

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Sanitarian Registration Board

Regulation/Package Title: 2015 New/Rescinded Rules

Rule Number(s): 4736-11-02; 4736-11-04; 4736-11-05; 4736-11-06; 4736-11-07; 4736-11-08

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Rescinded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 4736-11-02: This rule is being proposed to inform registered sanitarians and sanitarians in training what is required for individual continuing education course approval. The previous rule is being rescinded because the rule was entirely incorporated into the new draft version.

Rule 4736-11-04: This rule is being proposed to detail what is required to become registered as a training agency with the Board.

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Rule 4736-11-05: This rule is being proposed to detail what the course approval requirements are for training agencies submitting continuing education for Board review. The previous rule is being rescinded because it is being incorporated into this new rule and partially into the new rule 4736-11-04.

Rule 4736-11-06: The Board is proposing to rescind this rule, which dealt with the continuing education course approval requirements for training agencies, because those requirements have been incorporated into new rules 4736-11-04 and 4736-11-05.

Rule 4736-11-07: The Board is proposing to rescind this rule, which dealt with the attendance at continuing education courses not approved by the Board, because elements of this rule have been incorporated into new rule 4736-11-02.

Rule 4736-11-08: The Board is proposing to rescind this rule, which dealt with a list of approved training agencies and courses, because it is obsolete.

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

Rule 4736-11-02:

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

Rule 4736-11-04:

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

Rule 4736-11-05:

The statute authorizing the adoption of this regulation is 4736.03 and 4736.12 of the ORC.

Rule 4736-11-04:

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

Rule 4736-11-06:

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

Rule 4736-11-07:

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

Rule 4736-11-08+:

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)?**

4736-11-02: The purpose of rule 4736-11-02 is to list the procedure and requirements for registered sanitarians and sanitarians applying for individual continuing education (CE) credit with the Board. This new rule details explicitly what the applicant is to provide for Board consideration. The rescinded version of this rule was less specific but the information in the rescinded version is incorporated into the new version of this rule.

4736-11-04: The purpose of rule 4736-11-04 is to list the procedure and requirements for an agency to become registered as a training agency with the Board. These entities are able to offer approved CE courses to registered sanitarians and sanitarians in training. This new rule details what must be included with the application for registration, information regarding renewal and states that requests are reviewed at all regularly scheduled Board meetings.

4736-11-05: The purpose of rule 4736-11-05 is to list the requirements to have a CE course approved when submitted by a training agency. This new rule details explicitly what the applicant is to provide for Board consideration. The rescinded version of this rule was less specific but the information in the rescinded version is incorporated into the new version of this rule.

4736-11-06: The purpose of rule 4736-11-06 was to state the continuing education course approval requirements for a training agency. The applicable portions of this rule have been incorporated into new rules 4736-11-04 and 4736-11-05.

4736-11-07 The purpose of rule 4736-11-07 was to state the attendance requirement when submitting a continuing education course approval not given by a training agency. The applicable portions of this rule have been incorporated into new rule 4736-11-02.

4736-11-08: The purpose of rule 4736-11-08 was to require a list of training agencies and approved courses be posted electronically on the Board website. This rule is obsolete.

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

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The outcome of this regulation will be measured by the amount of continuing education that is submitted, reviewed and approved annually.

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.

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 the rules as new and rescinded.

- 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 4736-11-02 by one registrant; however, the Board determined that the amount of hours of continuing education required annually is an appropriate number to remain up to date 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.***

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 and registered with 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;

- 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 and renewal for a training agency is dependent upon the Board’s budget appropriation. This cost is reviewed every two year as the budget for the coming biennium is prepared.
- There can be a cost for attending CE courses that are approved by the Board. Employers may or may not reimburse their staff for the cost of the activity upon completion.
- Many CE activities occur during the working week. Employers may or may not allow their staff to attend these events approved by the Board as a related work event without using leave or they could be forced to take vacation/sick/no pay in order to attend events.

