

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4753-2-01

Rule Type: No Change

Rule Title/Tagline: Telehealth communication.

Agency Name: Ohio Speech and Hearing Professionals Board

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 9/20/2023 and 09/20/2028
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4744.28, 4753.05
5. What statute(s) does the rule implement or amplify? 4753.02, 4753.06
6. What are the reasons for proposing the rule?

The public purpose of this rule is consumer protection by ensuring service delivery via telehealth is equivalent to face-to-face delivery services.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule specifies the requirements for the delivery of services by speech-language pathologists and audiologists via telehealth, such as licensure requirements, ensuring encryption during telehealth, accessing whether telehealth is appropriate based on the patients/clients condition, etc.

8. Does the rule incorporate material by reference? No
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

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Not Applicable

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

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

In order to provide speech-language pathology or audiology services via telehealth, the provider must be licensed as a speech-language pathologist or audiologist.

- 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? Yes**

Providing telehealth services without a license constitutes practice without a license, which is a violation of Ohio Revised Code section 4753.02. Providing telehealth services in violation of the provisions can subject the licensee to disciplinary action by the board.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

Providing services via telehealth can reduce costs for businesses in the delivery of services compared to face-to-face visits. It can also help reduce the costs for patients/clients who do not need to travel for a face-to-face therapy session.