



May 11th, 2017

The Honorable Robert Hackett, Chairman
Senate Finance Health and Medicaid Subcommittee
South Hearing Room
Ohio Statehouse
Columbus, Ohio 43215

RE: Board Consolidation Proposal in House Bill 49 (State Operating Budget)

Chairman Hackett and Members of the Senate Finance Health and Medicaid Subcommittee—

On behalf of the Ohio Occupational Therapy Association, I am writing today to offer comments on House Bill 49 and potential changes to the structure of Ohio's healthcare licensure boards. I appreciate the opportunity to share with you our concerns over board consolidation. As you know, Governor Kasich's budget proposal included a significant restructuring of many healthcare licensure boards, including the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (OTPTAT Board). The proposal would have merged the OTPTAT board with the State Board of Orthotics, Prosthetics, and Pedorthics (OPP Board). The OTPTAT Board currently manages more than 27,000 licensees, while the OPP Board has approximately 400.

Currently, the OTPTAT board oversees three different professions and has a total of sixteen members of the joint board. As is the case with other licensure boards, OTPTAT board members receive limited compensation for direct meeting time only and reimbursement for expenses incurred traveling to and from Columbus. Much of the work of the OTPTAT board is done through three distinct 'sections', which ensure each profession is directly regulated by licensees of that profession.

The OT section is made up of five board members—four occupational therapists and one occupational therapy assistant. These members meet seven times a year to conduct OT section business along with their responsibilities on the joint board. Occupational Therapists and Occupational Therapy Assistants support this structure and feel confident that questions raised to the OT section and actions taken by the OT section are in the best interest of their consumers.

It is important to note that the OTPTAT board and other healthcare licensure boards are not funded with taxpayer dollars; they are supported completely by license fees. Further, the OTPTAT board operates on a surplus, which means it contributes more to the 4k90 fund than the board's budget consumes. This proposal does not result in any savings or any reduction in the expenses of the board. Further, we strongly believe that any savings that could be incurred should be passed along to licensees.

The structure of the proposed Physical Health Services Board would have reduced representation of occupational therapy from five seats to a maximum of two; most of the time, there would only be one occupational therapist on the proposed nine member board. Occupational Therapists and Occupational Therapy Assistants practice in a number of different settings and work with different populations. Effective regulation of this profession demands diverse representation on any licensure board. The current structure of the OTPTAT board provides this.

The primary goal of each licensure board is protecting the public; to accomplish this, the board members and staff work tirelessly to provide information to licensees. Often the board will receive inquiries from occupational therapists, occupational therapy assistants, the public and other licensees regarding tasks allowed under their scope of practice, documentation requirements, or legal and ethical questions. The Board is able to respond accurately and quickly to these inquiries because there are a number of qualified practitioners serving on the board. Any reduction in the board's professional members would place an additional burden on paid staff to fill in the gaps without the expertise of the practicing professionals.

We are pleased that the Ohio House of Representatives removed the proposed merger of the OTPTAT Board and the OPP Board prior to passage of House Bill 49. The version of HB 49 currently in the Senate makes no changes to the structure or mission of the OTPTAT Board. Our members support this and would ask that you avoid making changes to the OTPTAT Board during consideration of HB 49. These licensees have paid fees which support the OTPTAT Board, and we strongly believe any changes made to the board must have support from those licensees.

Separately from the board consolidation proposal, there is another provision in HB 49 that establishes a new process for reviewing any licensure board decision that would impact market participation and competition. The Governor's Proposal placed this new anti-trust review within the Department of Administrative Services, while the House version of HB 49 moved this process to the Common Sense Initiative. This new review is meant to respond to a recent U.S. Supreme Court Decision involving the North Carolina Board of Dental Examiners.

We understand the need to address this issue and put new protections in place to ensure licensure board members are not the targets of an anti-trust suit. Our organization does not have opinion regarding where to place this new anti-trust review process. Further, based on the language in HB 49, OOTA does not have any concerns with this process or the parameters wherein an anti-trust review would be triggered. We believe this issue unrelated to board consolidation and, unlike board consolidation, believe it to be important and necessary.

In closing, I would like to again stress that we support the House changes to HB 49 related to board consolidation. These changes ensure the OTPTAT Board can continue to serve occupational therapists, occupational therapy assistants, and other licensees. I appreciate your time and consideration.

Sincerely

Marc Schaffer, President for the members of the Ohio Occupational Therapy Association, Inc.