

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

**Agency Name: Sanitarian Registration Board**

**Regulation/Package Title: SAN Board No Change Rules 2014 Review**

**Rule Number(s): 4736-1-01, 4736-9-03**

**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Rescinded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 4736-1-01:

This rule supplies terms and the common definitions of words used in the practice of environmental health with regard to the Board of Sanitarian Registration.

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Rule 4736-9-03:

This rule lists the minimum passing score registrants must achieve on the examination.

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

Rule 4736-1-01:

The statute authorizing the adoption of this regulation is 4736.03 of the ORC.

Rule 4736-9-03:

The statute authorizing the adoption of this regulation 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 4736-1-01:

This rule defines common terms used by the Board in the practice and regulation of the practice of environmental health. It allows registrants to easily find the proper and correct definitions for terms commonly utilized.

Rule 4736-9-03:

This rule sets the minimum passing score for the examination required to advance from a sanitarian in training to registered sanitarian in the State of Ohio.

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

Rule 4736-1-01:

This is a definitions rule and does not have a measurable outcome.

Rule 4736-9-03:

The examination is mandatory for registration as a registered sanitarian in Ohio. The success will be measured by the passing rate of each group of examinations given.

#### **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 both 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?**

There was none received from the stakeholders regarding either rule.

**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 reviewed the definitions and exam passage rule and elected to make no recommended changes at this time. Both rules are clear and provide the stakeholders with information in a clear and concise manner.

**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?**

These rules are the only rules defining the particular terms in rule 4736-1-01 and rule 4736-9-03 is the only rule listing the minimum passing score for the examination.

**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.**

Rule 4736-1-01 does not require implementation. It is simply a rule listing definitions to assist the stakeholders and general public with commonly used terms and definitions in the practice and regulation of environmental health.

Rule 4736-9-03 will be applied consistently and evenly across all registrants who are applying for registration as an RS in the State of Ohio. This rule requires them to achieve a minimum passing score of 70% on the examination for registration.

### **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;**

4736-1-01:

The scope of the impacted business community is all registrants and/or consumers of environmental health services.

4736-9-03:

The scope of the impacted business community is sanitarians in training or anyone wishing to obtain registration in Ohio that has failed to pass the examination with a 70% or better.

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

4736-1-01:

There is no adverse impact. This rule is a simple definition rule.

4736-9-03:

The potential adverse impact of this rule is that an applicant may have to take the examination on more than one occasion to achieve a passing score. This could cost the employer time and money.

Another adverse impact is that if an individual has to take the examination multiple times they have to pay the examination registration fee each time. This could cost the employer or the registrant money.

**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.*

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4736-1-01:

There is no adverse impact.

4736-9-03:

Based upon the past two years of examination data, 127 candidates have taken the examination. Of those individuals 47% passed on their first attempt, 53% passed on their second attempt and 38% passed on their third or greater attempt. This information was taken from the examination passage rates from the PES examinations given in 2011 and 2012. Data for the NEHA examination, which the Board began using in 2013, was not included in these results because we have only given that examination two times.

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

4736-1-01:

There is no adverse impact to the regulated business community.

Rule 4736-9-03:

This rule has been in effect since 6/1/1978. At that time registration in Ohio was not mandatory; however upon making registration mandatory the Board also made passage of the examination mandatory. This occurred 7/20/1987.

**Regulatory Flexibility**

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

No. There is no exemption because you have to take the examination to become registered in Ohio.

**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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4736-1-01

**Definitions.**

- (A) "Accredited educational institution" means an academic institution of higher learning which is currently accredited by at least one of the following or recognized as in paragraph (A)(7) of this rule:
- (1) "Middle States Association of Colleges and Schools, Commission on Higher Education";
  - (2) "New England Association of Colleges and Schools, Commission on Institutions of Higher Education";
  - (3) "North Central Association of Colleges and Schools, Commission on Institutions of Higher Education";
  - (4) "Northwest Association of Colleges and Schools, Commission on colleges";
  - (5) "Southern Association of Colleges and Schools, Commission on Colleges";
  - (6) "Western Association of Colleges and Schools, Accrediting Commission for Senior Colleges and Universities";
  - (7) An educational institution outside of the United States of America that is recognized by the ministry of education of the country in which the institution is located provided that the baccalaureate degree granted by the institution is the result of at least a total of sixteen academic years of formal preparation which includes primary, secondary and higher education.
- (B) "Administration" means conducting activities such as, but not limited to, supervision, direction, enforcement, planning, monitoring and evaluation of environmental health programs, specified in division (E) of section 4736.01 of the Revised Code, when those duties comprise more than fifty percent of the designated duties of a position.
- (C) "Approved training agency" means an accredited educational institution or affiliate, governmental agency, nongovernmental agency, professional society, association, or organization which has approval from the state board of sanitarian registration to offer continuing education.
- (D) "Board" means the state board of sanitarian registration as created by section 4736.02 of the Revised Code.

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- (E) "Continuing education" means courses or programs in subjects relating to improving the practice of the sanitarian profession, or courses or programs in the utilization, administration and application of new techniques, scientific advancements, and/or research findings in environmental health science.
- (F) "Course of study or program of instruction" means any continuing education activity conducted by a training agency in the subject area of environmental health science.
- (G) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation and rabies control. Environmental health science does not include the activities of any person who is otherwise licensed by the state of Ohio and who is acting within the lawful scope of the individual's licensed profession.
- (H) "Executive secretary" means the person appointed by the board to carry out the duties provided in rule 4736-6-02 of the Administrative Code.
- (I) "Full-time employment" means filling a full-time position as characterized by one's employer or employers, an accumulation of two thousand eighty hours, or a period of employment with cumulative total hours that are equivalent to the employer or employers full-time position.
- (J) "Inspection" means activities requiring specialized knowledge and skills in the field of environmental health science, performed by an individual required to be registered in accordance with Chapter 4736. of the Revised Code. Such activities shall include but not be limited to examination and evaluation.
- (K) "Practice of environmental health" means that as defined in section 4736.01 of Revised Code.
- (L) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with Chapter 4736. of the Revised Code.
- (M) "Sanitarian" means a person who performs, for compensation, educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.

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- (N) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with Chapter 4736. of the Revised Code.
- (O) "Training agency" means a governmental agency, nongovernmental agency, professional society, association or organization offering board approved continuing education courses for continuing education credit.

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4736-9-03

**Passing score.**

Applicants must obtain a score on the given examination equivalent to at least seventy point zero per cent.