

**MEMORANDUM**

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

**FROM:** Tess Eckstein, Regulatory Policy Advocate

**DATE:** September 14, 2016

**RE:** **CSI Review – Five-Year Review 2016 (OAC 4753-1-01, 4753-1-02, 4753-1-03, 4753-1-05, 4753-3-02, 4753-3-03, 4753-3-04, 4753-3-05, 4753-3-06, 4753-3-07, 4753-3-09, 4753-3-10, 4753-5-02, 4753-6-01, 4753-7-01, 4753-7-02, 4753-7-03, 4753-10-03, 4753-11-01, 4753-11-02, 4753-11-03, 4753-11-04, and 4753-11-05)**

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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**

This rule package consists of 23 rules—three amended and 20 no-change—being proposed by the Ohio Board of Speech-Language Pathology and Audiology for review under the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on August 30, 2016, and the comment period remained open until September 8, 2016.

The proposed no-change rules pertain to a variety of topics, such as the procedure for the adoption of rules; duties of officers and staff; education and examination requirements for licensure; the licensure of aides; the supervision of speech-language pathology permit holders; and definitions, procedures, and valid reasons for accessing confidential personal information. The package also includes three rules being proposed with amendments: reinstatement of a license (4753-3-09); exempt practice, and renewal (4753-3-10); and confidentiality statutes (4753-11-04). Amendments are being proposed to remove duplicate verbiage in 4753-3-09 and 4753-3-10, and to update 4753-11-04 to include federal statutes or regulations that make medical records and college/university transcripts covered under “confidential personal information.”

Licensed audiologists, speech-language pathologists, conditional speech-language pathologists, inactive audiologists and speech language pathologists, dual licensees, and aides comprise the business community impacted by these rules. Potential adverse impacts from the rules include completing and submitting business filing statements, initial and renewal applications, and notices for a change of address; completing and paying for educational programs, student clinical experience, supervised professional experience, the national examination, and continuing education; paying fees for initial or renewal licenses, reinstatement, or relicensure; and, for some licensed speech-language pathologists and audiologists, supervising aides and permit holders. In addition, applicants may be assessed late fees if they do not submit renewal applications or fees on time. Finally, certain violations could result in noncompliance penalties (e.g. practice by an aide with an expired license is a criminal violation of sections 4753.02 and 4753.99 of the ORC).

The BIA explains that these rules are necessary because individuals with communication disorders must receive early intervention and appropriate services from a licensed speech-language pathologist or audiologist. The rules prevent harm to consumers that might otherwise be inflicted by unqualified individuals by regulating the professions of speech-language pathology and audiology to ensure that licensed individuals have appropriate education and training, and are qualified to provide professional services to patients with communication disorders. Furthermore, the rules ensure that qualified licensees are providing services under their scope of practice, which leads to proper identification and treatment of disorders and enables consumers to improve their communication skills to achieve social and vocational independence.

The Board communicated the proposed rules (through its eNewsletter) to all licensees, stakeholder groups, and employers who are signed up for a listserv that interested parties can join to receive updates about regulations. The Board also posted the rules on its website, inviting public comment, and assessed the rules during its annual strategic planning meeting. From these distributions, the Board received one comment to rule 4753-7-03 recommending that online renewal be available for aides. No changes were made to the existing rule because the State of Ohio has already scheduled the Board to begin transitioning to a new eLicensing system in 2017. One of the new system's many enhanced features will be online application and renewal for aides. Aside from this comment, no additional comments were submitted during early stakeholder outreach, nor during the CSI public comment period, indicating that the rules are overly burdensome. Therefore, the CSI Office has determined the purpose of the rules to be justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Board of Speech-Language Pathology and Audiology 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