



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Alicyn Carrel, Ohio Department of Health

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** November 11, 2019

**RE:** CSI Review – Ohio Hearing Aid Assistance Program (3701-45-01, 3701-45-02, 3701-45-03, 3701-45-04)

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On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

#### Analysis

This Ohio Department of Health (Department) rule package consists of four amended rules. This rule package was submitted to the CSI Office on September 23, 2019, with the public comment period open through October 23, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 23, 2019.

This rule package covers the Ohio Hearing Aid Assistance Program (OHAAP), which provides assistance to children with hearing impairments. Proposed rules include definitions, requirements for the administration of the program, eligibility requirements for the program, and eligibility requirements for audiologists and hearing aid dealers and fitter's involvement in the program. Amendments to the rules include updates to references, expanding the scope of audiology and hearing services to include assistive listening device selection and assistive listening device adjustments, updates to the eligibility parameters, removal of co-payments and addition of a sliding fee scale.

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During the period of early stakeholder outreach, the Department sought direction from the Infant Hearing Subcommittee of the Medical Advisory Council, current OHAAP providers, and the Ohio Speech and Hearing Professionals Board. The input of these groups led to some final amendments to the draft rules. Comments received during the CSI public comment period include a request for clarification of the term “trail period” and a suggestion that eligibility requirements, particularly income-based requirements, differ for families with multiple children with hearing loss. There were no changes as a result of the comments, specifically because income guidelines for eligibility are set in statute.

Impacted communities include hearing aid fitters and dealers, audiologists, and families effected by hearing loss. Business impacts include the required time, and any other administrative costs associated with completing the application process to become a program provider. The Department states that the rules are necessary to meet statutory requirements in temporary law, Section 291.20 of AM Sub HB 166 of the 133<sup>rd</sup> General Assembly.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.