

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

**Agency Name:** Sanitarian Registration Board

**Regulation/Package Title:** 2015 Amended Rules

**Rule Number(s):** 4736-7-02; 4736-11-01

**Date:** July 9, 2015

**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Rescinded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 4736-7-02:

This rule informs individuals applying for licensure how to apply, that the completed application materials must be accompanied by the appropriate fee, and that all application fees are nonrefundable.

Rule 4736-11-01:

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

This rule informs registrants that a wall certificate will be issued to them within 90 days of being approved for registration by the Board. It also states that all certificates of registration expire annually unless renewed pursuant to section 4736-11 of the ORC.

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

Rule 4736-7-02:

The statute authorizing the adoption of this regulation is 4736.03 of the ORC.

Rule 4736-11-01:

The statute authorizing the adoption of this regulation 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 this regulation does not implement 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)?**

4736-7-02: The purpose for this rule is to ensure that all individuals seeking to become registered as sanitarians on Ohio are aware that there is an application process and associated fee.

4736-11-01: The purpose for this rule is to inform licensees that they will be issued an official wall certificate by the Board that they are required to renew annually pursuant to the ORC and the meaning of the word registrant in Chapter 4736-11 of the OAC.

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

The outcome of this regulation will be measured by the number of individuals who are registered on an annual basis.

**Development of the Regulation**

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

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

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

On February 14, 2014 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 March 21, 2014. After the comments were received and reviewed at the January 28, 2015 Board meeting, the Board decided to file rules 4736-7-02 and 4736-11-01 as amended.

**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?**

Not applicable.

**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 discuss the suggestions made regarding rule 4736-7-02 by one registrant. At this time the Board's fees are in statute not in rule.

**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.***

Not applicable.

**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 waive fees, grant exceptions on the application process or extend renewal dates except as provided under rule 4736-11-03(D) of the OAC.

## 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 and sanitarians in training.
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
  - Pursuant to ORC 4736.12, fees are established for the Board. This legislation sets the application and renewal fees. Those fees are only able to be changed via the budget bill or with an amendment to the law.
  - Pursuant to ORC 4736.11, registrations must be renewed annually.
- 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.*

- The cost of application is dependent upon the Board’s budget appropriation. This cost is reviewed every two year as the budget for the coming biennium is prepared.
- Individuals must request transcripts from their educational institution(s) and there is an associated cost for official copies. The Board does require an official copy for its file.
- The cost for an individual applying for application may or may not be covered by their employer or may be a reimbursable expense upon hire. This varies among employers.
- Annual renewal required annual payment as well as the completion of a specific number of Board approved continuing education (CE) within a designated period. This can be costly to the sanitarians as some CE may or may not be reimbursable upon completion.

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

One of the core requirements and responsibilities of a licensing Board is to determine if an applicant is minimally competent to safely become a member of the workforce. This is done by reviewing the completed application materials submitted by the applicant. Once the individual has met those standards and is issued a license to practice environmental health, it is again the Board’s responsibility to ensure that its licensees are competent. This is done by requiring the renewal of registrations, which includes required continuing education.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

**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.

**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, 16<sup>th</sup> 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@exchange.state.oh.us](mailto:stephanie.youst@exchange.state.oh.us)

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

4736-7-02

**Application processfee.**

- (A) An applicant shall return the completed application ~~form~~ to the office of the board whereupon the board shall cause a record to be made in accordance with section 4736.07 of the Revised Code. The board shall advise the applicant of the status of the application within sixty days of receipt of the application.
- (B) The board shall consider only those applications to become a registered sanitarian or sanitarian-in-training which are accompanied by the appropriate fees as prescribed in section 4736.12 of the Revised Code. The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts prescribed in section 4736.12 of the Revised Code provided that such fees do not exceed the amounts prescribed in section 4736.12 of the Revised Code by more than fifty percent.
- (C) Each completed application must be accompanied by the appropriate fee ~~a check or money order payable in the manner~~ prescribed by the board ~~in the amount of the application fee~~. The application fee fees shall be nonrefundable.
- (D) Each applicant must submit directly from the educational institution ~~cause an official transcript of all academic credits claimed to be forwarded to the board to~~ ~~assure~~ensure compliance with division (A) of section 4736.08, division (B) of section 4636.08, or division (C) of section 4736.08 of the Revised Code.

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

4736-11-01

**Provisions for issuing certificate.**

- (A) Within ~~sixty~~ninety days following the applicant's meeting the requirements and, when applicable, passing the examination given by the board for registration, the appropriate wall certificate shall be issued by the board.
- (B) All certificates of registration shall expire each year on the assigned expiration date unless renewed pursuant to section 4736.11 of the Revised Code and the rules adopted thereunder.
- (C) As used in rules in Chapter 4736-11 of the Administrative Code, registrant or registrants means registered sanitarian or registered sanitarian in training.