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 ensure the continuing competency of their licensees. This is done by requiring a minimum number of

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hours of continuing education annually and requiring renewal of a registration. The agencies that offer Board approved continuing education coursework are put through an application and renewal process as well. They are required to provide documentation that the licensees attended the programs they offer as proof to the Board. Though some programs can be costly, there are options for low cost and free continuing education credit made readily available to the licensees.

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, 16th 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

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4736-11-02

Individual continuing education course approval requirements.

(A) Registrants who attend or view a continuing education course which was not given as part of an approved training agency's curriculum or that has not been pre-approved by the board may be submitted to the board for review. The course must be submitted on form(s) prescribed by the board.

(B) The registrant shall provide the following information to the Board for consideration:

(1) The name, mailing address, phone, email address, signature and date of the individual requesting the course review;

(2) The number of hours being requested for attending the course;

(3) The course title, location, date and instructor information;

(4) The relevancy to the practice of environmental health and the educational benefits the registrant gained by attending;

(5) The applicable subject matter category;

(6) A copy of the course agenda/itinerary complete with times for each portion of the program and any lunch or breaks that were taken or a copy of the course syllabus or catalog description; and

(7) Verification of attendance.

(C) The board will review requests for individual continuing education course approval at all regularly scheduled board meetings.

(D) It is the sole responsibility of the registrant to ensure that the required evidence of meeting the continuing education requirements is submitted to the board.

(E) Any person falsifying information pertaining to the completion of continuing education coursework or requirements will be subject to revocation of their certificate of registration.

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

4736-11-02

~~Submission of attendance information.~~

- (A) ~~Certificates of attendance at continuing education courses or other substantiating documentation must be submitted by registrants at the same time as and be attached to the application for renewal of registration. No documents will be returned.~~
- (B) ~~It is the sole responsibility of the registrant to assure that required evidence of meeting continuing education requirements is submitted to the board on forms prescribed and furnished by the board.~~
- (C) ~~Any person falsifying information pertaining to completion of continuing education requirements will be subject to revocation of the certificate of registration.~~

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Training agency registration and approval.

4736-11-04

A training agency must be approved by the board prior to submitting requests for the approval of coursework.

(A) To register as a training agency, the agency shall make application on form(s) prescribed by the board and include the initial application fee of fifty-four dollars. This fee is non-refundable and non-transferable.

(B) The application for training agency approval must include:

(1) The agency name, address, phone and email addresses;

(2) The agency or organization mission or purpose; and

(3) Signature and date of the contact person for the agency.

(C) Requests for training agency approval shall be reviewed at each regularly scheduled board meeting.

(D) Training agency status shall expire annually on December 31. Renewal applications will be sent to the contact person and mailing address on file with the board office no later than December 1 of each year. The renewal fee is twenty-seven dollars. This fee is non-refundable and non-transferable.

(E) The board may monitor or audit any courses given by an approved training agency to ensure the content is relevant to the practice of environmental health.

(F) The board may deny, refuse to renew, suspend or revoke the status of a training agency for dissemination of false information in connection with the continuing education programs or for failure to conform to rules.

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4736-11-05

Training agency course approval requirements.

- (A) Prior to the date the course or program is initially being offered, the training agency shall submit the request on form(s) prescribed by the board.
- (B) The training agency shall provide the following information to the board for consideration:
- (1) The agency name, contact person name, mailing address, phone, email address, signature and date of the agency requesting the course review;
 - (2) The number of hours being requested for attendees;
 - (3) The course title, type, location, date(s) and instructor qualification;
 - (4) A description of the course objectives and educational outcomes expected for attendees;
 - (5) A copy of the course agenda/itinerary complete with times for each portion of the program and any lunch or breaks that were to be provided for attendees;
 - (6) Brief biographical information on the speakers/presenters for the program; and
 - (7) Within 30 days of program completion, a roster of attendees and the number of hours each attendee earned must be submitted to the Board via mail, email, or fax.
- (C) The board will review requests for training agency course approval at all regularly scheduled board meetings.
- (D) It is the responsibility of the training agency to ensure that the required evidence of meeting the continuing education requirements is submitted to the board.
- (E) Any person or agency falsifying information pertaining to the completion of continuing education coursework or requirement will be subject to the revocation of their certificate of registration or removal of their status as an approved training agency.

