

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Board of Dietetics

Regulation/Package Title: Applications; Pre-professional Experience; Examination; Continuing Education; Licensure by Reciprocity; Status Categories; Failure to Maintain Licensure; Limited Permit; License Certificates and Permits; Prorated Initial License Fee; Criminal Records Check.

Rule Number(s): 4759-4-01 through 4759-4-11

All are NO CHANGE rules except: 4759-02 (A), 4759-4-02 (B), 4759-4-06, 4759-4-09 (A-

E). Changes include name change of national organization, online license verification in

lieu of license cards, limited permit cards, and punctuation changes.

Date: 11/21/12

**Rule Type:**

- |                                  |   |
|----------------------------------|---|
| <input type="checkbox"/> New     | <input checked="" type="checkbox"/> 5-Year Review |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Rescinded                |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.

Chapter 4759-4 administrative rules address the application requirements to obtain a dietetic license and that all requirements have been met. It also addresses pre-professional experience requirements based on the approval of the national organization's standards. The board selects and approves the Registration exam offered by the "Commission on Dietetic Registration". The continuing education requirements are included as consistent with the "Commission on Dietetic Registration". For license by reciprocity from another state or foreign country, the applicant must attach proof to the application that the requirements are equivalent to those in Ohio. The status categories are described in this chapter. Failure to maintain licensure is addressed and clearly outlines the parameters for this. Limited permits are issued by the board prior to an applicant taking the Registration Exam, but must meet criteria outlined in the rule (education, timeframe for limited permit, failing the exam and procedures for such). License certificates and permits include the removal of mailing license cards and notifying all licensees of electronic verification. Official verification letters are available upon request. The Board offers a prorated initial license fee, and waives fifty percent of the initial licensure fee between April 1 and June 30. A criminal records check must be completed prior to the issuance of an initial license or limited permit and the process is outlined in this chapter.

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

4759.06 and 4759.061 of the Ohio Revised Code

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?

No, however, the requirements for licensure mirrors the requirements set for by the Commission on Dietetic Registration, to obtain Registration. The board recognizes these requirements and has included them in statute and rules.

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)?

In order to ensure safety of Ohio citizens, there must be minimum education standards in place, criminal background checks and continuing education standards.

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

Based on our compliance and enforcement information, the Board investigates 80-90 cases per year and most are willing to comply when educated how to do so. Less than 6 formal actions have resulted in the past year.

### **Development of the Regulation**

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

Those reviewing this chapter for FYR include: the five-member board of dietetics, which includes 3 dietitian members, one PhD Educator member and one public member; the assistant attorney general assigned to the board; the state associations liaison to the board; the executive director and compliance specialist.

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

Yes, the comments and input were included in any proposed revisions set forth.

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?

Upon review of this chapter, the agency assessed the relevancy of the rules, the appropriateness of the rules, and critically reviewed for any needed changes. There were updates included in the proposed rules. The board feels that regulatory alternatives were not necessary at this point in time.

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

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

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

N/A.

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

Chapter 4759 does not duplicate any other 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.

When receiving applications for licensure, the board is adamant about reviewing each application for correctness, completeness as well as reviewing any violations on criminal background checks on an individual basis. We only enforce rules or statutes, so we are consistent and predictable.

#### **Adverse Impact to Business**

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

There are fees associated with the applications for licensure. \$125 initial license, \$95 renewal fee, \$180 reinstatement fee, \$125 reactivation, and \$47.50 late renewal fee. The board office makes numerous attempts to contact licenses to avoid late fees or lapsed licenses. Our fees have not increased since 2004.

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

Since our fees have not increased since 2004, the Board feels that in trying economic times, and being excellent stewards of licensee's money, it has not been necessary to increase any fees at least until 2015.

#### **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?

The board has granted the executive director of the board permission to issue a license to a first-time offender. Multiple offenses are reviewed by the full board on a case-by-

**case basis. For incomplete applications, the board will attempt to contact the applicant by phone, email and mail, to ensure the application can be completed and processed.**

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

**The Board staff is always available to respond to inquiries.**