



# 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 – Unique and Exceptional Qualifications (OAC 4755:4-1-09)

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 amended rule proposed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (Board). 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 rule filed with the CSI Office on October 26, 2023.

Ohio Administrative Code (OAC) 4755:4-1-09 establishes pathways for individuals who are uniquely and exceptionally qualified to obtain licensure in orthotics or prosthetics in Ohio. Such individuals are those who were educated prior to the current educational framework and residency requirement. The rule is amended to reduce experiential requirements from fifteen years to two years, clarify that such experience must have been obtained within the five years prior to submitting an application for licensure, require seventy-five percent of work time to have been spent providing direct patient care, and list the types of experience applicants must have. The changes reflect the requirements of the new reciprocity language for those who were licensed or certified in another state

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

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

and will allow individuals with certification by the Board for Orthotist/Prosthetist Certification to become licensed in Ohio in a similar manner.

During early stakeholder outreach, the Board discussed the rule at its July and September board meetings and sent it to stakeholders to solicit feedback from August 11, 2023, through August 24, 2023. One stakeholder, an orthotist certified by the American Board for Certification in Orthotics, Prosthetics, and Pedorthics, submitted a comment in support of the proposed rule changes. During the CSI public comment period, the Board received a comment in support of the proposed changes and made a grammatical correction to the rule.

The business community impacted by the rule includes individuals educated outside the traditional pathway who have been practicing under supervision in Ohio and seek licensure in orthotics or prosthetics. The adverse impacts created by the rule include obtaining proper experience and application fees (\$100). The Board notes that individuals who are uniquely and exceptionally qualified will now be eligible for licensure after two years rather than fifteen, thereby reducing barriers to work in Ohio. The Board states that the adverse impacts to business are justified to ensure that individuals have adequate education and experience to practice orthotics and prosthetics in Ohio.

### **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 rule with the Joint Committee on Agency Rule Review.