



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Speech and Hearing Professionals Board

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Five Year Rule Review Package – No Change; the following rules are scheduled for five year review in 2021 and are being filed with no changes.

Rule Number(s): 4753-1-03; 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; 4753-11-05

Date of Submission for CSI Review: 10/25/2021

Public Comment Period End Date: 11/8/2021

Rule Type/Number of Rules:

New/___ rules

No Change/___X___ rules (FYR? ___X___)

Amended/___ rules (FYR? ___)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an

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adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☒ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

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

Please include the key provisions of the regulation as well as any proposed amendments.

- [4753-1-03](#) Business filing
- [4753-3-02](#) Certificate of license; display; duplicate license certificate
- [4753-3-03](#) Notice of change of address
- [4753-3-04](#) Educational requirements for licensure
- [4753-3-05](#) Student clinical experience requirements for applicants in audiology applying for licensure with at least a master's degree or equivalent obtained prior to January 1, 2006 and for speech-language pathologists
- [4753-3-06](#) Examination requirements

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- [4753-3-07](#) Professional experience requirements for licensure of applicants for audiology applying for licensure with at least a master's degree or equivalent obtained prior to January 1, 2006 and for speech-language pathology
- [4753-3-09](#) Reinstatement of license
- [4753-3-10](#) Exempt practice; renewal
- [4753-5-02](#) Speech-language pathology aide or audiology aide; fee for initial license; fee for renewal of license
- [4753-6-01](#) Screening
- [4753-7-01](#) Licensure of aides
- [4753-7-02](#) Supervision requirements; aides
- [4753-7-03](#) Renewal of aide license
- [4753-10-03](#) Supervision of speech-language pathology permit holders
- [4753-11-01](#) Definitions for accessing confidential personal information
- [4753-11-02](#) Procedures for accessing confidential personal information
- [4753-11-03](#) Valid reasons for accessing confidential personal information
- [4753-11-04](#) Confidentiality statutes
- [4753-11-05](#) Restricting and logging access to confidential personal information in computerized information systems

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

Ohio Revised Code sections 4744.28 and 4753.05(A)

4. 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?
If yes, please briefly explain the source and substance of the federal requirement.

No

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

This question is not applicable to the rules submitted under this package.

6. 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)?

There are twenty rules filed under this package. All of the rules are up for five-year rule review in 2021 and are being submitted to CSI under one package with no changes being proposed. The public purpose for the rules under this package is to regulate the practice of speech-language pathology and audiology to ensure consumer protection for individuals with communication disorders and receiving services from an audiologist or speech-language

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pathologist licensed by the Ohio Speech and Hearing Professionals Board (SHP). These rules are part of SHP's administrative rules adopted under Ohio Administrative Code Chapter 4753, which governs the practice of speech-language pathology and audiology in the State of Ohio. The public purpose for these regulations is to ensure individuals have the appropriate education and training, and meet SHP's qualifications for licensure in order to provide services to individuals with communication disorders.

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

The Board's success of these regulations is measured through its various reporting processes, such as board minutes and annual reports.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

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

If applicable, please include the date and medium by which the stakeholders were initially contacted.

SHP notified all licensees and interested parties in February 2021 via its newsletter, social media platform, and website that the twenty rules scheduled for five year review were be considered for filing as no change. SHP informed licensees and interested parties that it was accepting public comments on the five year rules. Stakeholders included the American Speech-Language-Hearing Association (ASHA), the Hearing Healthcare Alliance of Ohio (HHAO), and the Ohio Speech and Hearing Governmental Affairs Coalition (GAC). These stakeholders are national and state professional associations whose members are licensed by SHP.

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

The Board received no input or comments on any of the rules under this five year review package.

11. 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?

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SHP believes this question is not applicable since the rules under this package are necessary to ensure consumer protection through its licensing and investigative programs. In order to be responsive to the question, SHP is a member of the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology (NCSB), which consists of state licensure boards across the country, that also license and regulate speech and hearing healthcare professionals. SHP researches the laws and rules adopted by other NCSB member states for best practices and regulatory trends.

12. 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?

SHP believes this question is not applicable in this situation since the rules up for five year review and are being submitted as no change.

13. 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.*

SHP believes this question is not applicable in this situation since the rules up for five year review and are being submitted as no change.

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

SHP took into consideration whether these rules are addressed in existing Ohio regulation and determined that the rules are unique and applicable to the licensed professions under the Board's jurisdiction.

15. 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.

In order to continue to implement the rules consistently and predictably, the Board will notify licensees about the provisions via the Board's eNewsletter, website, and social media. The Board also maintains a listserv which interested parties may join to receive these updates. In addition, all staff receive orientation about the rules in order to respond to inquiries.

Adverse Impact to Business

16. 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; and**

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As of October 2021, the Board licenses 1,071 audiologists, 7,913 speech-language pathologists, 389 conditional speech-language pathologists, and 78 aides. SHP does not currently issue student permits. These licensees practice in a diverse group of work settings, from schools, hospitals, rehabilitation centers, private practice, retail, skilled nursing facilities, community-based clinics, to name just a few.

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

Any adverse impact associated with these rules will be the result of fees individuals will pay to apply for and renew their license, a late fee for late renewal of a license, etc.

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.

SHP’s fee schedule is available for review at: <https://shp.ohio.gov/fees>

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

To the extent that these rules create an adverse impact to the regulated business community, the SHP believes the regulatory intent justifies the adverse impact because individuals who are providing professional services to consumers who have communication disorders must be qualified with the appropriate education, training, and experience. SHP believes that its regulatory intent is focused on consumer protection and the rules under this package are fair, reasonable, and easy to follow.

Regulatory Flexibility

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

The rules under this five-year review package do not provide any exemption or alternative means of compliance.

19. 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?

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SHP has disciplinary guidelines in place that take into consideration paperwork violation and other violations by committed by first-time offenders.

20. What resources are available to assist small businesses with compliance of the regulation?

SHP's laws and rules governing audiologists, hearing aid dealers and fitters, and speech-language pathologists (Ohio Revised Code and Administrative Code Chapters 4744, 4747, and 4753) are available on our website. In addition, SHP provides updates regarding its laws and rules via the eNewsletter and social media, e.g., Facebook. SHP also responds to inquiries via telephone and e-mail.