

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

Division

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4779-12-01

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Fees.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **4779.08**
5. Statute(s) the rule, as filed, amplifies or implements: **4779.09, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 4779.18**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

RC 4779.08 directs the board to adopt a rule or rules setting fees for licensing activities: application, issuance, renewal, and related functions; as well as fines for #violations of this chapter.# License application and renewal fees have not been adjusted since the Board#s inception in 2001. Going into budgeting for the FY16-17 biennium, the agency determined an imbalance between revenues and expenses. The proposed language would allow the board to adjust fees within a defined range with a ceiling, giving some flexibility to respond to budget requirements as they are clarified. Language also requires notice to stakeholders of

license fee increases under consideration allowing for comment and feedback, as well as posting the Board's fee schedule on its website.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Proposes certain fee "ceilings" for license application, license renewal, license reinstatement, OPPCE late filing, license card replacement, wall certificate replacement, license upgrades from Temporary status, license verification, license issuance, processing a name change, OPPCE activity review or approval, and fines for violations

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase revenues.

100,000 - 150,000

The budgeting standard under which agencies in Professional and Occupational Licensing operate is that licensing fees assessed should generate revenues sufficient to support agency operations. A growing imbalance between revenues and expenses became apparent during FY16-17 budgeting processes. Fee increases are necessary partly due to a lack of growth in licenses issued.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

All agency expense and revenue items are drawn from and deposited to the 4K90 Professional and Occupational Licensing rotary fund administered by OBM. The appropriation line item for all agency operations is 973609

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The most significant cost factor will be an increase of renewal fees per license from \$300 to \$400 per year in FY16, with an additional increase of another \$100 in FY17 if necessary due to budget performance and projections. Budget documents, performance and projection, have been reviewed and approved by OBM.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

This rule does not so require, but is fee assessment language based on the broader statutory requirement

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

In addition to assessments for regular licensing activity, the fee schedule includes a provision for fines for violations of law or rule

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Assessments for issuance of license, renewal of license, changes in status of licensing information, and for violation of law and rule