



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Gregg Thornton, Ohio Speech and Hearing Professionals Board

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** November 13, 2020

**RE:** CSI Review – Temporary Licensure for Military Personnel (OAC 4747-1-24 and 47453-12-01)

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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 one new and one amended rule. This rule package was submitted to the CSI Office on July 30, 2020, and the public comment period was open through August 14, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 30, 2020.

The rules in this package cover requirements for the issuance of temporary licenses for members of the military and their spouses. The rules are proposed to comply with ORC 4743.041, enacted by Am. Sub. Senate Bill 7 (133<sup>rd</sup> General Assembly), which requires the Board to issue a temporary occupational license to individuals who are on military duty or whose spouse is on military duty in Ohio, who hold a valid license in good standing to practice the profession in another state or jurisdiction, and who comply with background check requirements. The license must be issued at no cost and the Board must adopt rules to ensure that the application of a military member or their spouse is tracked, prioritized, and expedited.

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During the period of early stakeholder outreach, the Board shared the proposed rules with over 10,000 of their licensees, as well as state and national associations, by email. Additionally, the proposed rules were posted on the Board's social media accounts. During this period, the Board received two comments of support from stakeholders. No comments were received during the CSI public comment period.

Impacted communities include 1,094 licensed audiologists, 68 licensed hearing aid dealers, and 7,983 licensed speech language pathologists. Adverse impacts identified by the Board include the time associated with license application, which the Board notes will be streamlined by the use of the eLicense Ohio system, and requirements that applicants prove their qualifications for licensure under the rules and comply with a criminal background check. The Board states that the rules are necessary to ensure that only qualified individuals are issued a temporary license, and that applicants do not have disqualifying offenses on their record.

## **Recommendations**

Amended Substitute Senate Bill 7 (133<sup>rd</sup> General Assembly) provides military members and their spouses with better employment opportunities by simplifying the process to transfer their occupational licenses to Ohio. The bill mandates that state licensing agencies issue licenses or certificates to military members and spouses who already hold a valid license to practice a trade or profession in another state, in a timely manner and at no cost.

The bill ensures that the State of Ohio has procedures in place to provide exceptional customer service and support to our military members and their families. Therefore, CSI makes the following recommendations to the Board.

### **1. License Type - Fees**

CSI recommends that the Board clearly identify if the license being issued is a temporary or regular license throughout the rules.

ORC 4743.041(G) requires a licensing office to waive all fees associated with the issuance of a temporary license or certificate. Therefore, CSI recommends the Board also consider clarifying the fee language.

### **2. Qualifications**

It is unclear if the Board intends for OAC 4753-12-01(K) and (L) and OAC 4747-1-24(J) and (K) to apply to military members and their spouses with out-of-state licensure.

In doing so, these provisions would require the applicant to meet more qualifications than required by Am. Sub. S.B. 7. ORC 4743.041(B) only requires an individual to hold a valid license or certificate to practice the trade or profession in another state or jurisdiction, be in good standing in the state or jurisdiction of licensure or certification, present adequate proof that the applicant or the applicant's spouse is on military duty in Ohio, and comply with criminal records check requirements.

Therefore, CSI recommends that the Board clearly identify the requirements applicable to military members and their spouses with an out-of-state license and refer to the statutory requirements in ORC 4743.041 for out-of-state licensure recognition for those applicants rather than the more complicated requirements proposed in the draft rules.

## **Conclusion**

Based on its review, the CSI Office recommends that the Board should review its proposed rules based on the recommendations above prior to filing them with the Joint Committee on Agency Rule Review.