

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Board of Speech-Language Pathology and Audiology

Regulation/Package Title: 4753-4-01 – CE Credit for Volunteer Practice

Rule Number(s): 4753-4-01

Date: August 29, 2017

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Rescinded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.

Please include the key provisions of the regulation as well as any proposed amendments.

Rule 4753-4-01 pertains to continuing education standards for licensed audiologists and speech-language pathologists who practice under the provisions of Ohio Revised and Administrative Code Chapters 4753. This rule outlines the number of continuing education hours to be completed during each biennium practice period and requirements for continuing

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education in order to renew the license. The rule is being amended to permit continuing education credit for providing services as a volunteer to uninsured and indigent persons. The Board is required to adopt this rule due to recent legislation (HB 290, 131st GA).

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

Ohio Revised Code 4753.05

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 proposed rule does not implement a federal requirement.

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

Not applicable to this rule.

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)?

This rule governs the continuing education requirements for licensed audiologists and speech-language pathologists. This rule protects the public by setting continuing education standards, which help maintain high levels of competency in the fields of speech-language pathology and audiology. Also the amendment to this rule is required due to recent legislation (HB 290, 131st GA).

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

Success will be measured by having clear and up to date rules, resulting in ease of compliance for licensees, who will be able to obtain continuing education credit for volunteer service delivery.

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.

This proposed rule was distributed via e-mail for public comment to all licensees and the state associations in speech-language pathology and audiology on July 21, 2017. The proposed rule was posted on the board's website and communicated in the Summer eNewsletter distributed on August 1, 2017, (Summer Quarter, Vol. 8, Issue 1).

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

No input was received from stakeholders or licensees regarding this regulation. The Board fielded a few questions from interested parties inquiring on the status of the rule-making process and whether the Board would accept volunteer credit before the rule took effect. The Board indicated that since the law took effect on January 1, 2017, it would accept volunteer credit completed during the current 2017-2018 practice period.

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?

Scientific data was not used to develop this amended rule, as the provision is due to recent legislation (HB 290, 131st GA). Also, the continuing education requirements are modeled after generally accepted CE requirements in other states/jurisdictions.

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?

There are no alternative regulations (or specific provisions within the regulation) to be considered.

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.*

This rule is based on continuing education standards consistent with various regulatory bodies associated with speech-language pathology and audiology, including national certification bodies by the American-Speech-Language Hearing Association and American Academy of Audiology.

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

There is no other agency that regulates the practice of speech-language pathology and audiology in Ohio.

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 plans to implement the proposed rule upon completion of the formal rule-making process, i.e., rule's effective date when JCARR's jurisdiction ends. The Board will communicate information about the new provision via its eNewsletter and website.

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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 August 2017, there were approximately 9,000 licensed audiologists and speech-language pathologists required to complete continuing education under this provision.

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

The Board does not anticipate that the proposed rule will have an adverse impact since the rule only requires Board action if the continuing education requirements are not met by the licensee.

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 adverse impact may result a regulated individual appearing before the Board for an administrative hearing for non-compliance of the continuing education requirements in general, e.g., not completing the required 20 hours of credit or not completing volunteer service from an appropriate organization or having appropriate documentation to receive credit during an audit.

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

Requiring licensees to maintain continuing education standards protects the public and the profession. It insures the ability of Ohio’s licensed speech-language pathologists and audiologists to gain/regain professional competence, and to practice in other states, because Ohio credentials indicate compliance with recognized professional standards, which includes continuing education compliance through CE audits.

Regulatory Flexibility

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

There are no specific exemptions or alternative means of compliance outlined in the rules for small businesses.

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 this rules package. However, the Board does take into consideration first-time violations, paper-work errors, and other mitigating circumstances when reviewing continuing education audits.

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

The Board's website provides information regarding the rules. The website also provides contact information for all staff members of the board. Board staff personally answers each phone call, email, and correspondence sent to the Board.