

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Respiratory Care Board

Regulation/Package Title: RCB rules 4-2013

Rule Number(s): 4761-5-04, 4761-8-01

Date: 4/19/201

**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 Rescinded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.

Rule 4761-5-04 addresses the licensure application procedure for persons seeking to apply for a respiratory care professional license. The rules filing being proposed does not change

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substantive language contained in the rule. Instead, the rule is being filed to address forms mentioned in the rule and incorporated by reference.

Rule 4761-8-01 addresses the procedures for persons seeking to renew a license or limited permit or reinstate a license or limited permit in the state of Ohio. The rules filing being proposed does not change substantive language contained in the rule. Instead, the rule is being filed to address forms mentioned in the rule and incorporated by reference.

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

Section 4761.03 (A)(1) and 4761.03 (A)(6)

**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.

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

This rule does not exceed federal requirements.

**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 current rules do not contain any material referenced. In compliance with the Ohio Revised Code and rules of the Joint Committee on Agency Rule Review, the material referenced is being incorporated into the rule.

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

The Board will monitor customer service surveys to determine if the material incorporated is easily understood. Also, the Board will biennially evaluate the forms to determine if the legislative intent is being realized.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

The rule recently went through a full Common Sense Initiative and Joint Committee on Agency Rule Review process. The current change only addresses material being incorporated by reference. The Board provided this material to the Ohio Society for Respiratory Care for Comment, but did not receive and recommendations.

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

The Ohio Society for Respiratory Care was advised of these amendments and offered no comments.

**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?**

Rule filing required no analytical information. This rule filing only addresses material being incorporated by reference.

**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?**

JCARR rules require incorporation by reference. The Board is following the incorporation by reference procedures through this filing. There were no alternatives.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

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*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No.

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

The Ohio Respiratory Care Board is enabled through statute to license respiratory care professionals and persons seeking a limited permit to practice respiratory care in Ohio and renew/reinstate licenses and limited permits to practice respiratory care in Ohio. The Ohio General Assembly has empowered no other agencies to complete this mission. Accordingly, the Board did not consider regulatory duplication.

**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.**

Incorporated forms will not be substantively changed unless the rule is amended.

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

Due to the limited scope of this amendment, the Board believes there is no cost of compliance associated with this rule. The fees noted on the renewal forms have not changed.

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

See above response.

**Regulatory Flexibility**

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

No.

**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?**

Not applicable