

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: Military Considerations_____

Rule Number(s): 4753-12-01_____

Date: August 22, 2014_____

Rule Type:

☒ New

☐ 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☐ Rescinded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.

Regulatory Intent

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

The proposed new rule outlines considerations to be given to military personnel, veterans, spouses of military personnel and veterans in regard to initial licensure, renewal, and continuing education required for renewal.

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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 Board's statutory authority to adopt these rules; and, recently enacted HB 98 requires each licensing Board to adopt rules identifying substantial military equivalents for its licensing, education and experience requirements.

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.

These rules do 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 not applicable since these rules do 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 of the proposed rule is to recognize a veteran's education and experience obtained in the military that is substantially equivalent to or exceeds training and education required for professional licensure so that it would meet certain requirements of the profession's standard licensing process. The proposed rules are intended to lead to increased employment opportunities among Ohioans who have served in the military by considering relevant military education, skills training, and service in the professional licensure process to establish the applicant's competency and sufficiency of education and training needed for safe practice. In addition, the proposed rules authorize the licensing agency to consider issuing a license to a qualified spouse of those serving on active military duty in this state.

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

Military veterans should be able to have their military education, skills training, and experience more efficiently reviewed by the Board when the agency considers the education and other requirements for licensure. The Board will track the number of veterans and their spouses who

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apply for licensure and will determine the expediency to which licensure is received in comparison with non-veteran applicants. The expectation for success of this regulation is a reduced processing time for veteran applicants as well as an increased ease for veterans to have their military service and education credited towards civilian licensure. Applicants for licensure will be asked the question on the application whether the individual is a member of the Armed Forces, a veteran or a spouse of a member or veteran. This information will be documented in the Board's licensure system and will be tracked through the licensure system. All new licensure systems will also track and maintain this information as well.

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 over 50% of the total number of licensees regulated by the Board. In early 2014, we also informed all licensees about the proposed rule, invited public comment, and provided updates via our eNewsletter. In addition, notification was sent to the Governor's Office of Workforce Transformation and the Department of Veteran Services. The Board was invited by the Office of Workforce Transformation to serve on a workgroup committee during the legislative process.

8. 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 opposition for stakeholder groups or licensees regarding these rules.

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 believes that scientific data to support this regulation is not applicable.

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?

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No alternative regulations were considered because the Ohio Revised Code is prescriptive regarding this matter.

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 because the Statutes are prescriptive in what is required and because rules related to licensure and certifications, in general, are not conducive to a performance based approach to regulation.

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

The Board is solely responsible for the licensure which the proposed rules administer.

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 has changed applications for licensure to require applicants to indicate if they are a member, veteran or spouse of a member or veteran and will be recorded and tracked in the eLicensing system. Staff members have been made aware of the Board's draft rule and the current statutes regarding military personnel and have been directed to ensure the provisions are applied consistently and in accordance with the rules adopted by the Board. Once the rule is enacted, the Board's web page will include a section on the FAQ link regarding the rules and considerations for members, veterans and spouses.

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;

Ohio military veterans and their spouses who are potential licensees under the profession of speech-language pathology and audiology regulated by the Board.

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

The nature of the adverse impact would include the time and effort required to complete and submit the application and the associated fees. In addition, the time and cost required to comply with any initial and/or any continuing education requirements for renewal of respective licenses. The purpose of this proposed rule filing is to reduce these adverse impacts by recognizing equivalent education and experience gained in the military which would offset some of the requirements of the standard licensing process.

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 specific changes being proposed in this rule filing are intended to reduce the impacts of normal licensure by recognizing equivalent education and experience gained through a potential licensee’s military education/training, and experiences gained through a potential licensee’s military service.

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

Executive Order 2013-05K and recently enacted HB 98 both recognize the contributions and qualifications of Ohio veterans and encourage streamlining of the certification and licensure process to take into account relevant military education, skills training and service. The regulatory intent is further justified because the Board recognizes the experiences of our military are valuable, translatable in certain circumstances, and should be considered in the licensing process wherever possible to facilitate economic opportunities for veterans returning to civilian service in a professional fields.

Regulatory Flexibility

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

This question is not applicable.

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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?

Paperwork violations are not applicable to the proposed rule.

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

The Board's laws and rules governing the practice of speech-language pathology and audiology (Ohio Revised Code and Administrative Code Chapters 4753) are available on our website. In addition, the Board created a dedicated and comprehensive webpage for military veterans. Additional update regarding this rule will be provided via the Board's eNewsletter. Staff of the Ohio Board of Speech-Language Pathology and Audiology personally answers and responds to each phone call, email inquiry and correspondence.