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4736-11-05

Registration and approval of training agency.

- (A) ~~To register as an approved training agency, the agency shall make application on a form prescribed by the board, and include a fee of fifty four dollars. The fee is non-refundable. A training agency must be a board approved training agency before submitting requests to conduct continuing education activities for registrants.~~
- (B) ~~The board shall maintain a current listing of any approved training agency that provides continuing education for registrants.~~
- (C) ~~The board shall respond to all requests for approval and registration as a training agency within sixty days of receipt.~~
- (D) ~~To be considered for approval as a training agency, the training agency must submit a fifty four dollar fee, and provide the following information to the board on forms prescribed by the board:~~
- ~~(1) Name, address, and telephone number of training agency;~~
 - ~~(2) A description of the mission of the agency;~~
 - ~~(3) Name of continuing education coordinator;~~
 - ~~(4) Information indicating the type of training agency as provided in paragraph (C) of rule 4736-1-01 of the Administrative Code.~~
 - ~~(5) Information indicating whether or not the training agency is accredited and by whom;~~
 - ~~(6) A description of the physical facilities, instructional materials, courses, and instructional staff used in continuing education programs by the training agency;~~
 - ~~(7) A description of educational benefits to be derived by registrants taking continuing education programs offered by the training agency and the type of training as provided in rule 4736-11-04 of the Administrative Code.~~
 - ~~(8) Information indicating that the training agency will monitor attendance and provide evidence of attendance to attendees and the board; and/or~~
 - ~~(9) Other information the board deems necessary.~~

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4736-11-05

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- (E) ~~Approved training agency status shall expire on December thirty first of each year unless renewed by submitting an application for renewal of approved training agency status and the renewal fee of twenty seven dollars. The date for such application shall be no more than sixty days before the annual expiration date.~~
- (F) ~~The board may audit or monitor courses given by an approved training agency.~~
- (G) ~~The board may deny, refuse to renew, suspend, or revoke approved training agency status for dissemination of false information in connection with the continuing education programs or failure to conform to rules 4736-11-04, 4736-11-05, and/or 4736-11-06 of the Administrative Code.~~

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4736-11-06

Continuing education course approval requirements.

- (A) ~~A course of study or program of instruction offered for continuing education purposes by an approved training agency shall be submitted to the board at least thirty days prior to the date of the course or program on forms prescribed and furnished by the board. A course of study or program submitted after course or program completion shall not be considered for approval except as provided in paragraph (A) of rule 4736-11-07 of the Administrative Code.~~
- (B) ~~An approved training agency offering a course of study or program of instruction to apply toward the annual continuing education requirements for registration must provide the following information to be considered for approval by the board on forms prescribed and furnished by the board:~~
- ~~(1) The educational objectives of the program or course;~~
 - ~~(2) The content of the program or course;~~
 - ~~(3) The number of educational hours involved in the program or course;~~
 - ~~(4) The names and qualifications of instructors;~~
 - ~~(5) Verification that course attendance was properly monitored; and~~
 - ~~(6) Verification that the approved training agency will provide the board with a list of attendees within forty five days of completion of the course.~~
- (C) ~~All courses of study of programs of instruction shall be submitted on an annual basis. All approvals are valid for one year from the date of issue.~~

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4736-11-07

~~Attendance at continuing education courses not approved by the board.~~

- ~~(A) Registrants who attend a continuing education course which has not been approved by the board may request within sixty days of completion of the course that the course be approved for continuing education credit using forms prescribed and furnished by the board.~~
- ~~(B) For the board to consider a request to approve continuing education credit under this rule, the registrant must submit documentation satisfactory to the board that the course meets the requirements of rule 4736-11-04 of the Administrative Code.~~
- ~~(C) The board shall respond to all requests received under this rule within sixty days of receipt.~~

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

4736-11-08

~~List of approved training agencies and courses.~~

~~The secretary shall upon the request of a registrant provide a list of any course that the board has approved. A listing of all approved training agencies and approved courses shall be posted electronically on the board's website at <http://sanitarian.ohio.gov> and updated following each board meeting as required.~~