

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

**Agency Name: Sanitarian Registration Board**

**Regulation/Package Title: SAN Board Amended Rules 2014 Review**

**Rule Number(s): 4736-7-01, 4736-12-01, 4736-13-01, 4736-15-02**

**Date: September 6, 2013**

**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 Rescinded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 4736-7-01:

This rule lists the requirements for registration with the Board of Sanitarian Registration.

Rule 4736-12-01:

This rule lists the requirements for the renewal of a registration with the Board of Sanitarian Registration.

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4736-13-01:

This rule deals with the proposed denial, suspension, or revocation of a registration.

4736-15-02:

This rule deals with the supervision of a sanitarian in training.

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

The statute authorizing the adoption of all the above mentioned regulations is 4736.03 of the ORC.

**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.***

No.

**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)?**

4736-7-01:

This rule lists the steps an individual must follow when submitting an application to the Board for consideration as a sanitarian or sanitarian in training.

4736-12-01:

This rule lists the steps an individual must follow to renew their registration as a sanitarian or sanitarian in training.

4736-13-01:

This rule lists the items a registrant can be disciplined for and the types of discipline the Board may carry out. It also advises individuals how to file a complaint with the Board.

4736-15-02:

This rule lists the supervision requirements for sanitarians in training. It details what is required of both the supervisor and supervisee.

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

4736-7-01:

The success of this regulation will be measured how completely each individual is able to complete and application and submit the proper materials for Board review.

4736-12-01:

The success of this regulation will be measured by a reduction of the number of incomplete renewals received annually and how many incomplete notices are sent for failure to complete a portion(s) of the renewal.

4736-13-01:

The success of this regulation will be measured by how many complaints are received and how many disciplinary hearings the Board holds.

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4736-15-02:

The success of this regulation will be measured by how completely each supervising sanitarian completes the required paperwork.

The success of this regulation will be measured by how each sanitarian in training is evaluated by their supervising sanitarian.

### **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.*

For all rules, registered sanitarians and sanitarians in training are the stakeholders. They were notified via email on March 21, 2013 that these rules were up for review in 2014. They were asked to provide comments on the rules on or before April 26, 2013.

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

The Board received comments regarding the length of the renewal cycle and the renewal fee. The length of the renewal cycle and fee are both set in the ORC so the comments did not affect the Board's decision to move forward with the changes presented.

- 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 Board did not consider any alternative regulations for these rules. The Board decided to proceed with the changes set forth in the attached rules to provide the stakeholders with the best information in the most concise manner possible.

- 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.***

No.

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

This is the only agency regulating environmental health practice in Ohio. These regulations are not duplications of any of the current rules.

- 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.**

These rules, when approved and implemented, will be applied consistently and evenly across all registrants who are applying for registration and who are currently registered as both sanitarians and sanitarians in training in the state of Ohio.

## 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;**

The impacted business community of the rules would be any sanitarian or sanitarian in training or individual seeking registration in the state of Ohio.

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

4736-7-01:

There is no adverse impact of this rule. It is a rule stating the information required on the application document submitted for registration.

4736-12-01:

The potential adverse impact of this rule is the fee required for renewal and the amount of time it takes to comply with the continuing education required for registration renewal. This could potentially be costly for the licensee, employer or both depending on who is responsible for paying the renewal fees and continuing education course registration costs.

Another potential adverse impact is that sanitarian in training registrants are limited to four one year periods for renewal following the issuance of their initial registration. This may cost an employer the ability to retain an employee if they are not able to apply for advancement within the specified timeframe.

4736-13-01:

The potential adverse impact of this rule is disciplinary action on an individual's registration. This could be costly for the employer and the licensee depending on the severity and length of discipline imposed by the Board.

4736-15-02:

The potential adverse impact of this rule is that a sanitarian in training may not be eligible to advance to registered sanitarian if they have not completed the supervised work experience. This could be costly for the sanitarian as they would not be eligible for a pay increase.

Another potential adverse impact is that the supervisor does not complete the paperwork and supervision required. This could be costly for the employer because they will not be able to promote the individual and the sanitarian in training still requires supervised practice instead of being able to practice independently.

