

The following slides are for the Board's August 29, 2011 CE presentation. Please note that only individuals who pre-registered for this session are permitted to attend.

Due to space limitations, no walk-ins will be accommodated.

**Licensure...**  
**What Is It Good For?**

Jeffrey M. Rosa, Executive Director  
Ohio Occupational Therapy, Physical Therapy, and Athletic  
Trainers Board

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**Topics**

- Why States Regulate Professions
- Information About the Board
- How Rules are Changed
- Elimination of Pocket ID Card
- Criminal Records Checks
- Consumer Education

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**Why Regulate?**

- To ensure protection of public health, safety, and welfare.
- Role of occupational licensing boards is to protect the public, not the licensee.
- Mission of the OTPTAT Board:
  - To actively promote and protect the health of the citizens of Ohio through effective regulation of the professions of occupational therapy, physical therapy, and athletic training.

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## Forms of Regulation

- Registration (least restrictive)
- Certification
- Licensure (most restrictive)

### Good Resource on Professional Regulation

Schmitt, Kara and Shimberg, Benjamin. (1996). *Demystifying Occupational and Professional Regulation: Answers to Questions You May Have Been Afraid to Ask*. Lexington, KY: The Council on Licensure, Enforcement and Regulation.

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## Licensure

- The laws governing a licensed profession are known as "practice acts."
  - Law defines what aspects of the practice are regulated.
  - Law establishes minimal standards and educational requirements.
  - Law clarifies that unlicensed individuals may not perform the duties that require a license.
- The State of Ohio licenses over 50 occupations and professions.

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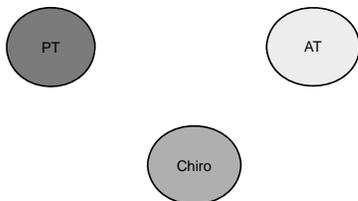
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## Overlapping Scopes of Practice



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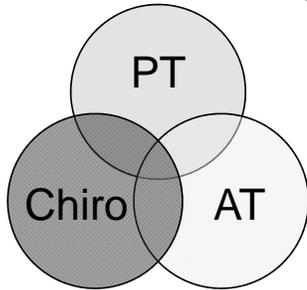
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## Overlapping Scopes of Practice



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## Licensure

- ORC §4755.05:
  - "No person who does not hold a current license... shall practice or offer to practice occupational therapy..."
- ORC §4755.48 (B):
  - "No person shall practice...physical therapy...unless the person holds a valid license..."
- ORC §4755.62 (A):
  - "No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, unless the person is licensed..."

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## Why Have Licensure?

- Professions seek licensure to:
  - Ensure minimum qualifications.
  - Restrict practice.
  - Strengthen entry into practice.
  - Public protection.
  - Legitimize profession.
    - Public recognition; Reimbursement recognition
- States seek licensure to:
  - Protect public health, safety, and welfare.

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## The Purpose of Regulatory Boards

- Establishing requirements for entry into profession.
- Adopting administrative rules.
- Disciplining licensees.
- Assuring continued competence of licensees.

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## Establishing Entry Requirements

- Education/Experience needed for licensure.
  - E.g.: Graduation from accredited program.
- Assessing initial competence.
  - Entrance examination.
    - Passing score indicates individual is minimally competent to practice at an entry level.

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## Adopting Administrative Rules

- The law (Ohio Revised Code) is adopted by the legislature.
  - The law delegates rule making authority to the regulatory board.
- Rules (Ohio Administrative Code) are adopted by the Board.
  - Board must have statutory authority for all rules.
  - Rules meant to clarify and implement the law.
- Do boards abuse rule making authority?
- In Ohio, rules reviewed at least 1x every 5 years.

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## Disciplining Licensees

- Aside from licensure, discipline is most important function of boards.
- The law limits the violations that the board can take disciplinary action for and limits types of disciplinary action.
  - Ex: Ohio OTPTAT Board had no authority to levy fines prior to April 6, 2007 (HB 403).

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## Assuring Continued Competence

- Initial competence is assured, what happens once they're licensed?
- Maintain license provided they pay renewal fee in most cases... how does the Board know if the licensee is still competent?
  - Continuing education requirements established.
- Does CE = continued competence?
  - Probably not.

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## Board Operations

- OTPTAT Board
  - 20 Board members (appointed by Governor).
  - 8 Full-time employees (Executive Director hired by Board).
- The Board sets policy.
  - The staff implements those policies.
  - Staff cannot make any final decisions on discipline, waiver requests, licensing, etc., unless the Board delegates action to staff.

