

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Barber Board

Regulation/Package Title: Military/Veterans Rule

Rule Number(s): 4709-5-09

Date: June 3, 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Rescinded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 implements the required pertinent sections of the recently-enacted House Bill 98 and Executive Order 2013-05K. Each licensing board or commission is required to adopt rules to create a means to include military experience and or training towards licensure and create expedited licensing for military personnel, veterans and their spouses; waives late fees

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and waives the examination requirement in regards to renewal of barber license. This rule creates definitions relating to military service and veteran status and defines the application and/or renewal process. This rule package includes a new rule 4709-5-09 which addresses the requirements of House Bill 98 and Executive Order 2013-05K.

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

This rule is being adopted under recently enacted House Bill 98, Ohio Revised Code 5903 and O.R.C. 4709.05.

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, this regulation is not related to federal requirements, laws or programs.

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 of the proposed rule is to recognize a veteran's education and experience obtained in the military that is substantially equivalent to or exceeds training and education required for professional licensure so that it would meet certain requirements of the profession's standard licensing process. The proposed rule is intended to lead to increased employment opportunities among Ohioans who have served in the military by considering relevant military education, skills training and service in the professional licensure process to establish the applicant's competency and sufficiency of education and training needed for safe practice. In addition, the proposed rule authorizes the licensing agency to consider issuing a license to a qualified spouse of those serving on active military duty in this state.

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

Military veterans should be able to have their military education, skills training and experience more efficiently reviewed by the Board when the agency considers the education and other requirements for licensure as a barber. The Board will track the number of veterans and their spouses who apply for licensure and will determine the expediency to which licensure is received in comparison with non-veteran applicants. The expectation for success of this regulation is a reduced processing time for veteran applicants as well as an increased ease for veteran to have their military service and education credited towards civilian licensure. At this time, the ELicensing system is being modified to allow the board to track the number of individuals impacted by this rule. All new licensure systems will also track and maintain this information as well.

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.

On May 9, 2014, the stakeholders included by the Agency in the initial review of this draft regulation included the 6 individuals that sit in on the Board meetings, the six included 3 Board members, 2 being license holders and the other a public member; the Assistant Attorney General assigned to the Board, the Executive Director and the Program Administrator. On June 9, 2014, The Board also sent the draft regulation to the Ohio Independent Cosmetologist and Barber Association via email. The Board currently does not have a list of active service members/veterans because the Board was not capturing information of a licensee being military/veteran.

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

The initial review of this draft regulation that included the Board members: did not prompt any changes. The Board also sent the draft regulation to the Ohio Independent Cosmetologist and Barber Association; we are currently awaiting any comments or concerns. The Board agreed that we should do whatever possible to assist our military and/or veteran members in the licensure process. Any comments will be reviewed and included in any proposed revisions set forth. As of June 20, 2014, the Board did not receive any comments from the Ohio Independent Cosmetologist and Barber Association.

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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?

Not Applicable

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?

No alternative regulations were considered because the Ohio Revised Code is prescriptive regarding this matter.

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.*

The Board did not consider a performance-based regulation because the Statutes are prescriptive in what is required and because rules related to licensure and certifications, in general, are not conducive to a performance-based approach to regulation.

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

The Board/Commission is solely responsible the licensure or certification which the proposed rules administer.

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 new rule will be posted on the Board's website and will be available by request. The Board will also list the new rule in its newsletter. The Board will change its applications for licensure to require applicants to indicate if they are a member/veteran or a spouse of a member/veteran; this information will be recorded and tracked in the eLicensing system. The Board is adamant about processing any application as quickly as possible and about reviewing each application for correctness and completeness; while reviewing any violations listed on criminal background checks or on any court website that would list any violations. The Board prides itself on giving expedited service to the licensees and consuming public.

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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;

Ohio military veterans and their spouses who are potential barber licensees regulated by the State of Ohio Board of Barber Examiners are the impacted community.

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

The nature of the adverse impact would include the time and effort required to complete an application, and any application fees. In addition, the time and cost required to comply with any initial and/or continuing education requirements and licensure renewal expenses. The purpose of this proposed rule filing is to reduce these adverse impacts by recognizing equivalent education and experience gained in the military which would offset some of the requirements of the standard licensing process.

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 specific changes being proposed in this rule filing are intended to reduce the impacts of normal licensure by recognizing equivalent education and experience gained through a potential licensee’s military experiences.

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

Executive Order 2013-05K and recently-enacted House Bill 98 both recognize the contributions and qualifications of Ohio veterans and encourage streamlining of the certification and licensing process to take into account relevant military education, skills training, and service. The regulatory intent is further justified because the Board recognizes that the experiences of our military are valuable, translatable in certain circumstances, and should be considered in the licensing process wherever possible to facilitate economic opportunities for veterans returning to civilian service in a professional field.

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Regulatory Flexibility

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

Not applicable

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 will allow us to have discretion on waiving late penalties fees for renewal of license. There are no other fees that would be associated with waiver of fines and penalties for paperwork violations and first-time offenders. 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. The agency will apply the provision liberally but upon appropriate documentation and review.

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

Agency staff is always available and willing to assist applicants with the licensing process. The Board staff is available via email, phone or in-person to assist with any and all questions or compliance. In addition, the Board's website will include the statute and rules; the Board's newsletter will be updated; once the rule is enacted and whenever appropriate.