

**Rule Summary and Fiscal Analysis (Part A)****Department of Health**

Agency Name

Division

**Kaye Norton**

Contact

**246 North High Street Columbus OH 43215-0000**

Agency Mailing Address (Plus Zip)

**614-644-8184**

Phone

Fax

**Kaye.Norton@odh.ohio.gov**

Email

**3701-45-04**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Requirements for audiologists and hearing aid dealers and fitters participating in the Ohio hearing aid assistance program.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB59**General Assembly: **130**Sponsor: **Schuring**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **Am. Sub. H.B. 59 of the 130th G.A.**

5. Statute(s) the rule, as filed, amplifies or implements: **Am. Sub. H.B. 59 of the 130th G.A.**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Proposed new O.A.C. Chapter 3701-45 will implement an earmarked program for assisting low income families with the purchase of hearing aids funded by the Ohio

Legislature in Section 285.20 of Amended Substitute House Bill 59 (Am. Sub. HB 59) of the 130th General Assembly.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

O.A.C. Rule 3701-45-04 outlines the eligibility requirements for audiologists and hearing aid dealers and fitters who wish to provide assistance to families through this program and provides the framework for an application package.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references proposed new Ohio Administrative Code 3701-45-03, O.A.C. Chapter 4753; and the "American Academy of Audiology Clinical Practice Guidelines, Pediatric Amplification," June 2013 issue. The texts cited are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Exempt pursuant to Revised Code sections 121.75 and 121.76.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

## 12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase revenues.

\$1,250.00

It is anticipated that this program will require approximately 40 hours of time at an average of \$25 per hour for the development of an RFP, award of a contract, meetings with the contractor to ensure program is set up and functioning as anticipated, and an additional 10 hours at \$25 per hour for oversight and monitoring by Ohio Department of Health.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

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15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This program will require completion of an application by the family and proof of income. With an average time of 30 minutes to complete the application and another 15 minutes to procure a copy of the verification of income, cost per family application would be \$18.75 (45/60 X \$25).

The fees set for audiologists and hearing aid dealers and fitters providing services within this program (approximately \$500 for binaural fitting for existing audiology hearing aid assistance programs) should cover the basic costs for processing the

application, making ear molds, and fitting the hearing aids to the child so the net impact on providers should be budget neutral.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Providers of hearing aid assistance to children under this program must be licensed as audiologists (R.C. Section 4753.07) or as hearing aid dealers and fitters (R.C. Section 4774.04).

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Audiologists and hearing aid dealers and fitters must complete an application including their licensure information for the purchase of hearing aids for the child, and submit it along with a family application in order to request reimbursement for services from this hearing aid assistance program.