

**MEMORANDUM**

**TO:** Gregg Thornton, Ohio Board of Speech-Language Pathology & Audiology

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** March 26, 2013

**RE:** **CSI Review – Telehealth Communication** (OAC 4753-2-01)

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

The Speech-Language Pathology and Audiology Board's rule package consists of one new rule which prescribes guidelines for speech-language pathology and audiology telepractice (practice of telehealth) services. For the purposes of this proposed rule, "telehealth" is the use of technologies for the exchange of information to an individual from a provider through hardwire or internet connection.

The draft rule was filed with the CSI Office on January 28, 2013 with a public comment period ending on February 19, 2013. During that period, one public comment was received, requesting clarification about whether the licensure requirement is based on the client's physical location or permanent address. Board staff responded that licensure is based on the client's physical location at the time the services are provided.

The intent of the proposed regulation is to ensure consumers receive quality telepractice services from licensed professionals. The proposed rule addresses definitions, service delivery models,

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guidelines for the use of and limitations of telehealth, and requirements of individuals providing telehealth services.

In its BIA, the Board describes a comprehensive stakeholder outreach process for the development of the rules. The process included participation from universities, licensees, and a national expert on telepractice.

The Board acknowledges adverse impacts are created by the proposed rule for licensed audiologists and speech-language pathologists who choose to provide telepractice services. The nature of the adverse impact to licensees was identified as the time and cost of education and training to ensure compliance, as well as potential sanctions for non-compliance. In addition, CSI requested a revised BIA concerning the rule's public purpose.

After reviewing the proposed rule package and the associated revised BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules is justified.

### **Recommendations**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office