CSI - Ohio
The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Board of Speech-Language Pathology and Audiology

Regulation/Package Title: License Renewal Fee Increase

Rule Number(s): 4753-5-01

Date: March 16, 2012

Rule Type:

- ☐ **New**
- **X Amended**
- ☐ **5-Year Review**
- ☐ **Rescinded**

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Regulatory Intent

1. **Please briefly describe the draft regulation in plain language.**
   This rule sets forth the fees the Board assesses for the various license types. The key provision that is being amended relates to the fee for renewal of license for speech-language pathologists, audiologists, and dual license holders.

2. **Please list the Ohio statute authorizing the Agency to adopt this regulation.**

   Ohio Revised Code sections 4753.05, 4753.07, 4753.08, and 4753.11 constitute the basis for the Board's statutory authority to adopt and/or amend this rule.

3. **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.

   This rule does not implement a federal requirement or being amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program.

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

   This question is non-applicable since the rule does not implement a federal requirement.

5. **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)?**

   The public purpose for this rule is to ensure that appropriate licensure fees are collected to fulfill the Board's mission, which is to regulate the practice of speech-language pathology and audiology by establishing, promoting, and enforcing practice standards and professional competency among licensees pursuant to Chapter 4753 of the Ohio Revised Code and Ohio Administrative Code.

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

The Board's measurement of success of this rule will be through the renewal application process. Since all individuals who practice speech-language pathology and audiology must do so under a valid license and the license must be renewed every two years, the proposed amendment notifies affected licensees of the requisite amount to renew their license to practice.

Development of the Regulation

7. **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.

   Stakeholders include the Ohio Speech and Hearing Governmental Affairs Coalition (GAC). GAC was founded in 1982 and is a coalition of speech and hearing professionals in Ohio. GAC consists of four member organizations, whose total membership represents nearly 50% of the total number of licensees regulated by the Board. Since the better part of a year, the Board has updated GAC of our intent to increase the license renewal fee. On February 9, 2012, the Board's Executive Director met with GAC's Director of Legislative Affairs to advise of the process that would be followed in determining the renewal fee. In addition, the Board considers all licensees as individual stakeholders. In the fall of 2011 and on February 3, 2012, the Board notified licensees about the anticipated license renewal fee increase via our eNewsletter.

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

   GAC will be officially notified of the Board's final recommendation for its renewal fee through this business impact analysis. We will notify them via e-mail and include CSI's e-mail address for comments.

9. **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 has worked with the Office of Budget and Management (OBM) and the Department of Administrative Service-Central Service Agency (CSA) to review revenue and expenditure trends. The proposed renewal fee is based upon recommendations provided by both agencies, after reviewing licensure projections.

10. 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 could not consider alternative regulatory provisions because this rule specifically governs the amount of licensure fees that may be collected.

11. 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 did not consider a performance-based regulation in this case since the proposed amendment relates to licensure fees that the Board must collect to fulfill its mission.

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

Since this regulation pertains to licensure fees the Board may collect, there are no other identical rules existing.

13. 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.

The Board's plan for implementation will be to utilize existing licensing systems, such as eLicense, to establish the appropriate renewal fee, once the rule takes effect.

Adverse Impact to Business

14. 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;

As of March 8, 2012, there were 6,248 licensed speech-language pathologists and 939 licensed audiologists. These licensees practice in a wide-ranging group of work settings, from schools, hospitals, rehabilitation centers, private practice, skilled nursing facilities, community-based clinics, to name just a few. Many employers pay for or reimburse the licensee for the cost to renew their license.

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

Since many employers reimburse or directly pay for the cost to renew a license, there, admittedly, will be some type of impact. However, the Board believes that there will not be a significant adverse impact due to the amount of increase of the renewal. The renewal increase will be $20.00 for SLPs, AuDs, and dual license holders.

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 believes that the adverse impact will be minimal due to the slight increase of the renewal fee. The license renewal fee was $150 in 2004. At that time, the Board noted a substantial surplus in its regulatory board account. Therefore, in 2006 the Board reduced its renewal fee to $100 in order to draw down the surplus. The renewal fee remained $100 for three renewal cycles, i.e., 2006, 2008, and 2010. The increase is well under the renewal fee in 2004.

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

The Board was notified at the end of FY 2011 by DAS-CSA that its revenue must meet its current expenditures and that it could not rely on any surplus to make up the difference. The Board's current revenue is not sufficient to meet its expenditures for FY12-13. Therefore, this rule amendment is necessary to ensure that the Board's revenue will meet known and anticipated expenditures, without drawing down funds in the regulatory board account, i.e., 4K9. Therefore, the Board's intent justifies any adverse impact to the regulated business community because a determination has been made by OBM and DAS-CSA that the proposed fee increase is necessary to sustain the Board's operations.

Regulatory Flexibility

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

The proposed rule amendment does not provide for any exemptions for individuals who must renew their license to practice speech-language pathology and audiology for the two-year period.

17. 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?

This proposed rule will not impact Ohio Revised Code section 119.14. The Board imposes a late renewal fee of $150 when the license is not renewed on time. However, this late fee is only imposed when the license is not renewed in a timely manner, i.e., by December 31, 2012. The Board intends to send out renewal notices to licensees beginning in September 2012, which will give licensees four months to renew their license. This time frame may need to be adjusted depending on the length of time it takes to complete the entire rule-making process.

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

The Board is not aware of any resources to assist small businesses with compliance. As previously mentioned, it is not uncommon for employers to pay for the renewal license; however, the vast majority of licensees are responsible for paying their own renewal fee.