

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Sanitarian Registration Board

Regulation/Package Title: Procedures & Information: Examination FY13

Rule Number(s): 4736-9-01

Date: December 4, 2012

Rule Type:

- | | | | |
|-------------------------------------|----------------|--------------------------|----------------------|
| <input type="checkbox"/> | New | <input type="checkbox"/> | 5-Year Review |
| <input checked="" type="checkbox"/> | Amended | <input type="checkbox"/> | Rescinded |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 procedures for registering to take the examination for registration as a sanitarian in Ohio.

- 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 deals with setting the standards of passage and registration for the national examination used to measure the competency of sanitarians in the state of Ohio.

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

This 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.

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.

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

No input on this rule was provided by the stakeholders. This rule change was the result of the findings of the last audit conducted by the Auditor's office.

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 discussed changing the examination registration deadline to a week prior to the examination date and a few weeks prior to the examination date, but upon the recommendation of the Board's executive secretary determined that eliminating a mandatory examination deadline would best serve the stakeholders.

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 the examination of registered sanitarians in Ohio.

- 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.**

Once the examination deadline is eliminated, each testing date will be limited to the first 40-50 candidates. Once the testing date is full, no additional candidates will be accepted for that date. The examination requests and attendance will be monitored by the executive secretary.

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;**

Applicants applying to sit for the registration examination.

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

The potential that someone will not be eligible to sit for the examination because it has reached maximum capacity is a potential adverse impact.

- 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 examination data, the Board does not feel that there will be an adverse impact because there have never been more than 40 people registered for the examination at one time.

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

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This rule has been updated to reflect current procedures therefore we do not believe the change will have a negative impact.

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, 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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obtained at the office of the state board of sanitarian registration.

- (3) Examinations shall be held at least one time each year and at more frequent intervals if the board deems this necessary. The board may limit the number of applicants at any examination to that which may be adequately and prudently accommodated and supervised.
- (4) Examinations shall be held in central Ohio, and at such other places as may be determined by the board.
- (5) The board shall charge separate fees for examination, provided that the fees are not in excess of the actual cost to the board of conducting the examinations.
- (6) Applications for examination must be made on forms prescribed by the board. Each completed application must be accompanied by a check or money order payable in the manner prescribed by the board in the amount of the appropriate fee.
- (7) An applicant shall be considered scheduled for an examination upon receipt by the board of the application. The examination fee shall not be returned after applicant is scheduled for examination.
- (8) ~~Applications for examination and the appropriate fee must be received by the board at least thirty-five days prior to the examination date.~~