

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Board of Optometry

Regulation/Package Title: Board approval of continuing education.

Rule Number(s): 4725-9-03

Date: 01/30/2017

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 Rescinded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.

This rule clarifies what the Board will approve for continuing education credit for licensees.

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

4725-9-03 is amplified by ORC 4725.16.

Ohio statute authorizing the Agency to adopt this regulation is 4725.09.

The rule is being amended due to the passing of House Bill 290 from the 131st General Assembly, which specified that health care providers could receive up to eight hours of

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continuing education hours for volunteer services to the indigent and uninsured at a rate of one hour of CE for every sixty minutes spent providing volunteer health care services.

- 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.

- 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)?**

The public purpose for this regulation is that it clarifies what continuing education courses the Board can approve for the yearly requirement of 25 hours for licensees.

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

Success will be measured by licensee's compliance to the administrative rule.

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 the rule amendment language included; 4 Board Members, which included 4 licensed optometrists, the Ohio Optometric Association, the Ohio State University College of Optometry, our assigned Assistant Attorney General, the Executive Director of the Board, Program Administrator 2 and the Board Investigator.

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

The listed stakeholders had nothing to add or delete to the proposed language.

- 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?**

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There are no other alternative regulations to consider, since this amendment is based upon recent legislation.

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

N/A

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

Chapter 4725 does not duplicate any other existing Ohio regulations.

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.

This rule amendment is being proposed at this time, because House Bill 290 was signed by Governor Kasich on January 4, 2017, and it will become law April 4, 2017. The timing is so this amendment can be completed close to the time the law change goes into effect.

As for implementation, the Director will forward a detailed email to all licensees with the information contained in the law and the rule amendment to ensure compliance.

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 is the Ohio licensed optometrists who are required to complete 25 hours of continuing education each year.

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

By amending this rule to mirror the law change, it will encourage more health care providers to volunteer their services to the needy. There are no adverse impacts anticipated.

c. Quantify the expected adverse impact from the regulation.

There is no adverse impact of the regulation that can be quantified in terms of dollars, hours to comply, or other factors.

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

Language contained in House Bill 290 requires the Board adopt (modify) the rule to allow licensees the opportunity to receive credit for volunteer hours.

Regulatory Flexibility

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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?

This regulation regards continuing education credit and no penalties or fines are anticipated regarding the amendment to the rule.

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

The Board staff, Board members, our website and our laws and rules are always available to clarify questions about compliance of the regulation.