



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

Business Impact Analysis

Agency Name: Ohio Vision Professionals Board

Agency Contact Info: Marlene Anielski, Executive Director

Regulation/Package Title: Fees

Rule Number(s): 4725-3-13, 4725-3-14, 4725-3-15, 4725-3-16, 4725-3-17, 4725-3-18, 4725-3-19, 4725-3-20, 4725-3-21, 4725-3-22, 4725-3-23, 4725-3-24

Date: May 17, 2019

Rule Type:

☒ New

☐ Amended

☐ 5-Year Review

☐ Rescinded

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. 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.

Under ORC 4725.031, The Ohio Vision Professionals Board (VPB) was created. The VPB was a merger between the Board of Optometry and Optical Dispensers Board. The original

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

CSIPublicComments@governor.ohio.gov

rule fee schedules are in ORC 4725 and in OAC 4725 and OAC 4726. The justifiable proposed rules are to be individually placed into OAC 4725 for purposes of organization.

4725-3-13 [NEW (from ORC 4725.52)] The intent of the regulation is to charge a \$20 fee for apprentice new and renewal registrations.

4725-3-14 [NEW (from ORC 4725.48 (B) & 4725.57)] The intent of the regulation is to charge a \$50 fee for optician and ocularist license applications or endorsement applications.

4725-3-15 [NEW (from ORC 4725.51 (B) & soon to be rescinded from OAC 4726-20-05 (D5) & 4726-7-01 (G))] The intent of the regulation is to charge a \$100 fee for an optician or ocularist license renewal. The intent of the regulation is to charge a \$75 fee for optician and ocularist late license renewals.

4725-3-16 [NEW (from ORC 4725.50 (B))] The intent of the regulation is to charge a \$5 fee for each optician and ocularist duplicate license or wall certificates.

4725-3-17 [NEW (from ORC 4725.34 (A1-A2))] The intent of the regulation is to charge a \$175 fee for therapeutic optometrist license applications.

4725-3-18 [NEW (from ORC 4725.34 (A1, A4, A5))] The intent of the regulation is to charge a \$175 fee for a therapeutic or diagnostic optometrist license renewal.

4725-3-19 [NEW (from ORC 4725.34 (A3))] The intent of the regulation is to charge a \$130 fee for an optometrist license renewal.

4725-3-20 [NEW (from ORC 4725.34)] The intent of the regulation is to charge a \$20 fee for optometrists for changing names on two licenses. The intent of the regulation is to charge a \$10 fee for replacement wall certificate.

4725-3-21 [NEW (from ORC 4725.34 (A6, A7))] The intent of the regulation is to charge a \$125 fee for late continuing education and license renewals for therapeutics, diagnostic and optometrists.

4725-3-22 [NEW (from ORC 4725.34 (A8 - A10))] The intent of the regulation is to charge a \$75 fee for reinstatement of inactive, expired or delinquent licenses for therapeutic optometrists.

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

CSIPublicComments@governor.ohio.gov

4725-3-23 [NEW (from OAC 4725-3-12 (B4))] The intent of the regulation is to charge a fee not to exceed \$200 for licensing a qualifying military spouse.

4725-3-24 [NEW (from soon to be rescinded OAC 4726-20-05 (B3))] The intent of the regulation is to charge a fee not to exceed \$225 for an ocularist exam.

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

Ohio Revised Code 4725.34, 4725.48 (B), 4725.51 (B), 4725.52, 4725.57

**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, these rules do 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.

There are no federal requirements. The Vision Professionals Board is entirely a state-level regulatory program, therefore, all associated rules pertain to the authority from the Ohio Revised Code.

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)?

ORC 4725 mandates fees. The rules are necessary to have competent, well-qualified and properly trained eyecare professionals with the required skills and knowledge, subject to regulations to ensure the public health and safety for the protection of Ohioans.

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

The staff reviews every new and renewal license application and registration, plus verifies 100% of continuing educations requirements. The staff interacts with our stakeholders through public outreach functions, phone inquiries and complaint investigations filed with the board.

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

CSIPublicComments@governor.ohio.gov

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

The stakeholders included all licensees, CE providers, schools and national and local associations. All stakeholders received an email with a link to the individual rules. The same information was posted on the website for public input. The email was sent out on March 27, 2019 for the initial input to be given to the VPB by April 12, 2019. There were 15 individuals that gave initial input, with 8 of those individuals' requests utilized, for a total of 17 requests, used in the rules draft.

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

All the stakeholder comments have identified other rule updates for the VPB's consideration, which were utilized in other group packets. No stakeholder comments were received for the fees group packet. The justifiable packet is following ORC 4725 for listing of the fees.

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. VPB is following ORC 4725 for the fees group packet. The specific individual organization changes proposed are based on the operational experiences regulating and running the board for the public health and safety of Ohioans.

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 formation of these rules took all the fees from the ORC and OAC and created individual rules for ease of managing and stakeholder understandability.

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.*

It was not necessary for the VPB to consider performance-based regulations for these rules.

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

The VPB is the only agency that regulates the Ohio professional practice standards and licensures of optometry, opticianry and ocularistry. An analysis of the fees was done.

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.

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

CSIPublicComments@governor.ohio.gov

The VPB is continuously engaged with stakeholders and licensees in communicating and ensuring understanding of regulatory requirements. In addition, the VPB will publish the changes through an electronic communication to all stakeholders and on the website.

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;

The impacted business community are the stakeholders where the proposed organized rules list the fees individually for ease of understanding for the stakeholders.

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

There should not be an adverse impact, since the fees are not increased just organized for ease of use and understanding for the stakeholders.

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 licensees utilize the State of Ohio eLicense program for inputting the desired licensure and products that are required, therefore no quantifiable impact of additional hours or other factors will negatively affect the licensees.

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

The overall intent of the rules is to ensure a clear understanding of the fee structure, which are associated with the establishment of professional practice standards and licensure of optometrists, opticians, and ocularists. Through the organization of the rules, there is no regulatory intent to have adverse impact on the licensees or the business community.

Regulatory Flexibility

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

The fee rules have alternative means for compliance if filing deadlines are missed. It is the intent for amenability to assist the licensees for regulatory compliance with professional practice standards and licensure.

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?

VPB staff regularly works with applicants to ensure all necessary paperwork is received for applications. If an applicant omits any required documentation, VPB staff notifies the applicant of the deficiency and discusses the options for compliance, which allows the application to remain in a pending status for a reasonable time to avoid forfeiture of any application fee.

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

The VPB recognizes that the eyecare professionals are small businesses, therefore the VPB is daily engaged and easily accessible by email, mail, visits and telephone for inquiries and ensuring understanding of regulatory requirements. In addition, the VPB website has valuable information including forms, helpful facts, laws, rules and links to additional outside resources.