



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: May 10, 2024

RE: CSI Review – Reorganized FYR PT Rules 2024 (OAC 4755:2-1-01, 4755:2-1-05, 4755:2-1-06, 4755:2-1-09, 4755:2-2-01, 4755:2-2-02, 4755:2-2-03, 4755:2-2-04, 4755:2-2-05, 4755:2-2-06, 4755:2-2-07, 4755:2-2-08, 4755:2-3-01, 4755:2-3-02)

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 of fourteen 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 April 26, 2024, and the public comment period was held open through May 7, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 26, 2024.

The rules in this package govern the practice of physical therapy and are proposed as part of the Board's work to consolidate overlapping rules and reduce its total number of rules from 169 to eighty-six. Ohio Administrative Code (OAC) 4755:2-1-01 sets forth the requirements for applications for initial licensure as a physical therapist or physical therapist assistant. OAC 4755:2-1-05 sets forth the requirements for biennial renewal of licensure as a physical therapist or physical therapist assistant. OAC 4755:2-1-06 sets forth the requirements for reinstatement of licensure as a physical therapist or

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physical therapist assistant. OAC 4755:2-1-09 requires physical therapy compact privilege applicants to pass the jurisprudence assessment module prior to practicing physical therapy in Ohio. OAC 4755:2-2-01 establishes the code of conduct for physical therapists and physical therapist assistants. OAC 4755:2-2-02 contains definitions pertaining to the practice of physical therapy. OAC 4755:2-2-03 describes the tasks that physical therapist assistants may perform in the practice of physical therapy.

OAC 4755:2-2-04 allows for certain physical therapy tasks to be delegated. OAC 4755:2-2-05 provides for the supervision of physical therapy practitioners. OAC 4755:2-2-06 outlines the credentials that physical therapists, physical therapist assistants, students physical therapists, and student physical therapist assistants may use to indicate their licensure or student status to identify themselves for documentation purposes. OAC 4755:2-2-07 authorizes a physical therapist or a physical therapist assistant to provide services via telehealth if certain criteria are met. OAC 4755:2-2-08 authorizes physical therapists to provide services to a patient upon referral under certain conditions. OAC 4755:2-3-01 specifies the continuing education requirements that physical therapists and physical therapist assistants must meet to biennially renew a license. OAC 4755:2-3-02 authorizes the Board's Physical Therapy Section to grant waivers of continuing education requirements or extensions of time to fulfill these requirements.

During early stakeholder outreach, the Board sent out the rules to obtain feedback from stakeholders. The Board received no comments during this time. During the CSI public comment period, the Board received comments from three physical therapists. The first commenter believed the definition of "physical therapist" should be amended to include possession of a valid license to match the definition for "physical therapist assistant." The Board agreed and incorporated this change. The second commenter recommended that the Board find ways to eliminate productivity levels and increase salaries. The Board replied that both these suggestions were outside its purview of licensing individual practitioners. The third commenter asked how a physical therapist working for a physician-owned facility was not a violation of the profession's ethics. The Board answered that because it does not license facilities, this topic was also outside its scope. Lastly, the Board made several grammatical corrections to the rules.

The business community impacted by the rules includes physical therapists, physical therapist assistants, students physical therapists, and student physical therapist assistants. The adverse impacts created by the rules include the requirements and standards of practice one must follow with respect to applications for licensure, renewal of licensure, reinstatement of licensure, the jurisprudence assessment module, ethical conduct, tasks, delegation, telehealth, credentials, referrals, and continuing education. According to the Board, it costs \$100 to initially obtain licensure and \$70 for renewal. The Board states that the adverse impacts to business are justified to implement statutory requirements and protect the health of Ohioans.

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.