



## Ohio Administrative Code

### Rule 4747-1-25 Impaired practitioner rules and safe haven program.

Effective: May 1, 2025

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#### (A) Definitions

(1) "Licensee" or "registrant" applies to the following license types:

(a) Hearing aid dealer;

(b) Hearing aid dealer satellite;

(c) Hearing aid fitter; and

(d) Trainee permit.

(2) "Board" means the Ohio speech and hearing professionals board.

(B) For purposes of the rule, an individual licensee or registrant who accepts the privilege of engaging in the sale, practice of dealing in or fitting of hearing aids in this state is subject to the supervision by the board. By the act of filing an application for licensure or being licensed or registered with the board, the individual has given consent to submit to a mental or physical examination, at the individual's expense when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination of reports that constitute privileged communications.

(C) If the board receives information by the filing of a complaint with the board office or upon its own information that a licensee or registrant's ability to practice has fallen below the acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs or alcohol or other substances, or other health-related conditions, the board may order the licensee or registrant to submit to a mental or physical examination at the licensee or registrant's expense conducted by a designee of the board for the purpose of determining if there is an impairment that is posing a threat



to the licensee or registrant's well-being or the treatment of a client or patient whom the licensee or registrant serves.

(D) Failure of the individual licensee or registrant to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual licensee or registrant unless the failure is due to circumstances beyond the individual's control.

(E) If the board determines that the individual's ability to practice is impaired the following actions may be taken:

- (1) The board shall suspend or place restrictions on the individual's license or registration to practice;
- (2) Deny the individual's application for licensure or registration and require the individual to submit to treatment; or
- (3) Other requirements as a condition for initial, continued, reinstated or renewed licensure or registration to practice.

(F) The board at its discretion may:

- (1) Contract with providers of impaired treatment programs;
- (2) Receive and evaluate reports of suspected impairment from any source;
- (3) Intervene in cases of verified impairment;
- (4) Monitor treatment and rehabilitation of the impairment;
- (5) Provide post-treatment monitoring and support;
- (6) Provide other functions as necessary to carry out the provisions of this rule;
- (7) Make amendments, if necessary, to the treatment program's findings.



(G) The board-approved treatment program shall:

(1) Receive relevant information from the board office and other sources regarding the potential impairment.

(2) Report in a timely fashion any impaired hearing aid dealers:

(a) Who refuses to submit to an evaluation;

(b) Who refuses to submit to treatment/rehabilitation;

(c) Whose impairment is not substantially alleviated through treatment;

(d) Who in the opinion of the evaluators is unable to practice with reasonable skill and safety.

(3) Provide confidentiality of non-public information of the review process.

(4) Provide an initial report of the nature, severity, and progress of the impairment.

(5) Provide periodic reports, at a rate determined by the board concerning the licensee's progress.

(6) Provide a final report including the treatment outcome and a finding as to the hearing aid dealer's fitness to practice.

(7) Follow any requirements outlined in a formal agreement the licensee, registrant or applicant for licensure has entered into with the board.

(H) Pursuant to division (A) of section 4747.04 of the Revised Code, as part of the board's impairment or diversion program, the board hereby establishes a confidential, non-disciplinary program for the evaluation and treatment of eligible practitioners who need assistance with a potential or existing impairment due to abuse of/ or dependency on alcohol or other substances or other health-related conditions. This program shall be known as the board's safe haven program.



- (1) The board shall contract with one entity, hereafter referred to as the monitoring organization, to conduct the safe haven program. The monitoring organization shall determine the eligibility for participation in the safe haven program and provide associated services to eligible practitioners.
- (2) Eligible practitioners shall include licensees and registrants of the board as well as applicants who have applied for a license or registration from the board.
- (3) Services provided by the monitoring organization include but are not limited to the following:
  - (a) Screening and/or evaluation for possible impairment due to abuse of or dependency on alcohol or other drugs or other health-related conditions;
  - (b) Referral to treatment providers approved by the monitoring organization for the purpose of evaluating and/or treating impairment;
  - (c) Establishment of individualized monitoring criteria for a duration determined by the monitoring organization to ensure the continuing care and recovery from impairment;
  - (d) Case management.
- (4) The monitoring organization that contracts with the board to conduct the safe haven program may receive referrals from any of the following:
  - (a) Applicants, licensees or regulated person;
  - (b) Other individuals;
  - (c) Employers;
  - (d) Professional societies and associations;
  - (e) Health care personnel and treatment providers;



(f) Other entities and organizations;

(g) The board.

(5) To participate in the safe haven program, an eligible practitioner must enter into an agreement with the monitoring organization to seek assistance for a potential or existing impairment due to abuse of or dependency on alcohol or other drugs or other health related conditions. The agreement may specify but is not limited to the following:

(a) Treatment and therapy plan;

(b) Support group participation;

(c) Case management;

(d) Duration of monitoring. Relapses and other failures to comply with the terms of the agreement may result in a longer period of monitoring. As appropriate, an addendum to the agreement may be initiated by the monitoring organization;

(e) Random toxicology testing;

(f) Releases for seeking information or records related to the practitioner's impairment, including but not limited to family, peers, health care personnel, employers, and treatment providers;

(g) Grounds for dismissal from participation in the safe haven program for failure to comply with program requirements;

(h) Any required fees associated with participation in the safe have program, including but not limited to fees for toxicology testing.

(6) The board shall not institute disciplinary action based on impairment against a safe haven program participant so long as the participant enters into an agreement with the monitoring



organization and complies with the same. The presence of impairment shall not excuse acts or preclude investigation or disciplinary action against a participant for other violations of this chapter or Chapter 4744. or 4747. of the Revised Code.

(7) The monitoring organization shall report to the board for further investigation and/or action any participant who is unwilling or unable to complete or comply with any part of the safe haven program, including evaluation, treatment, or monitoring.

(8) All information received and maintained by the monitoring organization shall be held in confidence subject to section 2317.02 of the Revised Code and in accordance with federal law.