

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

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

Regulation/Package Title: Continuing Education Requirements_____

Rule Number(s): 4753-4-01

Date: October 5, 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Rescinded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.

Regulatory Intent

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

Ohio Administrative Code (OAC) section 4753-4-01 is being amended to include one hour of human trafficking training into CE requirements for licensed audiologists and speech-language pathologists.

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 these rules.

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.

N/A

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 public purpose for this amendment is to ensure that licensed audiologists and speech-language pathologist are trained to recognize the indicators of human trafficking, and to report and take appropriate action when they encounter it. This amendment also fulfills 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 will use the process currently in place for tracking CE requirements of licensees.

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.

Stakeholders and licensees were not involved in the review of the draft regulation on human trafficking training that will be incorporated into the Board's existing proposed amendment to 4753-4-01, i.e., continuing education requirements.

- 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 intent to submit this proposed amendment through this business impact analysis. We will notify them via e-mail and include the Board's e-mail address, as well as 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?**

N/A

- 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 Ohio Human Trafficking Task Force considered this regulation among a number of approaches to providing licensees of the State of Ohio proper training on the identification and treatment of human trafficking situations. This approach was recommended as it allows the most leeway to ensure licensees receive industry-specific training.

- 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.

N/A

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

This measure only applies to licensed audiologists and speech-language pathologists and no other agencies license audiologists and speech-language pathologists.

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.

All existing licensed audiologists and speech-language pathologists will be required to complete one hour of training in the 2013-2014 license period in order to renew their license, and one hour of training will be added to the criteria for initial licensure. Newly licensed audiologists and speech-language pathologists will be required to complete one hour of training within one year of becoming licensed.

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

Cost for compliance is "0" since there is no increase in the overall continuing education requirements.

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

The Ohio Human Trafficking Task Force has determined that state licensees carry a certain responsibility to recognize the indicators of human trafficking, and to report and take appropriate action when they encounter it. The Task Force also found that human trafficking is a pervasive problem that infiltrates many aspects of the public arena, and it is not always obvious which professions may encounter it. Given the importance of the issue as a statewide priority, the impact of an hour of training is justified by the potential lives saved through this training.

Regulatory Flexibility

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

No.

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?

N/A

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

The members of the Ohio Human Trafficking Task Force and the State's human trafficking coordinator are available to assist in developing industry-specific human trafficking training that remains relevant as the Attorney General's Office continues to study the problem of human trafficking in Ohio pursuant to HB 262. In addition, the Board will notify licensees about this requirement in communications via mail, e-mail, website, and eNewsletter.