

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Sanitarian Registration Board

Regulation/Package Title: Sanitarian in training extension request FY13

Rule Number(s): 4736-10-01

Date: December 4, 2012

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Rescinded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.

This rule deals with extension requests for sanitarians in training. Every sanitarian in training is required to request an extension prior to their third renewal.

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

4736.03

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- 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)?**

This rule reinforces to sanitarians in training that they have a maximum of five years to practice environmental health under the supervision of a registered sanitarian. It ensures that they are aware that: 1) they complete the full time work experience requirement prior to the end of their five years, and 2) they need to take and pass a national examination specified by the Board prior to the end of their five years.

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

The success of this regulation is measured by the number of cease and desist orders the Board has to send to sanitarians in training who are still practicing when they meet the five year maximum mark.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

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If applicable, please include the date and medium by which the stakeholders were initially contacted.

Registered sanitarians in training are the stakeholders. They were notified via email of the proposed rule changes and the rules being reviewed on October 10, 2012.

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

One comment was received from the stakeholders. It was reviewed and discussed at the November 7, 2012 Board meeting. The Board decided to proceed with the rule as originally planned.

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 an alternative regulation. This regulation is in place to allow sanitarians in training to obtain the necessary work experience and pass the examination prior to being advanced to a full registered sanitarian. This rule is in line with the Board's mandate of public protection by making sure that the individuals who advance to registered sanitarian status are ready and prepared to work alone in the field of environmental health.

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.

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

This is the only rule regulating extension requests for sanitarians in training.

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.

This rule has been in effect for many years. Each sanitarian in training is notified by mail, at a minimum, three months in advance of the date they are required to request the extension from the Board.

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;**

Sanitarians in training

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

If a sanitarian in training fails to request the extension in a timely manner they are not eligible to renew their registration and have to file for reinstatement by the Board.

- 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.

Based upon the past five years of data (listed below) the Board does not feel that there is an adverse impact created by this rule. Each fiscal year approximately 20 extensions are requested and granted.

FY09: 20 Extension Requests

FY10: 15 Extension Requests

FY11: 17 Extension Requests

FY 12: 21 Extension Requests

FY13: 7 Extension Requests (As of December 1, 2012)

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

The Board does not anticipate a negative impact created by this rule.

Regulatory Flexibility

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

This regulation does not affect small business in any way.

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

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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

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

4736-10-01

Sanitarian-in-training extension request.

- (A) A sanitarian-in-training shall apply for registration as a sanitarian within three years of registration as a sanitarian-in-training.

The board may extend the registration of any sanitarian-in-training who furnishes, in writing, sufficient cause for not applying for registration as a sanitarian within the three year period.

- (B) Sufficient cause for extending sanitarian-in-training registration will be determined by the board on a case by case basis. Sufficient cause for extension shall include but is not limited to:

(1) The sanitarian-in-training has taken the registration examination at least once, or;

(2) The sanitarian-in-training has competently performed for compensation, educational, investigational, technical or administrative duties in the field of environmental health science on or before the date of the extension request.

- (C) A sanitarian-in-training must be granted an extension of sanitarian-in-training certification prior to the issuance of the third annual registration renewal. Certificates of registration expire annually and become invalid on that date unless renewed pursuant to section 4736.11 of the Revised Code.

- (D) The extension request shall be written, and shall include:

(1) An explanation of why the requestor has not applied for registered sanitarian status.

(2) A listing of full-time experience from the date the sanitarian-in-training certificate was granted.

(3) The number of times the requestor has taken the registration examination.

- (E) A sanitarian-in-training who fails the registration examination on three or more occasions may be required, as part of the application process to retake the examination, to submit and show evidence of a study plan toward passing the registration examination, and/or meet such other requirements as may be imposed by the board.