



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis

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

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

Five Year Rules Up to Review in 2022

Rule Number(s):

4747-1-02

4747-1-03

4747-1-08

4747-1-09

4747-1-10

4747-1-12

4747-1-13

4747-1-16

4747-1-19

4753-5-01

4753-8-01

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4753-8-03

4753-8-05

4753-9-01

4753-10-01

4753-10-02

4753-10-04

4753-10-05

4753-10-06

Date of Submission for CSI Review: 08/08/2022

Public Comment Period End Date: 08/19/2022

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Rescinded/___ rules (FYR?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 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

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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.

4747-1-02 Definitions and interpretations

4747-1-03 Licensing requirements

4747-1-08 Application for license and permits

4747-1-09 Examination

4747-1-10 Reciprocity

4747-1-12 Duplicate certificates

4747-1-13 Sales receipt

4747-1-16 Advertising

4747-1-19 Rules on appropriate test procedures

4753-5-01 Speech-language pathologist or audiologist; fee for initial license; fee for renewal of license; late renewal fee

4753-8-01 Definitions

4753-8-03 Rules on appropriate hearing aid test procedures

4753-8-05 Fraud or misrepresentation; hearing aid, assistive listening device; disciplinary action

4753-9-01 "Code of Ethics"

4753-10-01 Educational requirements for student permit

4753-10-02 Ohio speech-language pathology graduate program requirements

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4753-10-04 Application for speech-language pathology student permit
4753-10-05 Speech-language pathology student permit holder case load
4753-10-06 Identification of speech-language pathology student permit holder

- 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, 4747.04(B), 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)?**

All of the rules for this package are being submitted as no-change rules for the scheduled five-year review. The rules set forth the requirements for licensure in the professions of audiology, hearing aid dealing and fitting, and speech-language pathology.

- 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.

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SHP notified all licensees and interested parties in March 2022 via its newsletter, social media platform, and website about the rules scheduled for five-year review in 2022. The Board informed parties of its intent to file these rules as no-change rules and would accept public comments. As of this date, the Board has not received any comments. Stakeholders include the American Academy of Audiology, American Speech-Language-Hearing Association (ASHA), Hearing Healthcare Alliance of Ohio (HHAO), International Hearing Society and the Ohio Speech and Hearing Governmental Affairs Coalition (GAC). These stakeholders are national and state professional associations whose members are licensed by the Board.

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 to the five-year rules 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?

The Board 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, the Board 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. The Board 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?

The Board believes this question is not applicable in this situation.

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.*

The Board believes this question is not applicable in this situation.

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

The Board 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.

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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

As of May 2022, the Board licenses just over 11,100 audiologists, hearing aid dealers and hearing aid fitters, conditional speech-language pathologists, trainee permit holders, and aides. 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, complete continuing education hours, 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.

The Board’s fee schedule is available for review at: <https://shp.ohio.gov/fees>. There is cost and time associated with completing continuing education.

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 Board believes the regulatory intent justifies the adverse impact because individuals who are providing professional services to consumers with hearing loss and communication

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disorders must be qualified with the appropriate education, training, and experience. The training and experience are demonstrated through completion of continuing education hours required to renew a license. The Board 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 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?

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

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

The Board'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. The Board also responds to inquiries via telephone and e-mail.