**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.*

4736-7-01:

There is no adverse impact on the regulated business community.

4736-12-01:

The cost of continuing education courses varies greatly. There are free or no cost continuing education courses available, but if a licensee chooses to attend conference/seminar the cost can vary. Depending on who is paying the registration fees, this can have a potential adverse impact. The required amount of annual continuing education could also cause a potential adverse impact upon the regulated business community as the majority of seminars/conferences occur during the work week between the hours of 8 am to 5 pm, thus taking the licensee away from their job.

4736-13-01:

The potential adverse impact on the regulated business community could be the associated costs of defense should the Board conduct a disciplinary hearing. Another potential adverse impact could be the loss of income for the licensee if the Board does take disciplinary action on the registration.

4736-15-02:

A potential adverse impact is that the registrant may lose income they are due upon advancement to registered sanitarian if they are unable to fulfill the registration requirements within the specified time period.

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

The Board determined that the regulatory intent justifies the adverse impact because it is important to have minimum requirements regarding, registration, continuing education and renewal in order to assure competent practice among the licensed population. These regulations help in maintaining the health, safety and welfare of the citizens of Ohio.

**Regulatory Flexibility**

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

No. There are no exemptions provided because the proposed rule changes do not affect small business.

**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 Board and its staff are dedicated to working with members of the regulated community and the public to ensure that the consumers of environmental health services in Ohio receive safe and effective services from the Board's licensees. As a result, the following resources are available:

Board's mailing address:  
77 S. High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215-6108  
Board's phone number: 614-466-1772  
Board's fax number: 614-644-8112  
Board's website: <http://sanitarian.ohio.gov>  
Board's email: [stephanie.youst@exchange.state.oh.us](mailto:stephanie.youst@exchange.state.oh.us)

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**\*\*\* DRAFT - NOT YET FILED \*\*\***

4736-7-01

**Application for registration.**

Application to become a registered sanitarian or sanitarian-in-training shall be made on forms prescribed by the board.

- (A) The application to become a registered sanitarian or a sanitarian-in-training shall contain the following:
- (1) The name, address, social security number, and telephone number of each applicant;
  - (2) The name and address of the employer or business connection of each applicant;
  - (3) The date of the application;
  - (4) The educational and experience qualifications of each applicant;
  - (5) A place for the applicant to sign the application form and have it notarized by a notary public;
  - (6) Information indicating if the applicant is currently registered as a sanitarian by another state.
  - (7) Information indicating that the application fee is nonrefundable.
- (B) Application forms prescribed by the board for a registered sanitarian or sanitarian-in-training may be obtained by downloading the forms from the board website or contacting the office of the board.

**\*\*\* DRAFT - NOT YET FILED \*\*\***

4736-12-01

**Requirements for certificate of registration renewal.**

(A) Registrants shall apply annually for certificate of registration renewal.

(1) Renewals shall be mailed to registrants no later than thirty days prior to the annual expiration date of a registrant's current certificate of registration.

(2) A registration expires by operation of law at the end of the specified one year period, after which reinstatement, in accordance with rule ~~4736-11-09~~ 4736-7-03 of the Administrative Code, is required. Registrants may not practice environmental health once a certificate of registration expires until it is reinstated by the board.

(3) The following items are required to reinstate a registration during the first thirty days following the expiration of a certificate of registration:

(a) The fee prescribed in section 4736.12 of the Revised Code, including the late fee as provided in division (A)(6) of that section;

(b) Proof of at least eighteen hours of board approved continuing education in the twelve months prior to the expiration date of the certificate of registration; and

(c) Completed renewal application, ~~and declaration of material assistance form.~~

(4) ~~The following items are required to reinstate a certificate of registration that has been expired for more than thirty days:~~ To reinstate a certificate of registration that had been expired for more than thirty days refer to rule 4736-7-03 of the Administrative Code.

