



## NOTICE OF PUBLIC HEARING

The Ohio Board of Speech-Language Pathology and Audiology (Board), pursuant to Chapter 119, of the Ohio Revised Code, hereby gives notice that it will conduct a public hearing for the purpose of considering the adoption, amendment, and recession of rules.

The public hearing will be conducted on **Thursday, June 27, 2019, at 10:00 a.m. at the Vern Riffe Center for Government and the Arts**, located at 77 South High Street, 31<sup>st</sup> Floor; Columbus, Ohio, 43215. The hearing will take place in the **Board Room** and continue until all parties in attendance have had an opportunity to be heard.

Oral or written testimony may be presented by any person affected by the proposed action.

***The following rules are being proposed as new rules:***

**4744-1-01 - Procedure for adoption of rules**

This rule specifies the procedures the Board can adopt, amend, or rescind administrative rules. The public purpose of this rule is to ensure the Board provides public notice and an opportunity for the public to be heard when rules are being considered.

**4744-1-02 - Method of determining time and place of meetings**

This rule specifies the procedures the Board can hold its board meetings. The public purpose of this rule is to ensure the public can determine the time, date, and location of board meetings so that the public can attend.

**4744-1-03 - Personal information systems**

This rule specifies the requirements for the Board collecting and maintaining personal information in its licensure database. The public purpose of this rule is to ensure that personal information being collected from individuals applying for licensure is appropriately maintained by the Board.

**4744-1-04 - Duties of officers and staff**

This rule specifies the duties of the Board President, Board Secretary, and Executive Director. The public purpose of this rule is to ensure board officers and staff appropriately carry out their duties.

**4747-1-22 – Fees**

This rule specifies the fees that the Board may assess for licensure applications. The public purpose of this rule is to ensure the Board collects revenue to be self-sustaining in order to fulfill its mission of consumer protection, and to inform the public of the requisite fees for licensure applications.

**4747-1-23 - Code of Ethics**

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This rule establishes a code of ethics governing the professional conduct of hearing aid dealers, hearing aid fitters, and trainee permit holders. The public purpose of this rule is to ensure consumer protection by establishing ethical standards that licensees must adhere to when providing professional services to consumers.

***The following rules are being proposed as amended rules:***

**4747-1-11 - Renewal Procedures**

This rule specifies the licensure renewal and continuing education requirements for hearing aid dealers and fitters. The public purpose of this rule is to ensure licensees renew their license in a timely manner and maintain and develop their competency by completing continuing education for consumer protection. The rule is being amended due to the board consolidation pursuant to Am. Sub. H.B. 49 (132nd G.A.). Specifically, the continuing education requirements for hearing aid fitters are being aligned to their two-year license renewal period, pursuant to Sub. H.B. 420 (132nd G.A.).

**4747-1-12 - Duplicate certificates**

This rule specifies the requirements for requesting a duplicate wall certificate. The public purpose of this rule is to ensure that licensees are displaying their wall certificate in a conspicuous place where the licensee provides services to consumers. 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, e.g., Ohio Speech and Hearing Professionals Board and for other rule clean-up due to the passage of Sub. H.B. 420 (132nd G.A.), effective April 5, 2019. Sub. H.B. 420 made additional statutory clean-ups to streamline board operations. For instance, the hearing aid dealers and fitters license renewal period was change from an annual renewal to a two-year renewal period. The continuing education requirements for hearing aid fitters was changed from ten hours every year to twenty hours every two years. The application and renewal fees for hearing aid dealers and fitters were removed from statute and will be determined by administrative rule. The grounds for disciplinary action for hearing aid dealers and fitters were changed to align with the Ohio Administrative Procedures Act under Ohio Revised Code Chapter 119.

**4747-1-13 - Sales receipt**

This rule specifies the requirements for information that licensees must provide to consumers on the sales receipt for a hearing aid. The public purpose of this rule is consumer protection by ensuring consumers are informed about return periods, warranties, model and serial number of hearing aids being purchased, name and contact information of the licensee who sold the hearing aid, disclosure of whether the hearing aid being purchased is new, used, or refurbished, etc. 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, e.g., Ohio Speech and Hearing Professionals Board and for other rule clean-up due to the passage of Sub. H.B. 420 (132nd G.A.), effective April 5, 2019. Sub. H.B. 420 made additional statutory clean-ups to streamline board operations. For instance, the requirement for sales receipts was deleted from statute under R.C. section 4747.09, and will be covered under administrative rule. Additionally, the hearing aid dealers and fitters license renewal period was change from an annual renewal to a two-year renewal period. The continuing education requirements for hearing aid fitters was changed from ten hours every year to

twenty hours every two years. The application and renewal fees for hearing aid dealers and fitters were removed from statute and will be determined by administrative rule. The grounds for disciplinary action for hearing aid dealers and fitters were changed to align with the Ohio Administrative Procedures Act under Ohio Revised Code Chapter 119.

4747-1-15 - Fraud and/or misrepresentation, suspension, revocation or refusal of issuance of licenses and trainee permits. This rule specifies the grounds the Board may discipline licensees for a violation of laws or rules under the practice act. The public purpose of this rule is consumer protection by ensuring licensees are disciplined for unprofessional conduct. 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, e.g., Ohio Speech and Hearing Professionals Board and for other rule clean-up due to the passage of Sub. H.B. 420 (132nd G.A.), effective April 5, 2019. Sub. H.B. 420 made additional statutory clean-ups to streamline board operations. For instance, the grounds for disciplinary action for hearing aid dealers and fitters under R.C. section 4747.12 were changed to align with the Ohio Administrative Procedures Act under Ohio Revised Code Chapter 119; this rule is being amended to align with those statutory changes.

