

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Occupational Therapy Physical Therapy, & Athletic Trainers Board

Regulation/Package Title: 2015 AT Renewal

Rule Number(s): 4755-43-08

Date: 12/16/2014

Rule Type:

New
 Amended

5-Year Review
 Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Rule 4755-43-08 outlines the requirements to renew an athletic trainer license. Under the current rule, if a license is issued prior to July 1 of a renewal year, that license will have an expiration date of September 30 of that year. The proposed amendment would change that

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date to June 1 of the renewal year. As a result, the shortest license validity period would be four months instead of three months.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

4755.61

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

No.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable to the rule in this package.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The mission of the Board is to ensure that consumers of athletic training services receive safe, competent, and adequate services from licensed practitioners. The Ohio Revised Code states that individuals seeking to practice athletic training in Ohio must obtain a license from the Board. The statute also specifies the licensees must biennially renew their licenses in accordance with the schedule established in rules adopted by the Board.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success will be measured by having the rules written in plain language for clarity and by licensees renewing their licenses in a timely fashion and not practicing on expired licenses.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Board emailed stakeholders on November 14, 2014. Stakeholders were informed that comments were due to the Board by December 5. Stakeholders included licensees who are on the Board's listserv and individuals who follow the Board's Facebook and Twitter pages.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

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The Board did not receive any comments regarding the rules included in this package.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these proposed changes.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Board did not consider alternatives. The statute requires licensees to renew biennially.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

This question does not apply to these rules.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This question does not apply to these rules.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Upon implementation of the amendment, the changes would be implemented at the Board level when the initial license is issued. Staff would start issuing licenses with the new expiration date on June 1 instead of July 1. This date would be indicated in the initial authorization to practice letter that is sent to all new licensees.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

Athletic trainers.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

Licensees applying to renew would be required to pay the license renewal fee.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a

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“representative business.” Please include the source for your information/estimated impact.

The current license renewal fee is \$70.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The mission of the Board is to ensure that the consumers of athletic training services receive competent services from the Board’s licensees. The requirement that licensees periodically renew and meet certain renewal requirements helps ensure the Board can meet its mission.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

This question does not apply to this rule.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

This question does not apply to this rule.

18. What resources are available to assist small businesses with compliance of the regulation?

The Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of athletic training services in Ohio receive safe and effective services from the Board’s licensees. As a result, the following resources are available:

Board’s mailing address:

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CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Occupational Therapy Physical Therapy, & Athletic Trainers Board

Regulation/Package Title: 2015 AT CE

Rule Number(s): 4755-45-01

Date: 12/16/2014

Rule Type:

New
 Amended

5-Year Review
 Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Rule 4755-45-01 establishes the continuing education requirements for licensed athletic trainers. The rule is being amended to require that all licensees complete at least two contact hours of continuing education covering evidence based practice per renewal cycle. Rule

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4755-45-01 is also being amended to eliminate the requirement that licensees must complete continuing education for their first renewal.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

4755.61

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

The answer is no to both questions for the rules in this package.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable to the rules in this package.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Section 4755.61 of the Ohio Revised Code states that all licensees must complete continuing education requirements to renew the license to practice. This rule outlines the continuing education requirements that must be met by licensees. On the national level, the athletic training profession has moved towards fostering evidence based practice. As one of the requirements to renew the national certification, individuals must complete 10 hours of evidence based practice continuing education every renewal period. This proposed change keeps the rules for state licensure in line with national standards for the profession. This is important since not every licensed athletic trainer holds the national certification.

The Board plans on using the following guidance for licensees to understand the kinds of educational activities that will meet this requirement:

Programming in the category titled Evidence Based Practice (EBP) is intended to promote EBP within the profession by enhancing a clinician's ability to find and evaluate evidence, and apply it to their clinical practice. Diversity among topics is encouraged in order to provide appropriate content for all clinicians relative to their level of expertise with EBP. Programming must be organized around and address practical aspects of EBP. Instruction may also include knowledge gaps or the application of a relevant topic, such as critical appraisal or statistical analysis. Evidence Based Practice programs may be organized around a clinically oriented topic and must be designed in a way that reflects the basic principles of EBP. An EBP presentation would contain most of the following components:

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- A narrowly focused and clinically relevant question structured in PICO or PIO format
- A detailed search strategy arising from the clinical question, including useful search terms
- Identification of the information source (e.g., PEDro; Cochrane; PubMed) used in literature search
- A critical appraisal of relevant literature and a determination of levels of evidence and/or strength of recommendations
- A clinical application of the evidence, including a clinical bottom-line,(i.e., is the clinical problem answered by the intervention?), as well as information about the role of clinician experience and expertise
- An appraisal of the outcome gained through the application of the evidence-based intervention