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## Board Funding

- Ohio Boards are self-funded.
  - All operations funded by license fees.
  - No General Revenue Funds (tax dollars).
- Fees are established to ensure sufficient funding for at least five year period.
  - Goal was to have 150% reserves to cover emergency situations.
  - \$30 million transferred out of Fund 4K90 in June 2011.

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## Board Composition – OT Section

Member	City	Term Expires	Term
Mary Stover	Columbus	2012	2 <sup>nd</sup>
Jean Halpin	Westerville	2011	1 <sup>st</sup>
Becky Finni	Amelia	2013	2 <sup>nd</sup>
Kim Lawler	Frazeysburg	2013	2 <sup>nd</sup>
Nan Shoemaker	Miamisburg	2012	2 <sup>nd</sup>

All terms expire on Aug. 27 of designated year. Pursuant to ORC 4755.01, members shall not serve for more than 3 consecutive terms.

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## Board Composition – PT Section

Member	City	Term Expires	Term
Marilyn Mount	Cleveland Heights	2013	2 <sup>nd</sup>
Sam Coppoletti	South Webster	2012	2 <sup>nd</sup>
Ray Bilecky	Columbia Station	2011	2 <sup>nd</sup>
Tom Caldwell	Galena	2011	2 <sup>nd</sup>
Dale Deubler	Columbus	2011	1 <sup>st</sup>

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## Board Composition – PT Section

Member	City	Term Expires	Term
Mary Kay Eastman	Athens	2013	2 <sup>nd</sup>
Karen Holtgreffe	Cincinnati	2012	1 <sup>st</sup>
James Lee	Wadsworth	2013	1 <sup>st</sup>
Kimberly Payne	Columbus	2011	1 <sup>st</sup>
All terms expire on Aug. 27 of designated year. Pursuant to ORC 4755.01, members shall not serve for more than 3 consecutive terms.			

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## Board Composition – AT Section

Member	City	Term Expires	Term
Rebekah Bower	Centerville	2011	1 <sup>st</sup>
Brian Hartz	Pataskala	2011	1 <sup>st</sup>
Jason Dapore, DO	Columbus	2013	2 <sup>nd</sup>
Aaron Galpert	Wadsworth	2013	2 <sup>nd</sup>
Vince O'Brien	Columbus	2012	3 <sup>rd</sup>
All terms expire on Aug. 27 of designated year. Pursuant to ORC 4755.01, members shall not serve for more than 3 consecutive terms.			

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## Board Composition

- The Board also has a public member who represents the interests of consumers.
  - Jan Allen, Columbus. Term expires 2011.
- To seek an appointment to the Board, you need to contact the Governor's Office and download the application.

<http://governor.ohio.gov>

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## Criminal Records Checks

- Only applies for initial license application
  - No fingerprints needed for renewal or reinstatement
- Felony conviction will not automatically eliminate possibility of licensure
- Out of state fingerprints take ~3-4 months
- In state fingerprints take 2-3 weeks.
  - Plan accordingly if hiring from out of state!

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## Consumer Education

- Each Section of the Board developed informational guides about the professions and role of the Board for consumers
- Documents available under "Consumer" section of the website
- Licensees are permitted AND ENCOURAGED to print copies to make available to clients

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The screenshot shows the website for the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. The page is titled "Consumer Information" and features a navigation menu with links to Home, Occupational Therapy, Physical Therapy, Athletic Training, Consumers, and Rules Updates. A dropdown menu is open under "Consumers", listing options like Enforcement, Board Listservs, Demographics, Performance Measures, and Policies. The main content area includes an "Information" section with links to Annual Reports, Board Members and Staff Calendar, Discipline/Enforcement, Expired License Listings, Fee Listings, Laws and Rules, License Lookup/Verification, Missing List Requests, Mission Statement, Name Change Form, Address/Employment Change Form, Duplicate Mail Certificate Requests, Directions to the Board Office, Request Verification for Another State, Online License Renewal, On-Line Initial License Application, Ohio e-License Center, and Joint Board Meetings. A "SCAM ALERT" banner is visible, warning about a scam involving a "Veteran Investment" and "income just assets at risk". At the bottom, contact information for Jeffrey W. Ross, Executive Director, is provided, including the address (77 S. High Street, 10th Floor, Columbus, Ohio 43215-6100), phone number (614-465-8774), fax number (614-465-0814), and email (jeff.ross@ohio.gov).

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