

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Respiratory Care Board

Regulation/Package Title: Rule 4761-14-01 Accepting and toring hyperbaric technologist certifications

Rule Number(s)4761-14-01 (New)

Date: September 15, 2014

**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Rescinded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.*

This rule is being filed in accordance with the requirements of H.B. 165, signed by the Governor on 6/5/2014, eff. 9/4/2014. This new Act requires the Ohio Respiratory Care

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Board to adopt a rule prescribing the procedure for accepting and storing copies of hyperbaric technologist certifications.

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

**R.C. 4761.11 (A)(11) R.C. 4761.03 (A)(12)**

- 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.**

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)?**

This rule is mandated under R.C. 4761.03 (A)(12).

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

The Board will broadly mail hyperbaric technologist filing forms and gauge the return rate and response based upon national statistics that identify the number of persons certified in the state of Ohio.

### **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 reached out to Dr. Welko, the physician that sought the legislation. Dr. Welko had no concerns over the form or the process. There is no state hyperbaric association or society to review the rule. The Ohio Respiratory Care Board reviewed the rule on August 20, 2014 and did not find any concerns with the rule.

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

None. The rule follows the requirements of R.C. 4761.03()(12) and the basis data elements needed to log and track individuals in the state's licensing system.

**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?**

None.

**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?**

None. This rule is mandated under R.C. 4761.03 (A)(12).

**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. This rule is for data collection and storage of information only.

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

This rule does not duplicate any existing law or rule in the state.

**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 obtain a list of certified hyperbaric technologists from the national board of diving and hyperbaric medical technology to locate and mail information packets and forms.

**Adverse Impact to Business**

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**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;**

hyperbaric technologists.

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

Registration fee of \$20.00 one time.

**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.*

There should be no adverse impact from this regulation. The rule collects and stores data on persons certified to provide hyperbaric technology services in Ohio.

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

This rule is mandated under R.C. 4761.03 (A)(12).

### **Regulatory Flexibility**

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

No. This rule is mandated under R.C. 4761.03 (A)(12).

**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?**

This rule has no penalties attached to completing the form. There are no fines or penalties under this rule.

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

This rule collects information on individuals providing hyperbaric technologist services. There should be no need to assist small businesses under this regulation.

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