CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Sanitarian Registration Board

Regulation/Package Title: Type of Examination FY13

Rule Number(s): 4736-9-02

Date: December 4, 2012

Rule Type:

- ☐ **New**
- ☐ **Amended**
- X **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- ☐ **Rescinded**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 type of examination an applicant must take to become registered as a sanitarian in Ohio.

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

   4736.03

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 explains they type of examination an applicant must take to become a registered sanitarian in Ohio.

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

   The outcome of this rule will be measured by the number of registered sanitarians in Ohio and by the passage rate of each examination that is 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.

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.

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. There is one national examination available for registrants to take and that is the examination the Board purchases and proctors.

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 type of examination used to determine registration of 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.**

The examination will be offered, at a minimum three times per year, to any registrant who applies to sit for the examination on dates specified by the Board.

<u>Adverse Impact to Business</u>

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;**

       Registrants applying to sit for the examination.

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

       The potential impact is that employers must ensure that their sanitarians in training take and pass the examination within the limitations and scope of the sanitarian in training registration.

    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 Board history, the examination is offered, at a minimum three times per year allowing ample opportunity for sanitarians in training to take the examination.

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

This rule is necessary because passage of the examination is mandatory for registration as a sanitarian in Ohio.

Regulatory Flexibility

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

This rule does not provide alternative means of compliance. Everyone who is registered as a sanitarian in Ohio must take and pass a written examination.

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

4736-9-02 **Type of examination.**

The board shall provide a written examination which is objective and practical and meets the requirements of section 4736.09 of the Revised Code.