

Licensure... What Is It Good For?

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Ohio Occupational Therapy, Physical Therapy, and Athletic
Trainers Board

Topics

- Why States Regulate Professions
- Information About the Board
- How Rules are Changed
- Renewal Cycle Change

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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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Registration

- Requirement that individual register with the state.
 - No requirement that individual demonstrate minimal standards of competence or education.
 - Used when low probability that individual could inflict harm on the public.
- ORC §4719.02
 - "No person shall act as a telephone solicitor without first having obtained a certificate of registration . . . from the Attorney General under section 4719.03 of the Revised Code."

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Certification

- Regulates the specific use of occupational titles.
- Prevents individuals who are not certified from using a designated title but does not prevent them from performing the same or similar functions.
- Assumption that individual must meet minimal standards established by the private certification body.

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Certification

- ORC §4777.02:
 - “No person shall assume or use the title or designation “Certified Industrial Hygienist”... unless the person has been awarded the title by American Board of Industrial Hygiene....”
- ORC §4777.03(A):
 - “In order to use the title “Certified Industrial Hygienist” or the abbreviation “CIH,” a person shall possess a valid, unexpired certification from the American Board of Industrial Hygiene.”

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Licensure

- Permission granted by the government permitting an individual to practice an occupation or profession.
- Licensing certifies that a person meets minimum qualifications/competency needed to ensure that the public’s health, safety and welfare is reasonably protected.
- Only licensed individuals may engage in the activities statutorily established in that profession’s scope of practice.

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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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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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Disciplinary Process

- Licensees guaranteed due process rights.
 - All actions must follow ORC Chapter 119.
- Board receives and investigates complaint.
 - Board member, enforcement staff, AAG review investigation findings.
- Notice of Opportunity for Hearing issued.
- Administrative hearing conducted by Hearing Examiner.
- Full Board reviews Hearing Examiner findings.

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Disciplinary Process

- Board issues Adjudication Order.
 - Specifies the violation and the disciplinary action taken.
- Licensee may appeal order to court of common pleas.
- Most investigations settled via consent agreement in lieu of formal hearing.

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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).
 - 9 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 is to have 150% reserves to cover emergency situations.
 - Goal to limit fee increases while also maintaining reasonable fees.
 - Benchmark vs. other boards.

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Board Composition – OT Section

Member	City	Term Expires	Term
Kim Lawler	Frazeytsburg	2010	1 st
Jean Halpin	Westerville	2011	1 st
Becky Finni	Amelia	2010	1 st
Nan Shoemaker	Miamisburg	2009	1 st
Mary Stover	Columbus	2009	1 st

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
Ray Bilecky	Columbia Station	2011	2 nd
Marilyn Mount	Cleveland Heights	2010	1 st
Donna Baker	Hamilton	2009	5 th
Tom Caldwell	Galena	2011	2 nd
Sam Coppoletti	South Webster	2009	1 st

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Board Composition – PT Section

Member	City	Term Expires	Term
Dale Deubler	Columbus	2011	1 st
Mary Kay Eastman	Athens	2010	1 st
Robert Frampton	Findlay	2009	2 nd
Kimberly Payne	Columbus	2011	1 st

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
Vince O'Brien	Columbus	2009	2 nd
Rebekah Bower	Centerville	2011	1 st
Aaron Galpert	Wadsworth	2010	1 st
Brian Hertz	Pataskala	2011	1 st
Vacant, MD		2010	

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

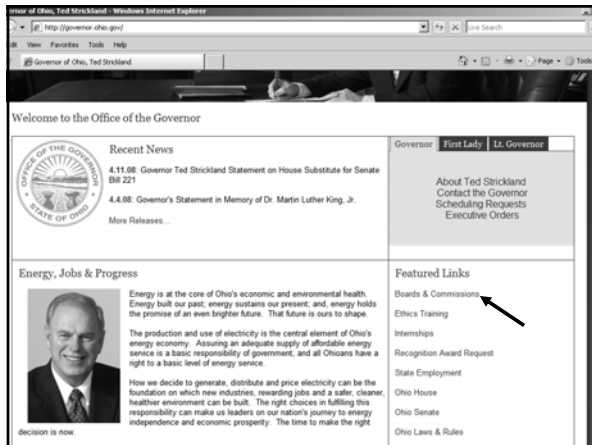
- The Board also has a public member who represents the interests of consumers.
 - Genevieve Dennison – New Richmond. 1st term expires in 2011
- To seek an appointment to the Board, you need to contact the Governor's Office and download the application.

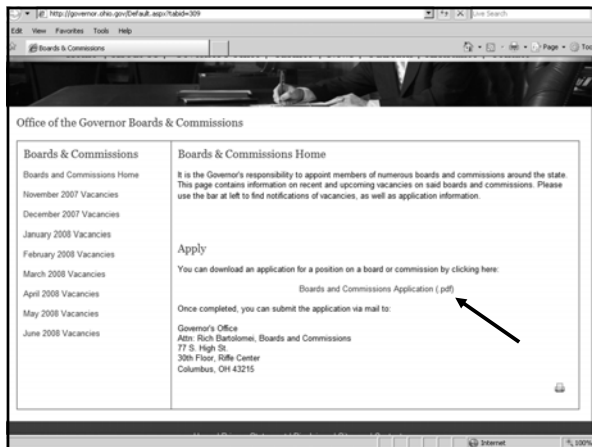
<http://governor.ohio.gov>

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How Rules Are Changed

- Rule review is a public process.
 - Board seeks input on initial draft before rule language is filed.
 - Information on proposed changes sent to listserv and posted on the Board's website.
 - Once filed, full text of the rules is available at:
<http://www.registerofohio.state.oh.us>
 - Public hearing on proposed changes required.
- Board's goal is new rules go into effect on May 1.

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New Renewal Cycles

- Board adopted new renewal cycle rules in fall 2007.
- Renew by profession, not last name.
- By July 1, all licensees in correct cycle

License	Renewal
OT	June 30 in odd years
OTA	June 30 in even years
PT	Jan. 31 in even years
PTA	Jan. 31 in odd years
AT	Sept. 30 in even years

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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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Listserv

- Each Section has its own listserv
- Important news announced on listserv
 - Rules changes
 - New information posted to website
- To join, send an email to:
board@otptat.ohio.gov

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Contacting the Board

- Email: board@otptat.ohio.gov
- Internet: <http://otptat.ohio.gov>
- Phone: 614-466-3774
- Fax: 614-995-0816
- Mail:
Ohio OTPTAT Board
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Columbus, OH 43215-6108

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