

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: BELTSS

Regulation/Package Title: _____

Rule Number(s): 4751-1-10

Date: 4-5-16

Rule Type:

New

X Amended

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Rescinded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.

Rule Change 4751-1-10 Licenses and Registrations

- This rule describes the manner in which licenses and registrations are granted and renewed.

- Language added to allow the annual certificate of registration to be distributed by electronic means.
- 2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**
- 4751.04
- 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.**
- N/A
- 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)?**
- The Board must define the terms for granting and renewing licenses and registrations so licensees understand what is expected of them.
- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**
- BELTSS will save resources (ink, paper, staff time, and postage) and become more efficient.

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.*
- Early stakeholder outreach was conducted from March 4, 2016-April 4, 2016 by all three of the primary provider associations (LeadingAge Ohio, The Ohio Health Care Association, and the Academy of Senior Health Services) placing a notice in their newsletters (emailed to all members). Information was also posted on the Board's Facebook page and on its website.
- The Ohio Council for Home Care and Hospice was notified per their request on March 4, 2016. Ginger Scheurger-Davison was notified per her request on March 4, 2016.
- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

BELTSS received one “no comment at this time, but thank you”, one comment about this being a great idea, and one comment about wanting to have online renewal. The comments did not affect our draft regulation, although we did update the commenter on the status of our online renewal project.

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?

There were no alternative regulations considered as the rules are driven by statute.

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. The rules were developed in accordance with ORC guidelines.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The JCARR standard for invalidation has been an ongoing deterrent to duplication. Legal staff, the Board, and Board Committees (where appropriate) have reviewed rules to assure there is no duplication of an existing Ohio regulation.

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.

BELTSS will once again seek the assistance of the three primary provider associations (as described in question number 7) to help distribute the updated rules to its members and drive traffic to the website where the updated rules will be posted. Information will also be posted on the Board's Facebook page. A letter will be mailed to all licensees prior to the Board beginning to issue certificates of registration electronically.

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;

- Rule 4751-1-10 describes the manner in which licenses and registrations are granted and renewed. The “certificate of registration” being provided by electronic means may affect those individual licensees who do not have access to a computer.

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

Rule 4751-1-10 could potentially affect licensees who do not have access to a computer, causing them to have to seek out a computer and/or call the Board.

- 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.

It is hard to quantify, but seeking out a computer at the library may take an hour per licensee. Calling the Board may take 3-5 minutes per licensee. It is estimated that 5 licensees do not/will not have access to a computer, based on previous renewal information.

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

The Board will be keeping up with technology and saving resources as described in question 6.

Regulatory Flexibility

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

Yes. Licensees without a computer or who ask will be mailed a copy of the online registration results for their license.

- 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 staff is available during normal business hours (and after hours by appointment), email, and telephone to answer any questions that individuals may have.