



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 Athletic Trainer Rules (OAC 4755:3-2-01, 4755:3-2-03, and 4755:3-2-05)**

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 three 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 the code of ethics for athletic trainers, prohibit the unauthorized practice of athletic training, and specify standards surrounding the use of athletic trainer credentials. The rules are drafted as new but are being proposed to consolidate and streamline existing regulations by the Board as part of the Board's effort to eliminate unnecessary and duplicative regulatory text and reduce the number of Board regulations from 169 total rules to 86.

During early stakeholder outreach, the Board sent the proposed rules to all licensees. No comments were received during the early stakeholder outreach or the CSI public comment period.

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The business community impacted includes athletic trainers in Ohio. The adverse impact to business consists of potential disciplinary action should a practitioner violate the requirements in the rules. The Board states that such disciplinary action may include a fine or payment for the costs of holding a hearing to evaluate the practitioner's actions, while also noting that these fees may be waived at the discretion of the Board. The Board further notes that the consolidation of the rules in this package will streamline regulations related to these professions and reduce complexity for license holders, and that the adverse impact to business is justified to comply with the Board's statutory obligation to license the practice of athletic training.

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.