

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Sanitarian Registration Board

Regulation/Package Title: SAN Board New & Rescinded Rules 2014 Review

Rule Number(s): 4736-7-03, 4736-7-04, 4736-11-03, 4736-11-04, 4736-11-09, 4736-12-02

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Rescinded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 4736-7-03:

This rule lists the requirements to apply for reinstatement of a registration that has lapsed.

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Rule 4736-7-04:

This rule lists the fee for the reinstatement of a registration that has lapsed.

4736-11-03:

This rule lists the continuing education requirements for the renewal of a registration and the acceptable categories in which and individual can earn credit. It also discusses the requirements to apply for a waiver of continuing education hours.

4736-11-04:

This rule lists the types of continuing education activities accepted by the Board upon application by an individual registrant.

4736-11-09:

This rule lists the requirements for the reinstatement of a lapsed registration.

4736-12-02:

This rule refers individuals to the ORC for fees association with registration and renewal.

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

The statute authorizing the adoption of all the above mentioned rules 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)?**

Rule 4736-7-03:

The purpose for this rule is to detail the requirements for reinstating a lapsed registration. This is to allow individuals who have been out of practice for any period to complete a specified amount of continuing education activities in order to return to active practice.

Rule 4736-7-04:

The purpose of this rule is to set a standard fee for the reinstatement of a lapsed registration. Currently the reinstatement fee varies depending on the number of years a registration had been lapsed.

4736-11-03:

The purpose of this rule is to set forth the requirements for the hours and types of continuing activities a licensee must complete prior to renewing their registration. This rule also sets forth the requirements and limitations for requesting a waiver of continuing education hours for a renewal period.

4736-11-04:

This rule states the types of continuing education activities traditionally accepted by the Board to fulfill the hour requirement specified in rule 4736-11-03 of the OAC.

4736-11-09:

This rule lists the requirements to apply for reinstatement of a lapsed registration.

4736-12-02:

The purpose of this rule is to direct individuals to the ORC for fees association with registration and renewal.

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

Rule 4736-7-03:

The success of this regulation will be based on how many registrants apply for reinstatement since this rule makes the process easier to follow and less cumbersome for the licensee.

Rule 4736-7-04:

In some sense the success of this regulation will be based on the number of individuals submitting reinstatement applications since the process will be more clearly defined and not as punitive as it was previously.

4736-11-03:

The success of this rule will be determined by the number of continuing education requests that are received and processed by the Board. The changes to this rule should make the denial of a course occur infrequently, if at all, in the future.

4736-11-04:

The success of this rule will be determined by the number of continuing education requires that are received and granted by the Board vs. the number that are annually denied.

4736-11-09:

The success of this rule will be determined by the number of applicants that successfully reinstate a lapsed registration.

4736-12-02:

This is a fee rule so there is really no way to measure success other than the amount of fees received.

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 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 stakeholder input on rule 4736-11-03 regarding the amount of continuing required to renew annually. The overall suggestion was to decrease the number of hours required for annual renewal. The Board discussed the comments received and decided to proceed with the draft rule requiring 18 hours of continuing education annually for renewal.

The Board also received comments regarding the reduction of fees by changing the renewal cycle. This did not affect the Board's recommendations for this rule because the renewal cycle is set in statute as is the renewal fee.

Comments on the other proposed new and rescinded rules were not received.

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?

With regard to the rescissions, the Board reviewed the current rules and while these are rescissions, they are being incorporated into new rules to provide registrants and the public with a more clear understanding of how the continuing education process, waiver process and reinstatement processes all work.

New Rule 4736-7-03:

This rule presents a complete change for the Board in terms of how reinstatement applications are handled. The Board determined that the proposed changes would make the reinstatement process easier for the registrants and public to understand. The Board discussed changing the amount of continuing education required to reinstate a lapsed license and after through discussion settled on the amounts listed in the proposed rule.

New Rule 4736-7-04:

The Board discussed the proposed reinstatement fee and agreed with the method the executive secretary used to derive the fee. The fee was derived by taking the application fee for an RS application and the late fee, which total \$210.

