

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4753-2-01

Rule Type: Amendment

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? No

A. What is the rule's five year review date? 9/18/2023

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?

This rule is being proposed as a result of the board consolidation which created the Ohio Speech and Hearing Professionals Board on January 21, 2018 and a clean-up statute under HB 420 which streamlined licensure requirements.

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

to-face delivery services. The rule is being amended primarily due to the board consolidation pursuant to Am. Sub. H.B. 49 (132nd G.A.). Specifically, this rule is being amended to update the Board's new name which is referenced in the rule, e.g., Ohio Speech and Hearing Professionals Board.

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. 121.71 to 121.76, 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. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

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?**

The nature of the adverse impact from this rule will be the time and costs to licensees and businesses for compliance with the requirements for the delivery of services via telehealth communications. The Board cannot calculate the actual costs for equipment and training necessary to meet the requirements; however, the rule does not require additional compliance above and beyond what businesses and licensees already have to meet when providing telehealth services to consumers. For example, telehealth services must be encrypted to protect the patient's confidentiality. Employers and licensees are already required to protect and maintain

the confidentiality of patient information under federal law, e.g., the Health Insurance Portability and Accountability Act (HIPAA).

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

III. Common Sense Initiative (CSI) Questions

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

Individuals must be licensed as a speech-language pathologist or audiologist in order to deliver telehealth services to patients/clients who are receiving those services within the State of Ohio.

- 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

Individuals who do not comply with this rule are subject to disciplinary action by the Board, which may include reprimand, suspension, revocation, probation, etc.

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