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success will be measured by having the rules written in plain language for clarity and by licensees complying with the continuing education requirements, including the 2 hours of evidence based practice education. Success will also be measured by a reduction in phone calls/email from licensees asking if they are required to complete continuing education for their first renewal.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Board emailed stakeholders on November 14, 2014. Stakeholders were informed that comments were due to the Board by December 5. Stakeholders included licensees who are on the Board's listserv and individuals who follow the Board's Facebook and Twitter pages.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The majority of the comments received from stakeholders was supportive of the change. There were some concerns about adding an additional CE requirement and how it might be

confusing for licensees to report how they met the CE requirements when they are renewing their license.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these proposed changes. A review of the requirements being developed by the national certification organization indicated that a move towards evidence based practice is a priority for the athletic training profession. The national certification body is requiring 10 of the required 50 hours of CE to meet the evidence based practice standard (20%). The Board did not feel that 20% of the total was necessary for renewal purposes and selected at least 2 hours of the 25 required (8%) meet the evidence based practice standard.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Board did not consider alternative regulations.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

This question does not apply to these rules.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This question does not apply to these rules.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The Board's website contains information for licensees on how to comply with the continuing education requirements. We would use our existing listserv, website, and Facebook/Twitter pages to notify licensees of the change to the ethics requirement.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community;**
Licensed athletic trainers.

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- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

Applicants must complete 25 contact hours of continuing education to renew the Ohio license. For most activities, there is a cost associated with the activity. In addition, licensees must devote time to complete the activity, whether it is an online activity that can be completed at home or an in person conference/workshop.

- c. Quantify the expected adverse impact from the regulation.**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The cost of the adverse impact is the fee for the activity and time potentially spent away from work. Many employers will allow employees time during the work day to complete continuing education requirements.

- 15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The Ohio Revised Code states that licensees must complete appropriate continuing education to be eligible to renew a license. In addition, as life-long learners, licensees must complete activities during the course of their practice that will help maintain and improve clinical and related skills needed to maintain current competence in the practice of athletic training.

Regulatory Flexibility

- 16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

Yes. In individual cases involving disability, illness, or undue hardship, the Board may grant waivers or extensions of the continuing education requirements.

- 17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

For first time offenders who were deficient by up to one contact hour or who did not comply with the one hour of ethics requirement or the two hour evidence based practice requirement, the Board sends a non-disciplinary warning letter, requires the licensee to complete the missing continuing education, and automatically audits the individual for continuing education compliance on their next renewal.

- 18. What resources are available to assist small businesses with compliance of the regulation?**

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The Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of athletic training services in Ohio receive safe and effective services from the Board's licensees. As a result, the following resources are available:

Board's mailing address:

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The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Occupational Therapy Physical Therapy, & Athletic Trainers Board

Regulation/Package Title: 2015 AT Students

Rule Number(s): 4755-46-02

Date: 12/16/2014

Rule Type:

New
 Amended

5-Year Review
 Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Rule 4755-46-02 outlines the licensing requirements for athletic training students. The rule clarifies that a student completing clinical fieldwork requirements of the entry level educational program is exempt from licensing requirements. In all other situations, a student

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is considered unlicensed personnel. The amendment removes an unneeded comma in paragraph (C).

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

4755.61

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

No.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable to the rule in this package.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The mission of the Board is to ensure that consumers of athletic training services receive safe, competent, and adequate services from licensed practitioners. The Ohio Revised Code states that individuals seeking to practice athletic training in Ohio must obtain a license from the Board. The statute also provides for a licensure exemption for students completing clinical fieldwork as part of an entry level education.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success will be measured by having the rules written in plain language for clarity and by students not practicing athletic training outside of the school-affiliated clinical assignments.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Board emailed stakeholders on November 14, 2014. Stakeholders were informed that comments were due to the Board by December 5. Stakeholders included licensees who are on the Board's listserv and individuals who follow the Board's Facebook and Twitter pages.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

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The Board received a comment from the program director of the athletic training program at Ohio State University. He recommended that the rule specify that the student must be enrolled in a CAATE accredited entry level AT educational program. Since that was the intent of the existing language, that change was included.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these proposed changes.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Board did not consider alternatives. The statute requires individuals to be licensed to practice athletic training and only provides for a licensure exemption for when the student is performing services associated with their educational requirements.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

This question does not apply to these rules.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This question does not apply to these rules.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Upon implementation of the amendment, stakeholders would be notified of the update. Since the proposed changes are not altering the current enforcement of the rule, there is no change to how it would be implemented/enforced.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community;**
Athletic trainers and athletic training students.
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

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Students must obtain an education to be eligible for licensure as an athletic trainer.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The cost of tuition to a 4 year college or university.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The mission of the Board is to ensure that the consumers of athletic training services receive competent services from the Board’s licensees. Only licensed individuals may provide athletic training services. This rule clarifies the licensure exemption contained in the Revised Code for students.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

This question does not apply to this rule.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

This question does not apply to this rule.

18. What resources are available to assist small businesses with compliance of the regulation?

The Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of athletic training services in Ohio receive safe and effective services from the Board’s licensees. As a result, the following resources are available:

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