New Rule 4736-11-03:

The Board discussed the continuing education rule at length. As most of the stakeholder feedback focused on this rule, the Board thoroughly reviewed the requirements and discussed both raising and lowering the amount of hours required to renew a registration. The Board decided to keep the required amount of hours at 18 as this was a compromise. The Board overall felt that decreasing the amount of continuing education to 12 hours without mandating the categories in which people take their hours not an option. The Board did not want to mandate hours in specific categories at this time but may consider doing that in the future as a way to decrease the hours required for renewal. The overall feeling of the Board was that continuing education has never been easier to obtain. There are numerous online courses individuals can take as well as standard classes and conferences.

New Rule 4736-12-02:

N/A

- 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 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 would be would be any sanitarian or sanitarian in training or individual seeking registration in the state of Ohio.

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

There is no proposed adverse impact for the rescissions. These rules are being rescinded and incorporated into new rules for easier reference.

Rule 4736-7-03:

A potential adverse impact of this rule is the time it may take a registrant to complete the required continuing education courses to be eligible for reinstatement.

Rule 4736-7-04:

A potential adverse impact of this rule is the fee required to reinstate a lapsed registration.

4736-11-03:

A potential adverse impact of this rule is the time required to complete the continuing education required for annual renewal.

Another potential adverse impact is that there are several types of continuing education courses that the Board does not accept to fulfill the continuing education requirements.

An additional potential adverse impact is that an individual may only be granted a continuing education waiver a maximum of three consecutive renewal periods. That may force some individuals to take continuing education or allow their registration to lapse.

4736-12-02:

There is no potential adverse impact for this rule.

- 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.

There is no proposed adverse impact for the rescissions. These rules are being rescinded and incorporated into new rules for easier reference.

Rule 4736-7-03 and Rule 4736-11-03:

The cost of continuing education courses varies greatly. There are free or low 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.

Rule 4736-7-04:

The fee required to reinstate may cause some individuals to reevaluate the reinstatement process and may be an adverse impact.

4736-12-02:

There is no potential adverse impact for this rule.

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, 16th 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

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

4736-7-03

Application for reinstatement.

(A) All registrants for reinstatement shall submit a completed application on the forms specified by the Board. All applications shall:

(1) Be typewritten or printed in ink;

(2) Be signed by the registrant;

(3) Be accompanied by the reinstatement fee prescribed by rule 4736-7-04;

(4) Contain proof that the registrant met the appropriate continuing education requirement:

(a) For registrants submitting a reinstatement application during the first twelve months following the expiration of the individual's registration, the registrant shall complete eighteen hours of continuing education in accordance with rule 4736-11-03 of the Administrative Code within the twelve month period immediately preceding the application for reinstatement. Continuing education hours used to meet the requirements of this paragraph shall not be used to renew the reinstated registration.

(b) For registrants submitting a reinstatement application for a registration that has been expired for a period of longer than twelve months, the registrant shall complete thirty six hours of continuing education in accordance with rule 4736-11-04 of the Administrative Code within the twelve month period immediately preceding the application for reinstatement. Continuing education hours used to meet the requirements of this paragraph shall not be used to renew the reinstated registration.

(5) Be accompanied by such evidence, statements, or documents as specified on the forms;

(6) Be notarized by a notary public.

(B) In addition to the information required in paragraph (A) of this rule, the board may also require:

(1) Appearance before the board for a reinstatement interview.

(2) Taking or retaking the examination specified in rule 4736-9-01 of the Administrative Code.

(C) Any application received in accordance with this rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall be undertaken with respect to that application.

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4736-7-03

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- (1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.
- (2) No application for reinstatement may be withdrawn without approval of the board.
- (3) Submitted fees shall be neither refundable nor transferable.

*** DRAFT - NOT YET FILED ***

4736-7-04

Fee for reinstatement.

The fee for reinstatement of a registration shall be two hundred and ten dollars. This fee is non refundable and nontransferable.

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

4736-11-03

Hours of continuing education required.

- (A) ~~Registrants must complete eighteen clock hours of approved continuing education courses each year to be eligible to apply for renewal of their certificate.~~

- (B) ~~The board may waive continuing education hours in cases of a registrant's certified illness or disability which prevents the attendance at any qualified educational seminars during the twelve months immediately preceding the annual certificate of registration renewal date. Continuing education waivers will be determined on a case by case basis. Waivers shall not be granted for a period in excess of three consecutive renewal periods.~~

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

4736-11-03

Continuing education requirements for renewal.

