eliminated to align their rules with the law changes contained in H.B. 509. During the CSI public comment period, the Board received one comment asking for clarification on what options eligible clinicians will have to practice while they wait to sit for their board exams if temporary licensing is rescinded. The Board replied that temporary licensing had already been rescinded by the legislature through H.B. 509 and stated that prior to passing examinations, an individual may practice under supervision or as part of a residency and provided the ORC sections in which these provisions are contained.

The business community impacted includes all orthotics, prosthetics, and pedorthics license holders and the businesses they work for. The adverse impacts to business are the costs associated with licensure requirement compliance; these include the cost of education (a master's degree for orthotics and prosthetics and a high school diploma for pedorthics), the cost of a residency program (\$1,800), the cost of an American Board for Certification exam, the cost of 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 notes the rule changes remove the requirement for orthotics, prosthetics, and pedorthics license applicants to obtain eight-months of supervision under an Ohio license holder, thus eliminating requirements and related fees; this change makes it easier and faster for applicants to obtain a license. The Board states that the adverse impacts to business are justified as a license to practice orthotics, prosthetics, and pedorthics in Ohio is required under ORC 4779.

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.