CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: Licensure Fees

Rule Number(s): 4753-5-01

Date: August 26, 2014

Rule Type:

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X	**Amended**	**Rescinded**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

   This proposed amendment clarifies the waiver of renewal fee for relicensure or restoration application received within 100 days before the renewal deadline.

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.**

   N/A

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 purpose of this proposed amendment is to specify when the application fees for relicensure or restoration will be waived.

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

   The Board tracks its licensure program, such as number of applications it receives and licenses issued; therefore, through the Board's reporting process, e.g., board minutes, annual report, etc., any outcomes as a result of this proposed amendment will be measured.

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 amendment was distributed via e-mail for public comment to all licensees and the state associations in speech-language pathology and audiology in August 2013. The proposed rule was also posted to the Board's website for public comment. In addition, the

Board communicated information about the proposed rule via the eNewsletter, i.e., (Summer Quarter, August 2013, Vol. 5, Issue 2 and Winter Quarter, January 2014, Vol. 6, Issue 1).

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

   Input received from stakeholder groups and licensees was favorable and supportive upon explanation that the rule would allow the Board to be consistent in its implementation of licensure fee waivers. The proposed amendment would cover the relicensure and restoration applications when submitted within 100 days of the renewal deadline.

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 this question is not applicable since the rule relates to a waiver of fees covering the relicensure and restoration applications when submitted within 100 days of the renewal deadline.

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 believes this question is not applicable since the rule relates to a waiver of fees covering the relicensure and restoration applications when submitted within 100 days of the renewal deadline.

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 believes this question is not applicable since the rule relates to a waiver of fees covering the relicensure and restoration applications when submitted within 100 days of the renewal deadline.

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

    To the extent that the Office of CSI deems this question applicable, the Board's Rules Committee takes into account whether its proposed rules are addressed in existing Ohio regulation. This rule is unique to the professions of speech-language pathology and audiology; therefore, the Board is the only entity that is authorized to set licensure fees and circumstanced under which the fee may be waived.

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., effective date when JCARR's jurisdiction ends. The Board will communicate information about the amendment via its eNewsletter and website.

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 January 2014, there were approximately 980 licensed audiologists and 6200 speech-language pathologists who are governed by 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 specifies when the fee for relicensusre and restoration will be waived.

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 does not anticipate that the proposed rule will have an adverse impact since the rule specifies when the fee for relicensusre and restoration will be waived.

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

To the extent that this rule creates an adverse impact to the regulated business community, the Board believes the regulatory intent justifies the adverse impact because reasonable licensure fees must be imposed to process applications.

Regulatory Flexibility

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

The proposed rule does not require any action for compliance on the part of small businesses or licensees. Consequently, the Board believes this question is not applicable in this case. The rule allows the Board to waive fees when an application for relicensure or restoration is submitted within 100 days of the renewal deadline.

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?

The Board believes this question is not applicable in this situation since the rule does not impose any penalties or fines.

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 provides updates regarding its laws and rules via the eNewsletter. The Board maintains a listserv which interested parties may join to receive these updates. The Board will use these resources to inform stakeholders, employers, and licensees about the provisions under this rule.