

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Sanitarian Registration Board

Regulation/Package Title: 2016 No Change Rules

Rule Number(s): 4736-8-02; 4736-9-04

Date: July 14, 2016

Rule Type:

New

5-Year Review

Amended

Rescinded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 4736-8-02:

This is a no change rule regarding approved internship programs, which are required by division (B) of section 4736.08 of the Ohio Revised Code.

Rule 4736-9-04:

This is a no change rule regarding the procedure for reexamination for licensees.

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

The statute authorizing the adoption of both 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 neither rule implements a federal requirement.

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 4736-8-02:

The purpose for this rule is to clarify that approved internship programs, which are required by division (B) of section 4736.08 of the Ohio Revised Code, must meet the criteria and be approved by the National Environmental Health Science & Protection Accreditation Council (EHAC).

Rule 4736-9-04:

The purpose for this rule is to allow an applicant who obtains a failing examination score the opportunity to retest.

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

Rule 4736-8-02:

This is measured by the number of individuals who obtain degrees from EHAC accredited programs/universities.

Rule 4736-9-04:

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This is measure by the examination passage rate.

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.

On October 23, 2015 the Board emailed the stakeholders (licensees) to inform them that these rules were up for review. This was sent via email to the members of the Board's listserv and posted on the Board's website.

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

Stakeholders were asked to provide comment on or before November 6, 2015. No comments were received and the rules were reviewed at the May 18, 2016 Board meeting.

- 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?**

Rule 4736-8-02:

EHAC is the accrediting body used nationally by colleges/universities to certify their environmental health programs.

Rule 4736-9-04:

The Board maintains records of the examination passage rate and just had a study conducted regarding the examination passage by an MPH student from Kent State University. The ability to allow individuals to retest is standard. This is a national examination that is maintained by the National Environmental Health Association.

- 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?**

Rule 4736-8-02:

N/A

Rule 4736-9-04:

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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.***

N/A

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

The Board is solely responsible for the registration of sanitarians and sanitarians in training, which the proposed rules administer.

- 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 are consistently applied to all individuals applying for registration with the Board. The Board does not have a reciprocal agreement with any other state. Each individual who applies for registration/licensure in Ohio must meet the standards set forth in ORC 4736.08, 4736.10 and 4736.12.

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;**

- Registered sanitarians.

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

4736-8-02:

N/A

4736-9-04:

Pursuant to ORC 4736.12, fees are established for the Board. The cost to licensees does not exceed the actual cost to conduct the exam in accordance with OAC 4736-9-01.

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- 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.

4736-8-02:

N/A

4736-9-04:

The cost of application is dependent upon the price the National Environmental Health Association (NEHA) charges the Board/exam.

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

4736-8-02:

N/A

Rule 47369-04:

By requiring individuals take and pass the NEHA examination, it is ensuring that there is a safe and well trained workforce of sanitarians available. The cost to retake the examination is no higher than taking it the first time. You are able to take the examination as many times as needed to pass and both a scantron version and online testing center version are available.

Regulatory Flexibility

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

N/A This rule does not affect small businesses.

- 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.

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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:

Ohio Sanitarian Registration Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

(614) 466-1772 (phone)

(614) 644-8112 (fax)

Board's Website:

<http://sanitarian.ohio.gov>

Board's Email:

stephanie.youst@san.ohio.gov

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

4736-8-02

Approved internship program.

In order to be characterized as an approved internship program as required by division (B) of section 4736.08 of the Revised Code, that program must meet the criteria and be approved by the "National Environmental Health Science and Protection Accreditation Council."

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

4736-9-04

Procedure for re-examination.

Any applicant who fails to obtain a passing score on the examination prescribed by the board may submit application for examination as provided in rule 4736-9-01 of the Administrative Code.