~~(a) The fee prescribed in rule 4736-11-09 of the Administrative Code;~~

~~(b) Proof of at least eighteen hours of board approved continuing education for each year the certificate of registration was lapsed; and~~

~~(c) Completed reinstatement application and declaration of material assistance form.~~

(B) Each application for renewal shall be accompanied by the fee prescribed in section 4736.12 of the Revised Code and evidence that the registrant meets the continuing education requirements as set forth by the board.

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4736-12-01

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- (C) The board, with the approval of the controlling board, may establish fees in excess of the amount prescribed in section 4736.12 of the Revised Code, provided that such fees do not exceed the amount prescribed in section 4736.12 of the Revised Code by more than fifty per cent.
- (D) During the first year of registration, registrants may claim approved continuing education hours earned from the date the certificate of registration was granted by the board until the certificate expiration date when applying for renewal of their certificate of registration.
- (E) Except for the first annual renewal, registrants shall complete the continuing education requirements specified by the board within the twelve months immediately preceding the expiration date of the certificate of registration.
- (F) Sanitarian in training renewals are limited to four one year periods following the expiration of the original certificate of registration, except as provided in sections 4736.10 and 4736.15 of the Revised Code.



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4736-13-01

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- (8) **Accepting compensation, gifts or gratuities designed to enhance the provider's position over that of the position represented by the registrant.**
- (C) **Any person who wishes to make a complaint against a registrant pursuant to this chapter shall submit the complaint in writing to the board within a reasonable time. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board. The board shall determine whether the allegations in the complaint are of a sufficiently serious nature to warrant formal disciplinary charges against the registrant pursuant to this section. If the board determines that formal disciplinary charges are warranted, it shall proceed in accordance with the procedures established in Chapter 119. of the Revised Code.**

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4736-15-02

**Supervision and practice of a sanitarian-in-training.**

(A) A sanitarian-in-training may engage in the practice of environmental health provided the sanitarian-in-training is supervised by a registered sanitarian. ~~Each sanitarian-in-training shall submit an application for renewal annually as required by rule 4736.12-01 of the Administrative Code on forms prescribed by the board.~~ Verification from the supervising registered sanitarian that the sanitarian-in-training performed functions under the supervision of the registered sanitarian shall be submitted to the board as part of the annual renewal of the sanitarian-in-training. The board may also request a copy of the sanitarian-in-training's monthly evaluation(s) as required in paragraph (D) of this rule.

(B) The board shall establish minimum supervisory activities for a registered sanitarian to use in the evaluation of a sanitarian-in-training including but not limited to:-

(1) Being available for consultation on a daily basis;

(2) Provide training and technical advice;

(3) Review and advise on enforcement proceedings in programs specified by division (E) of section 4736.01 of the Revised Code;

(4) Evaluate the practice of environmental health performed by the sanitarian-in-training at least once a month.

~~(C) The minimum supervisory activities shall include but not be limited to:~~

~~(1) Being available for consultation on a daily basis;~~

~~(2) Provide training and technical advice;~~

~~(3) Review and advise on enforcement proceedings in programs specified by division (E) of section 4736.01 of the Revised Code;~~

~~(4) Evaluate the practice of environmental health performed by the sanitarian-in-training at least once a month.~~

~~(D)~~(C) The supervising registered sanitarian shall document each monthly evaluation of the sanitarian-in-training's practice of environmental health. Documentation of each monthly evaluation shall include, at a minimum, five samples of inspections performed by the sanitarian-in-training during the month attached to a written evaluation which shall include the following:

(1) Month and year of evaluation.

(2) Sanitarian-in-training's name, registration number and employment address.

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- (3) Supervising registered sanitarian's name, registration number and employment address.
  - (4) Supervising registered sanitarian's written verification of fulfillment of the requirements provided in paragraph ~~(E)~~(B) of this rule.
  - (5) The supervising registered sanitarian's written comments.
  - (6) Dates and locations of at least five attached samples of inspections conducted during the month by the sanitarian-in-training.
  - (7) Dated signatures of the sanitarian-in-training and supervising registered sanitarian.
- ~~(E)~~(D) Monthly evaluations shall be retained by the sanitarian-in-training for one year after registration as a registered sanitarian; or for six years from the last date of employment as a sanitarian-in-training.