



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: June 9, 2022

RE: **CSI Review – Chapter 4747 Rules Package (OAC 4747-1-11 and 4747-1-14)**

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 two amended rules. The rule package was submitted to the CSI Office on October 25, 2021, and the public comment period was open through November 8, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 25, 2021.

Ohio Administrative Code (OAC) 4747-1-11 specifies procedures for renewing licensure with the Board, including that a licensee complete at least twenty clock hours of continuing education, attest completion of the continuing education requirement when renewing licensure, and maintain related records. The rule is amended to require that trainee permit holders attest that the trainee has not engaged in the fitting and sale of hearing aids between the expiration of the trainee permit and the time when the trainee files to renew the permit, and to specify that at least ten out of a total of twenty hours of continuing education for hearing aid fitters must be specific to the scope of practice. OAC 4747-1-14 specifies supervision requirements for hearing aid trainee permit holders, including that

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the trainee's supervisor co-sign all forms and documents completed by the trainee or in collaboration with the trainee, as well as a numerical limit on the number of trainee permit holders that may be employed by a single entity. The rule is amended to require trainee permit holders to attest to the Board that the supervision requirements have been completed when applying for a hearing aid fitter license or renewing the trainee permit.

During early stakeholder outreach, the Board notified stakeholders and licensees through its newsletter and website. Based on feedback from the American Speech-Language-Hearing Association, the Hearing Healthcare Alliance of Ohio, the Ohio Speech and Hearing Governmental Affairs Coalition, and others, the Board amended the rules prior to submitting for CSI review. During the CSI public comment period, comments were received from the Hearing Healthcare Alliance of Ohio as well as an individual audiologist and business owner. Both stakeholders shared concerns regarding the Board's decision to require specific topics for continuing education, suggesting that this may overly limit license holders' ability to meaningfully gain from instruction. The Board responded that the rule specifies that ten (of a total of twenty) hours shall be specific to the measurement and testing of human hearing, the making of impressions for earmolds, or selecting and adapting of hearing aids, which it classifies as the scope of practice for hearing aid fitters. Accordingly, the Board did not adopt the proposed change suggested by the stakeholders. The stakeholders also shared concerns regarding the proposed changes to supervision requirements in OAC 4747-1-14, suggesting that the changes to the rule extending the supervision timeline from ninety calendar days to ninety days of direct supervision will increase costs to business. After further discussions with the stakeholders on this second issue, the Board agreed to remove this proposed change from the rule to address the concerns of business owners.

The business community affected by the rules includes audiologists, hearing aid dealers, hearing aid fitters, conditional speech-language pathologists, trainee permit holders and aides who practice in Ohio. The adverse impacts to business include the costs associated with licensure fees and time required for hearing aid dealers and fitters to properly supervise trainee permit holders. Initial licensure fees range from \$50 for audiology aides to \$262 for hearing aide dealers, while renewal fees range from \$50 for audiology aides to \$170 for dually licensed audiologists and speech-language pathologists. The Board also assesses a late fee of \$120 for licensure renewals that miss the renewal deadline as well as a licensure reinstatement fees for hearing aid dealers and fitters whose licensure lapses for more than ninety days. The Board states that the adverse impact to business is justified to ensure that individuals who provide Board-regulated services to consumers are qualified with appropriate education, training, and experience for purposes of consumer protection.

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 rules with the Joint Committee on Agency Rule Review.