

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Chemical Dependency Professionals Board

Regulation/Package Title: Veterans Executive Order

Rule Number(s): 4758-17-01, 4758-17-02, 4758-13-05, 4758-13-01, 4758-13-02, 4758-03-01

Date: 2/14/14

Rule Type:

☒ New

☒ 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☐ Rescinded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.

Recently-enacted House Bill 98 requires each licensing board or commission to adopt rules identifying substantial military equivalents for its licensing education and experience requirements. This rule package includes a new rule 4758-17-01 which addresses this requirement.

Executive Order 2013-05K Recommendations requested that Board's consider issuing to a qualified spouse of those serving on active military duty in this state, a temporary licensure or certificate to practice the trade or profession so that spouses can more quickly become

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employed in their profession. This rule package includes a new rule 4758-17-02 which addresses this request.

This rule package further includes the following rule revisions:

- [4758-13-05](#) allows a service member or spouse who was unable to renew due to military service the ability to renew without penalty or re-examination.
- [4758-13-01 & 4758-13-02](#) allows a service member who is called to active duty extended time to complete continuing education requirements by the amount of time the licensee was on active duty.
- [4758-13-01 & 4758-13-02](#) requires the Board to consider relevant military education, training or service for fulfillment of continuing education requirements.

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

- Recently-enacted House Bill 98 requires each licensing board or commission to adopt rules identifying substantial military equivalents for its licensing education and experience requirements.
- ORC 4743.04 allows for the issuance of a temporary license or certification to the spouse of an active duty service member.
- ORC 5903.10 allows for a service member or spouse who is unable to renew a credential due to military service the ability to be granted a renewal without penalty.
- ORC 5903.12 allows an active duty member an extension of time to complete continuing education requirements.
- ORC 5903.121 allows the Board to consider relevant military education, training or services when determining continuing education requirements.

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, the regulation is not related to federal requirements, laws or programs.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

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)?

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The public purpose of the proposed rule is to recognize a veteran's education and experience obtained in the military that is substantially equivalent to or exceeds training and education required for professional licensure so that it would meet certain requirements of the profession's standard licensing process. The proposed rules are intended to lead to increased employment opportunities among Ohioans who have served in the military by considering relevant military education, skills training, and service in the professional licensure process to establish the applicant's competency and sufficiency of education and training needed for safe practice. In addition, the proposed rules authorize the licensing agency to consider issuing to a qualified spouse of those serving on active military duty in this state, a temporary licensure or certificate to practice the trade or profession so that spouses can more quickly become employed in their profession.

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

Military veterans should be able to have their military education, skills training, and experience more efficiently reviewed by the state agency when the agency considers the education and other requirements required for licensure and certification in applicable professions. The Board will track the number of veterans and their spouses who apply for licensure and will determine the expediency to which licensure is received in comparison with non-veteran applicants. The expectation for success of this regulation is a reduced processing time for veteran applicants as well as an increased ease for veterans to have their military service and education credited towards civilian licensure.

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.

The Board met with its Treatment Committee and Prevention Committee regarding this draft rule package. Both committees are comprised of key members of the field including OMHAS, ADAPAO, The Ohio Council, and members of various treatment and prevention programs in Ohio.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

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- Stakeholders discussed the need for spouses who are issued a temporary license to be able to renew that temporary license. Stakeholders brainstormed ways to achieve the renewal of a temporary license and a renewal process was incorporated into 4758-17-02.
- Stakeholders pointed out that military spouses should be included in the consideration of relevant military education for continuing education since many participate in military training as a spouse. This was incorporated into 4758-13-01 & 4758-13-02.

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?

No alternative regulations were considered because the Ohio Revised Code is prescriptive regarding this matter.

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.*

The Board/Commission did not consider a performance based regulation because the Statutes are prescriptive in what is required and because rules related to licensure and certifications, in general, are not conducive to a performance based approach to regulation.

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

The Board/Commission is solely responsible for the licensure or certification 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.

The Board will create internal procedures instructions and will train all staff on these new and revised rules. The changes will also be communicated to the field via the Board's listserv. The Board will also create a page on its website dedicated to veterans, service members and their spouses to assist them in navigating the credentialing process.

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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;

Ohio military veterans and their spouses who are potential licensees under one of the professions regulated by the Board.

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

The nature of the adverse impact would include the time and effort required to complete an application, and any application fees. In addition, the time and cost required to comply with any initial and/or continuing education requirements and licensure renewal expenses. The purpose of this proposed rule filing is to reduce these adverse impacts by recognizing equivalent education and experience gained in the military which would offset some of the requirements of the standard licensing process.

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 specific changes being proposed in this rule filing are intended to reduce the impacts of normal licensure by recognizing equivalent education and experience gained through a potential licensee’s military experiences.

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

Executive Order 2013-05K and recently-enacted House Bill 98 both recognize the contributions and qualifications of Ohio veterans and encourage streamlining of the certification and licensing process to take into account relevant military education, skills training, and service. The regulatory intent is further justified because the Board recognizes that the experiences of our military are valuable, translatable in certain circumstances, and should be considered in the licensing process wherever possible to facilitate economic opportunities for veterans returning to civilian service in a professional field.

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Regulatory Flexibility

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

Not applicable

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?

Not applicable

18. What resources are available to assist small businesses with compliance of the regulation?

This rule package does not require any compliance by small businesses.