#### 4747-1-17 - Licensee responsibilities

This rule requires licensees to utilize appropriate hearing test procedures and maintain them on file for two years. The rule also requires licensees to notify the Board of any change to their contact information. The public purpose of this rule is consumer protection by ensuring licensees utilize appropriate test procedure on consumers to whom the licensed dealer or fitter sells or fits a hearing aid for, and to ensure the Board can communicate with licensees. 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, e.g., Ohio Speech and Hearing Professionals Board and for other rule clean-up due to the passage of Sub. H.B. 420 (132nd G.A.), effective April 5, 2019. Sub. H.B. 420 made additional statutory clean-ups to streamline board operations. For instance, the requirement that licensees notify the Board of a change in address was deleted from statute under R.C. 4747.11 and will be covered under this rule.

#### 4753-2-01 - Telehealth communications

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.

#### 4753-3-01 - Application for license

This rule specifies the requirements for application for license for speech-language pathologists, audiologists, and aides. The public purpose of this rule is consumer protection by ensuring that individuals are qualified for a license. 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.

### 4753-3-03 - Notice of change of address

This rule requires licensee to notify the Board of any change to their contact information. The public purpose of this rule is consumer protection by ensuring that the Board can communicate with licensees. 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.

### 4753-3-10 - Exempt practice; renewal

This rule specifies the requirements for renewing a license and renewing a license after the license expires. The public purpose of this rule is consumer protection by ensuring that consumers are not being served by unlicensed individuals. 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. The rules is also being amended to reduce the late renewal period from one year to ninety days.

### 4753-5-01 – Fees

This rule specifies the fees that the Board may assess for licensure applications. The public purpose of this rule is to ensure the Board collects revenue to be self-sustaining in order to fulfill its mission of consumer protection, and to inform the public of the requisite fees for licensure applications. The rule is being amended to reduce the late renewal fee from \$150 to \$120.

### 4753-9-01 - Code of Ethics

This rule establishes a code of ethics governing the professional conduct of audiologists, speech-language pathologists, conditional speech-language pathologists and aides. The public purpose of this rule is to ensure consumer protection by establishing ethical standards that licensees must adhere to when providing professional services to consumers. The rule is being amended primarily due to the board consolidation pursuant to Am. Sub. H.B. 49 (132nd G.A.), which requires that the Board define specific professional conduct under a code of ethics pursuant to R.C. 4744.50. The Board is also amending this rule to update the code of ethics under Chapter 4753.

### ***The following rules are being proposed as rescinded rules:***

All of the following rules are being proposed as rescinded rules due to Am. Sub. H.B. 49 (132nd GA), which abolished the Ohio Board of Speech-Language Pathology and Audiology and Ohio Hearing Aid Dealers and Fitters Licensing Board and created the Ohio Speech and Hearing Professionals Board, effective January 21, 2018. These rules addressed procedural and administrative functions of the former boards. The administrative and procedure functions are now covered under the Ohio Speech and Hearing Professionals Board, pursuant to Ohio Administrative Code Chapter 4744.

OAC 4747

- 4747-1-01 - Public notice - rules (moved to 4744-1-01)
- 4747-1-04 - Duties and powers of the board (moved to 4744-1-04)
- 4747-1-05 - Duties of the chairperson (moved to 4744-1-04)
- 4747-1-06 - Duties of the vice chairperson (moved to 4744-1-04)
- 4747-1-07 - Duties of the secretary (moved to 4744-1-04)
- 4747-1-18 - Complaint procedures (covered under R.C. 4747.13 effective April 5, 2019 and R.C. Chapter 119.)
- 4747-1-20 - Sunshine law (moved to 4744-1-02)
- 4747-1-21 - Rules governing personal information systems (moved to 4744-1-03)

OAC 4753

- 4753-1-01 - Procedure for adoption of rules (moved to 4744-1-01)
- 4753-1-02 - Method of determining time and place of meetings (moved to 4744-1-02)
- 4753-1-04 - Personal information systems (moved to 4744-1-03)
- 4753-1-05 - Duties of officers and staff (moved to 4744-1-04)

A copy of the proposed rules referenced above may be downloaded from the Register of Ohio at [www.registerohio.state.oh.us](http://www.registerohio.state.oh.us). In addition, individuals may request a complete text of the proposed rules by contacting the Board office at the address and/or telephone number noted below. Requests may also be submitted via e-mail at [Gregg.Thornton@shp.ohio.gov](mailto:Gregg.Thornton@shp.ohio.gov).

**All interested persons will be given the opportunity to be heard at the public hearing.** Those persons who wish to provide oral testimony at the hearing are encouraged to inform the Board prior to the hearing date and may be given preference in the order of testimony.

**Written testimony received by the Board by the close of business the day before the hearing is scheduled will be considered.** Written testimony in lieu of oral testimony may be submitted by:

Written testimony brought to the public hearing; **(Note: bring 12 copies)**

Written testimony via e-mail to [Gregg.THornotn@shp.ohio.gov](mailto:Gregg.THornotn@shp.ohio.gov) **(Note: written testimony by e-mail must be received no later than one day prior to the hearing date)**

Written testimony mailed to the attention of: **(Note: written testimony by mail must be received no later than one day prior to the hearing date)**

Gregg B. Thornton, Executive Director  
**ATTN: Written Testimony for Rules Hearing**  
Ohio Speech and Hearing Professionals Board  
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