

**MEMORANDUM**

**TO:** Diane Hoenig, Ohio Hearing Aid Dealers and Fitters Licensing Board

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

**DATE:** November 28, 2016

**RE:** **CSI Review – Hearing Aid Dealers and Fitters Licensing Board Rules (OAC 4747-1-01 to 4747-1-21)**

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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 21 rules—nine amended<sup>1</sup> and 12 no-change—being proposed by the Ohio Hearing Aid Dealers and Fitters Licensing Board for review under the statutory five-year rule review requirement. As a courtesy, the Ohio Department of Health posted these rules and a memo for all interested parties on its website. The rule package was submitted to the CSI Office on October 12, 2016, and the comment period remained open until November 10, 2016.

The proposed no-change rules pertain to a variety of topics, including providing notice of proposal of new, amended, or rescinded rules; licensing requirements; Board member duties; reciprocity; trainees; fraud; advertising; testing requirements; public access to records; and rules governing personal information systems. The package also includes nine rules, proposed with amendments, which pertain to definitions; duties and powers of the Board; licensure and permit applications; examinations; renewal procedures; duplicate certificates; sales receipts; licensee responsibilities; and complaint procedures. Amendments are being proposed to add definitions; clarify requirements; provide for more current methods of communication; allow the Board more flexibility in arranging annual meetings; and establish the Ohio eLicense system as a method for

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<sup>1</sup> OAC 4747-1-08 is being amended by more than 50 percent. Therefore, the Legislative Services Commission requires that the rule be rescinded and replaced with a new rule with the same number.

applying for initial licensure, as well as licensure renewal.

The business community impacted by these rules includes all persons and businesses who are, or wish to be, licensed as hearing aid dealers or fitters in Ohio. Potential adverse impacts for those with, or hoping to obtain, a license include covering the costs of initial and continued education, licensing exams, duplicate certificates, and initial and renewal applications; completing and submitting application and renewal forms; passing exams; retaining and submitting various types of documentation; including required information on sales receipts; updating information; and maintaining equipment. Potential adverse impacts for employers include covering the costs of supervision, training, and developing training materials. The rules also detail various duties specific to Board members. Finally, failure to comply with any of the rule requirements could result in disciplinary action by the Board, including suspension, revocation, or denial of licensure. The BIA explains that these rules are necessary because they promote consumer protection by reducing instances of improperly-performed testing, which can cause injury to a consumer. The rules ensure that licensed individuals acquire appropriate education and training, and are qualified to provide professional services to those with hearing disorders.

The Board extended an invitation to associations, licensees, and former members to join the Board's Rule Review Committee in April 2016. The Committee met in May 2016 to discuss the proposed rules and prepare revisions. During this process and subsequently, the Board received no opposition from licensees or other stakeholders regarding the rules. One comment was submitted during the CSI public comment period expressing support for the proposed amendments. No comments were submitted 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 Hearing Aid Dealers and Fitters Licensing 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