

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Sanitarian Registration Board

Regulation/Package Title: Practice Limitations for SIT's FY13

Rule Number(s): 4736-15-03

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 Rescinded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 the maximum amount of time a sanitarian in training can practice environmental health. Each individual who is issued registration as a sanitarian in training may actively practice environmental health for a period not to exceed five years.

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

- 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 specifies the time a sanitarian in training may actively engage in the practice of environmental health under the supervision of a registered sanitarian. During this time, the sanitarian in training must obtain the necessary work experience and pass the examination specified by the Board to be eligible for advancement to registered sanitarian.

- 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 sanitarians in training who are eligible for advancement prior to the five year permanent expiration of their sanitarian in training registration.

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.

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 prevents individuals from becoming sanitarians in training permanently and forces them to obtain the required work experience and take the examination in order to be eligible for advancement.

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 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 registration is monitored on an annual basis to ensure the registrant has not exceeded the five year maximum for registration. If the five year period is approaching, the individual is notified via mail of their expiration date and is encouraged to obtain the work experience and exam passage prior to the expiration of their sanitarian in training registration. If the registrant comes upon the five year mark they are sent a certified cease and desist letter.

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;

This rule can impact the business community by forcing businesses to no longer employ individuals who may be at the five year maximum mark and who are not able to pass the examination and/or have not met the minimum work experience requirement.

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

The adverse impact is that employers may have to remove individuals from service who exceed the five year maximum time requirement. The adverse impact is the employer time to remove the employee and find a replacement.

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

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“representative business.” Please include the source for your information/estimated impact.

The cost is the employer’s time to remove the individual from service who is no longer eligible to perform the job duties of a sanitarian in training and replace them with a qualified registered individual. Over the past five years, notice has been sent to five individuals in this situation. The Board does not feel this places an undue burden on stakeholders or creates an adverse impact for employers to comply with this requirement.

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

This rule rarely impacts the business community. The majority of registrants are able to earn their work experience and pass the examination within a three year period. If a registrant does exceed the five year timeframe, the business is notified, via certified mail, of the registrant’s inability to adhere to the requirements.

Regulatory Flexibility

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

No.

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?

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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

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

4736-15-03

Practice limitation for sanitarian-in-training.

- (A) A sanitarian-in-training may engage in the practice of environmental health for a period not to exceed five years, provided the sanitarian-in-training is supervised by a registered sanitarian.

- (B) The five-year time limitation commences once the sanitarian-in-training begins to engage in the practice of environmental health full-time, part-time, or part-of-the-year and concludes five years from that date unless the sanitarian-in-training ceases to engage in the practice of environmental health during an entire renewal period.