

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Hearing Aid Dealers and Fitters Licensing Board

Regulation/Package Title: Hearing Aid Dealers and Fitters Licensing Board rules

Rule Number(s): 4747-1-01 to 4747-1-21

Date: October 11, 2016

**Rule Type:**

☐ New

☒ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

1. Please briefly describe the draft regulation in plain language.

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Twenty-one administrative rules are being submitted to the Common Sense Initiative Office as one package. A brief description of each rule under this package follows and are grouped into two categories, e.g., “no-change” and “proposed change.

### **No-Change Rules**

1. 4747-1-01 Public notice
2. 4747-1-03 Licensing requirements
3. 4747-1-05 Duties of the Chair
4. 4747-1-06 Duties of the vice Chair
5. 4747-1-07 Duties of the secretary
6. 4747-1-10 Reciprocity
7. 4747-1-14 Trainees
8. 4747-1-15 Fraud
9. 4747-1-16 Advertising
10. 4747-1-19 Rules on Testing
11. 4747-1-20 Sunshine law
12. 4747-1-21 Rules governing personal information systems

### **Amended Rules**

13. 4747-1-02 Definitions and interpretations
14. 4747-1-04 Duties and powers of the board
15. 4747-1-08 Application for license and permits.
16. 4747-1-09 Examination
17. 4747-1-11 Renewal procedures
18. 4747-1-12 Duplicate certificates
19. 4747-1-13 Sales Receipt
20. 4747-1-17 Licensee responsibilities
21. 4747-1-18 Complaint procedures

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

Ohio Revised Code section 4747.04

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

These rules do not implement a federal requirement or being amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

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This question is not applicable since these rules do not implement a federal requirement.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The public purpose for the rules listed under this rules package is to promote consumer protection. For instance, the rules regulate the professions of hearing aid dealers and fitters in Ohio to ensure that licensed individuals have the appropriate education and training, and are qualified to provide professional services to patients/clients with hearing disorders. Additionally, the public purpose for these regulations is to ensure that qualified licensees are providing services under their scope of practice, which enables consumers to possess maximum hearing to achieve their social and vocational independence.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The Board's measurement of success of these rules will be through the education / enforcement programs. The rules are written to be easy to understand. The Board has not received any complaints or concerns from stakeholders, licensees, or the public about these rules. The clearly written rules and regulations enables easy compliance.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

In April 2016 the Board communicated to licensees, Associations, and former members an invitation to join the Rule Review Committee. Through email, calls, and website sign up. The committee met in May 2016 to discuss and prepare updates.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

The Board has received no opposition from licensees, stakeholder groups, or interested parties regarding these rules.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Scientific data to support the regulations is not applicable.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

The rules included in this package for 5-year review were modeled after other state regulatory boards. The State of Ohio is transitioning boards to a new eLicensing system, e.g., eLicense 3.0. The

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Board is scheduled to begin the process of transitioning over to the new system in 2017 with this in mind the updates streamlined online renewals and licensure.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**  
*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

The Board did not specifically consider a performance-based regulation for these rules that are subject to five-year review since the rules are being submitted as no-change. The Board concedes that some rules in this package are not performance-based because the rules dictate the process the regulated stakeholder must use to achieve compliance. Many rules within this package are requirements that the Board must adhere to, such as sunshine laws (4747-01-20), procedure for adoption of rules (4747-1-01), duties of officers and staff (4747-01-04, 4747-01-05, 4747-01-06), etc.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Hearing Aid Dealers and Fitters Board is the only state agency that regulates Hearing Aid Dealers and fitters licensure in Ohio.

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The proposed rules have been amended to be clearer and more direct in language in an effort to promote their consistent application. The Board will develop guidance documents should questions arise. The Board staff meets regularly with associations and their representatives to discuss any issues.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

The impacted business community includes persons and businesses wishing to be licensed as Hearing Aid Dealer or Fitter for Ohio licensure.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

The adverse impact for persons wishing to obtain a license includes the cost of education and the cost of the International Licensing Examination (I.L.E.). The adverse impact for employer is the cost of supervision and training time that meets the minimum curriculum requirements and developing informative materials for students.

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**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

Persons wishing to obtain Ohio hearing aid licensure must complete an educational program that meets the curriculum requirements set out in Rule 4747-01-19. The cost of obtaining the education in Ohio depends upon the method the student completes to meet the minimum educational requirements for Ohio licensure.

Information gathered found that current tuition purchased from a private sector training program is from \$279 to 299 for the trainee program and from \$849 To \$949 for a distance learning course.

The fee for the International licensing exam is \$250, none of which is paid to the Board. The licensure application fee is \$262 (See Section 4747.05(A) ORC), with a \$157 renewal fee (See Section 4747.06 ORC). The adverse impact for licensure programs is the cost incurred to develop and maintain courses that meet the minimum curriculum requirements and develop materials to provide required information to students. There is not reliable information upon which a monetary amount can be based.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Hearing Aid Dealers and fitters is a limited branch of the Hearing Industry. The rules inform prospective employees, educators, and the public about the criteria used to measure the entry level competency for the profession. The minimum curriculum requirements were developed many years ago and over several years ago by a committee consisting of practicing Hearing Aid Dealers and Fitters and educators. Improperly performed testing can cause injury to the patient/consumer.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

Most Hearing Aid Dealers & Fitters work as sole practitioners or in small businesses. The protection of the public requires that Hearing Aid Dealers and Fitters meet the same competency criteria whether practicing as a sole practitioner or in a larger, but still small, business employing several.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

There are no fines applicable to Hearing Aid Dealers or Hearing Aid Fitters or employers. Paperwork violations are limited to failure to submit renewal applications. The requirement to renew a license cannot be waived.

**18. What resources are available to assist small businesses with compliance of the Regulation?**

The Board provides information via email blasts to licensees, posting information on its website. If needed, the Board will create guidance documents to explain information that is not clear. The Board Staff is available via telephone and email.

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