(A) Registrants must complete eighteen clock hours of board approved continuing education courses each year to be eligible to renew their certificate of registration.

(B) Courses of study or programs of instruction offered to meet the continuing education requirements for the annual renewal of an individuals certificate of registration shall be board approved and in the following subject areas:

(1) Diseases and injuries caused by environmental factors and the applicable prevention techniques.

(2) Administrative law and process.

(3) The utilization of resources in the collection, arrangement, and interpretation of data.

(4) Environmental health administration.

(5) New or substantially revised environmental health laws, rules and process.

(6) Functional fields of environmental health to include air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, bioterrorism, recreational facilities, solid, infectious and liquid waste management, vector control, drinking water quality, milk sanitation, rabies control, land use and occupational health and safety.

(7) Environmental health planning or emergency preparedness.

(8) Communication skills.

(9) Organization or program management courses.

(10) Computer skills development and functional utilization.

(C) Courses of study or programs of instruction offered in the following areas or formats are not applicable continuing education activities and will not be approved by the board to meet the continuing education requirements for annual renewal of an individuals certificate of registration:

(1) First Aid.

(2) CPR.

(3) Defensive Driving.

(4) Courses of self instruction/self study.

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4736-11-03

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(5) Courses dealing with proposed environmental health laws, rules and processes.

(6) Any other continuing education material deemed not applicable by the board.

(D) The board may waive continuing education hours in cases of a registrant's certified disability or illness which prevents the attendance at any qualified educational seminars during the twelve months immediately preceding the annual certificate of registration renewal date. Continuing education waivers will be determined on a case by case basis. Waivers shall not be granted for a period in excess of three consecutive renewal periods.

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4736-11-04

~~Types of continuing education courses.~~

~~A course of study or program of instruction offered to meet the continuing education requirements for annual renewal of the certificate of registration shall be board approved and in the following subject areas:~~

- ~~(A) Diseases and injuries caused by environmental factors and the applicable prevention techniques.~~
- ~~(B) Administrative law and process.~~
- ~~(C) The utilization of resources in the collection, arrangement, and interpretation of data.~~
- ~~(D) Environmental health administration.~~
- ~~(E) New or substantially revised environmental health laws, rules and process.~~
- ~~(F) Functional fields of environmental health to include air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, bioterrorism, recreational facilities, solid, infectious and liquid waste management, vector control, drinking water quality, milk sanitation, rabies control, land use and occupational health and safety.~~
- ~~(G) Environmental health planning or emergency preparedness.~~
- ~~(H) Communication skills.~~
- ~~(I) Organization or program management courses.~~
- ~~(J) Computer skills development and functional utilization.~~

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4736-11-09

Reinstatement.

~~(A) A registrant whose certificate of registration has lapsed may apply for reinstatement.~~

~~(1) The board may reinstate a registrant's certificate that has expired three years or less upon submission of the reinstatement application, appropriate reinstatement fee, and proof of completion of at least eighteen hours of board approved continuing education for each lapsed year.~~

~~(2) Registrants whose certificates have been expired longer than three years must reapply for registration as provided in rule 4736-7-02 and paragraph (A) of rule 4736-8-01 of the Administrative Code, and pass the examination provided for registration as a sanitarian.~~

~~(B) A sanitarian in training whose certificate has lapsed longer than three years and who does not meet the experience requirement as provided in paragraph (A) of rule 4736-8-01 of the Administrative Code may reapply for registration as provided in rule 4736-7-02 and paragraph (B) of rule 4736-8-01 of the Administrative Code.~~

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4736-12-02

Fees.

~~(A) The state board of sanitarian registration shall charge the following fees:~~

~~(1) For sanitarians in training to apply for registration as sanitarians, the fee as prescribed in division (A)(2) of section 4736.12 of the Revised Code. Should the board deny the issuance of a sanitarian registration, the application fee shall be retained.~~

~~(2) For persons other than sanitarians in training to apply for registration as sanitarians, the fee as prescribed in division (A)(3) of section 4736.12 of the Revised Code. Should the board deny the issuance of a sanitarian registration, the application fee shall be retained.~~

~~(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the board of conducting the examinations.~~

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4736-12-02

Fees.

Fees charged by the board are specified in section 4736.12 of the Revised Code. All fees collected by the board are nonrefundable and nontransferable.