



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Greg Thornton, Ohio Speech and Hearing Professionals Board

FROM: Joseph Baker, Business Advocate

DATE: September 22, 2022

RE: **CSI Review – Five Year Rules Up to Review in 2022 (OAC 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, 4753-8-03, 4753-8-05, 4753-9-01, 4753-10-01, 4753-10-02, 4753-10-04, 4753-10-05, and 4753-10-06)**

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 Board as provided for in ORC 107.54.

Analysis

This Ohio Speech and Hearing Professionals Board (Board) rule package consists of nineteen no-change rules submitted as part of the statutory five-year review process. The rule package was submitted to the CSI Office on August 8, 2022, and the public comment period was open through August 19, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 8, 2022.

The rules in this package address definitions, licensure standards and fees, examination requirements, appropriate business practices and professional ethics, and potential disciplinary actions for individuals fitting and selling hearing aids. The rules also set forth fees, evaluation standards, appropriate business practices and professional ethics for audiologists and speech-language pathologists. Finally, the rules define limitations and standards regarding the speech-

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language pathology student permit.

Ohio Administrative Code (OAC) 4747-1-02 specifies definitions regarding the practice of fitting or dealing hearing aids. OAC 4747-1-03 requires any person or entity to be licensed prior to engaging in selling, dealing, or fitting of hearing aids. OAC 4747-1-08 requires the Board to provide the necessary forms and information to any person seeking a license or trainee permit and specifies information and details regarding the contents of the application documents, as well as the use of the Board's electronic licensing system. OAC 4747-1-09 specifies standards for examinations for hearing aid licensees, including the cost of the examination, frequency at which examinations are offered, and others. OAC 4747-1-10 specifies reciprocal licensing privileges and requirements for individuals licensed outside of Ohio, including authorizing the Board to waive examination requirements for applicants who have completed an examination equal to or superior to the Ohio examination process.

OAC 4747-1-12 requires the Board to issue a duplicate copy of a license or permit upon request, while OAC 4747-1-13 requires licensed hearing aid dealers or fitters to provide a receipt to each customer providing information including the full terms of sale, the right to return within thirty days, and others. OAC 4747-1-16 defines advertising for purposes of selling hearing aids. OAC 4747-1-19 sets forth testing requirements for procedures administered during the hearing aid fitting process, including the fitter's responsibility to refer the patient to a licensed physician if certain conditions are detected.

OAC 4753-5-01 specifies fees for initial licensure or renewal licensure as a speech-language pathologist or audiologist, as well as fees for inactive licenses, student permits, restoration of an inactive license, and late renewal. OAC 4753-8-03 specifies evaluation standards for audiologists, including prohibiting audiologists from selling hearing aids to prospective users without a written statement from a physician or a written waiver of the medical evaluation. The rule also provides guidance for audiologists regarding physician referrals and requires audiologists to maintain certain records for at least three years. OAC 4753-8-05 sets forth activities that are defined as fraudulent or misrepresentative by the Board, such as falsely informing patients regarding benefits of hearing aids or assistive listening devices or requiring the purchaser to agree to unfair contractual terms, among others, and authorizes the Board to discipline an individual for engaging in such activities.

OAC 4753-9-01 specifies the Board's code of ethics and the responsibilities of various licensees to engage in appropriate professional behavior. OAC 4753-10-01 requires applicants for a speech-language pathology student permit to have completed at least one year of study in a speech-language pathology program at an Ohio college or university and at least twenty-five hours of observation and seventy-five hours of student clinical experience. OAC 4753-10-02 directs Ohio college pathology

program designees to recommend applicants for a student permit and to attest to the completion of the observation and clinical experience requirements, while OAC 4753-10-04 sets forth application standards, required information, and application fees for the permit. OAC 4753-10-05 requires the program designee to determine the maximum caseload for a student permit holder but caps the maximum allowable limit at fifty cases. Finally, OAC 4753-10-06 requires applicants who are approved for a student permit to receive and display a certificate where the individual practices, clearly defining the individual as a student permit holder.

During early stakeholder outreach, the Board notified stakeholders including the American Academy of Audiology, American Speech-Language-Hearing Association, Hearing Healthcare Alliance of Ohio, International Hearing Society, and the Ohio Speech and Hearing Governmental Affairs Coalition, as well as all Board licensees through its newsletter, social media outlet, and website. No comments were received from stakeholders in response to the request for feedback or during the CSI public comment period.

The business community impacted by the rules includes approximately 11,100 audiologists, hearing aid dealers and fitters, conditional speech-language pathologists, trainee permit holders and aides in Ohio. The Board notes adverse impacts regarding requirements to complete continuing education and pay fees to apply for or renew licensure. Application fees range from \$50 to \$262 for an initial license (depending on the type of license), while renewal fees range from \$50 to \$170. Additionally, the Board may impose a late renewal fee or reinstatement fee depending on the type of license being renewed and the timing of the application. The rules also authorize the Board to discipline licensees for non-compliance with various requirements, up to and including revocation, suspension, probation, refusal to issue or renew, or reprimand of a licensee or permit holder. The Board states that the adverse impacts to business created by the rules is justified to ensure that individuals who provide professional services to consumers with hearing loss and communication disorders are qualified with the appropriate education, training, and experience, and to protect consumers through fair, reasonable, and easy-to-follow rules.

Recommendations

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

Conclusion

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