

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Commerce

Regulation/Package Title: Military Provisions Related to Licensure

Rule Number(s): 1301-1-04

Date: July 8, 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Rescinded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 promulgated to meet the requirements of Ohio Revised Code Section 5903.03 which requires licensing agencies to adopt a rule under Chapter 119. of the Revised Code regarding which military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for

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each license that agency issues. After conducting a review of the military primary specialties and training, Commerce was unable to find any particular specialty that was substantially equivalent to the licenses issued by Commerce pursuant to Revised Code Chapters 1321,1322, 4301,4303, 4712, 4727,4728, or Revised Code Sections 169.16, 169.17, 1315.21 to 1315.30, 1332.21 to 1332.34, 3703.01, 1707.15,1707.151,1707.16,1707.161,1707.163,1707.165, 3703.01, 3703.21, 3737.22(A)(10), 3737. 65, 3737.83, 3737.88(A), 3737.88.1(A), (B), and (D), 3743.50, 3743.51, 3743.52, 3743.56, 4104.07, 4104.19, and 4105.02. Commerce will consider Veterans and active duty military personnel’s relevant military experience, education and training when determining whether a Veteran or active duty military personnel meets the licensure requirements.

Additionally, the purpose of this rule is to lessen the regulatory burden on Veterans, active duty military personnel and their spouses who are currently licensed by the Department of Commerce or may apply for a license in the future. The rule gives active duty military personnel and their spouses’ flexibility in renewing their licenses and in obtaining their continuing education credits. This rule covers the licenses issued by the Superintendent of the Division of Industrial Compliance, the State Fire Marshal, Division of Liquor Control, Division of Unclaimed Funds, Division of Securities, Division of Financial Institutions, and the Video Service Authorization Section in the Division of Administration.

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

Ohio Revised Code Section 121.07.

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.

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 purpose of this rule is to lessen the regulatory burden on Veterans , active duty military personnel and their spouses who are currently licensed by the Department of Commerce or may apply for a license in the future.

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- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?** Based upon feedback from Veterans and active duty military personnel licensed by Commerce.

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. Emails to the various stakeholders were sent in May and July of 2014 requesting comments on the proposed rule. The rule was also given to the Ohio Department of Veterans Services who provided the rule to its veteran's advisory council. A complete list of the stakeholders sent the proposed rule is attached as Exhibit A.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?** Commerce received very few comments. The comments received were in support of the rule.
- 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.
- 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
- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?** Commerce is the only state agency to issue the licenses referenced above.
- 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 Department will conduct outreach to the Veteran community to make them aware of the reduced regulatory burden.

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 purpose of this rule is to lessen the regulatory burden and provide more flexibility for Veterans, active duty military and their spouses.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and see answer to 14 a.

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. See answer to 14 a.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community? There is not an adverse impact.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain. No, because the rule will help any small business that is owned by a Veteran , active duty military personnel or their spouses.

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? There are no fees or penalties.

18. What resources are available to assist small businesses with compliance of the regulation? Commerce staff will assist Veterans, active duty military personnel and their spouses to obtain a license, renew an existing license or demonstrate the need for additional time to obtain continuing education credits.