

any fee increases. The bill also allows the OTPTAT Board to deposit all fees, not just licensing fees, in the state treasury to the credit of the Occupational Licensing and Regulatory Fund (Fund 4K9).

- The bill removes the requirement that the Board member who represents the public be at least 60 years old. It also adds a requirement that this Board member must attend at least three meetings, annually, of each of the three sections of the Board. According to the Board, the estimated increase in expenditures would be up to \$2,000 per year for travel expense reimbursement and salary.
- The bill changes the penalties for the unauthorized practice of physical therapy, occupational therapy, and athletic training. These changes make the penalties for the unauthorized practice violations consistent for all three professions. A detailed table of the penalty changes can be found in the LSC bill analysis. In some cases, penalties are higher and in others, the penalties are reduced.
- Under current law, the Occupational Therapy and Physical Therapy sections may collect half of any penalty fees. The bill would allow all sections of the Board to collect half of any penalty fees collected by counties and municipal corporations for unauthorized practice violations. There is a potential revenue gain for the state depending on the number of violations from the Athletic Trainers section.
- The bill requires the Board to refund one-half of the application fee if the Physical Therapy section does not approve a physical therapist or physical therapist assistant applicant to sit for the required national examination within 120 days of receiving a completed application.
- Under a provision in the bill, the Physical Therapy section is required to send a foreign applicant written notification if the section denies the applicant's application. This provision would result in a minimal increase in administrative costs.
- Current law does not require a person sanctioned by the appropriate section to pay for administrative hearing costs. The bill requires the sanctioned person to pay these costs and requires the Physical Therapy section to forward a person's name to the Attorney General for collection if he or she fails to pay an assessed civil penalty. This provision will result in an increase in administrative costs for the Attorney General's Office if the Board has to make use of this provision. The increase will depend on the number of people forwarded to the Attorney General's Office for collection. Both the Board and the Attorney General's Office could also experience a revenue increase if this provision is exercised.
- The bill requires a person to obtain a license from the Physical Therapy section before teaching a physical therapy theory and procedures course, unless he or she is licensed in another state or completed the requirements for physical therapy in a foreign country and is not licensed in any state. The Board may experience a revenue gain based on the number of people applying for licenses who meet these conditions. However, the number of potential applicants under this provision cannot be estimated.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
Counties and Municipalities			
Revenues	Potential gain depending on prosecutable cases	Potential gain depending on prosecutable cases	Potential gain depending on prosecutable cases
Expenditures	Potential minimal increase depending on prosecutable cases	Potential minimal increase depending on prosecutable cases	Potential gain depending on prosecutable cases

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- The bill requires that the OTPTAT Board and prosecuting counties and municipal corporations each receive one-half of any fees collected from penalties of unauthorized practice of occupational therapy, physical therapy, and athletic training. Although no misdemeanor cases were filed in FY 2005, the Board received 243 disciplinary complaints.¹ Counties and municipalities could experience a gain in revenue should stronger disciplinary action be taken.
- The bill allows any section of the Board to apply to an appropriate court for an order enjoining violation of Board regulations and requires local governments to conduct prosecution proceedings. Counties and municipalities would experience an increase in expenditures due to the costs of prosecuting unauthorized practice violations.

¹ OTPTAT Fiscal Year 2005 Annual Report.

Detailed Fiscal Analysis

The bill reorganizes the Ohio Revised Code chapter that governs the occupational therapy, physical therapy, and athletic training occupations. In addition, the bill expands the Board's regulatory power and restructures the renewal cycle for all three sections of the Board.

The bill restructures the Board's membership requirements and adds term limits for members of the Board. The bill also changes the public representative requirements. The public member of the Board no longer has to be age 60 or older, but is required to attend at least three meetings annually. According to the Board, the additional costs for this requirement is approximately \$2,000 per year for travel expense reimbursement and salary.

Adding a requirement to the annual report, recommendations and findings with regard to the "status" of the professions of physical therapy, occupational therapy, and athletic training, may increase Board administrative costs. However, specific costs are not known at this time.

Notification to current occupational therapy, physical therapy, and athletic training license holders would cause minimal expenditure increases for printing and postage. However, the Board is placing a greater emphasis on using electronic means of communication through its web site to post electronic versions of applications and annual newsletter. If the Board is able to use electronic communication, notification costs could be minimized.

The bill allows the Board to assess fines on license or limited permit holders. The potential gain in revenue for the Board based on the number of disciplinary actions from the OTPTAT web site from the beginning of the fiscal year through March 2006 is negligible. Under current law, only Occupational Therapy and Physical Therapy sections may collect half of any penalty fees. The bill would allow all sections of the Board to collect half of any penalty fees collected by counties and municipal corporations for unauthorized practice violations. The bill requires that one-half of the fines collected be distributed to the appropriate section and then paid into the state treasury to the credit of the Occupational Licensing and Regulatory Fund. The other one-half of fines collected must be distributed to the treasury of the municipal corporation in which the offense was committed or, if the offense was committed outside the limits of a municipal corporation, to the treasury of the county in which the offense occurred. A gain in revenue could occur depending on the number of penalties assessed each year. According to the Board, from July 2005 to March 2006, 18 licensees were disciplined.

The specific descriptions of violations for the unauthorized practice of physical therapy, occupational therapy, and athletic training, as well as the corresponding penalties for these violations in current law and the bill, are outlined in detail in the LSC bill analysis. Prosecuting these offenses at the local level could increase expenditures, however, according to the Board, many local courts lack the time and resources to pursue these violations.

The bill also modifies the physical therapy licensure procedure. If the Physical Therapy section fails to approve an applicant to sit for the required national examination for physical therapists or physical therapist assistants within a 120-day window, half of the application fee is

to be refunded. In FY 2005, the section processed more than 700 new applications and issued notifications within the 120-day window.

A provision of the bill requires the Physical Therapy section, if it does not find a foreign applicant's education reasonably equivalent, to send a written notice to the applicant stating the section is denying the application and the specific reasons for the denial. There is a potential minimal administrative cost increase to send notices to applicants depending on the number of foreign applicants who apply for physical therapy licenses.

Under current law, there is no provision for fees for administrative hearings. The bill would require a person sanctioned by the appropriate section of the Board to pay for administrative hearing costs. Depending on the number of administrative hearings, the Board's revenues could increase. However, the increase may offset expenditures for the administrative hearing costs.

The bill requires a person to obtain a license from the Physical Therapy section before teaching a physical therapy theory and procedures course, unless he or she is licensed in another state or completed the requirements for physical therapy in a foreign country and is not licensed in any state. The exempted persons are allowed to teach a physical therapy theory and procedures course for up to one year before being required to obtain a license. Depending on the number of people who would be affected by this provision, the Board may experience a minimal revenue gain.

The Physical Therapy section is required to forward a person's name to the Attorney General for collection if he or she fails to pay an assessed civil penalty. Administrative costs for the Attorney General's Office will increase if the Board refers a person for collection. The costs associated with implementing the collection provision cannot be determined. A revenue increase from the fines collected would benefit the Board and the Attorney General's Office. Current law allows the Attorney General's Office to collect up to 11% of any collection fees received and be deposited into Fund 419 to offset administrative costs. An estimate of the amount of fines collected cannot be determined.

The bill allows the Physical Therapy section to apply to the court of common pleas in the county where the violation occurred to require a person to appear for a hearing. County courts of common pleas administrative costs could experience an increase if the Physical Therapy section exercises this provision in the bill.

LSC fiscal staff: Deauna Hale, Budget Analyst

HB0403SP/lb