

Common Sense Business Regulation (CSBR) Rule Review Implementation Guidelines

What Is CSBR and Why Are We Pursuing This Process?

On February 12, 2008, Governor Strickland issued Executive Order 2008-04S, “Implementing Common Sense Business Regulation (“CSBR”). CSBR is a component of Governor Strickland’s regulatory reform initiative, called “Advantage Ohio.” Advantage Ohio seeks to streamline and ease the burden of state government regulation on the Ohio economy, while fully preserving the underlying objectives of that regulation.

Advantage Ohio is an across-the-board approach to regulatory reform. It addresses the existing body of state regulations, the rulemaking process, rule implementation and administration, administrative adjudication, and transactions with state government. It includes a top-to-bottom review of all existing regulations and their implementing procedures.

The information on the website is intended to provide both the tools for state entities to execute rule review, as well as report the results of the reviews completed to the citizens of Ohio. The implementation guidelines will assist you in conducting the required review of your administrative rules. These guidelines will assist you in prioritizing rules for review, in applying the rigorous standards established by CSBR to those rules, and identifying what rescissions and amendments need to be made to conform those rules with CSBR.

In implementing CSBR, keep in mind that rules and the rulemaking process should reflect CSBR principles of transparency, predictability, consistency, flexibility, and balance. The hallmarks of rule administration should be accessibility, respect, timely responsiveness, problem-solving, and continuous improvement. These broader principles will assist you in applying the detailed requirements of CSBR.

Additionally, the Executive Order’s intent is not just about the numbers (reduction in the number of rules); it is about active communication with our customers and thus balancing rules with getting things done. All new and existing rules must be reviewed via the CSBR process and thus this process is complementary and integrated with existing processes such as the Joint Committee on Agency Rule Review (JCARR).

Who Is Responsible For Implementation?

The Chief Legal Counsel and designated Ombuds for each agency have been identified for implementation purposes.

How Do Agencies Determine Least Common Sense Rules?

Agencies should first concentrate on identifying rules for review which are the least common sense to our business customers and thus are not in compliance with the principles of the Executive Order. These are the priority rule reviews to take place immediately. To assist in this identification, agencies should look to those rules that receive the most complaints, take the longest, have the highest costs and/or create the most frustrations, for example.

What Is the Process For Implementation of the Executive Order 2008-04S? Is There a Common Approach?

a) Identifying Rules to Review: Rules implement statutes and have the force of law. They are distinguishable from guidelines, policies, and educational materials. Those are published to assist businesses and individuals in understanding and complying with the rules and do not have the force of law. While such materials are not part of the Implementation Worksheet with Checklist, they should also be reviewed for compliance with Executive Order 2008-04S because they are used in implementing or administering rules. After identifying and reviewing the least common sense rules, agencies can then ascertain which rules should be prioritized for review based any other feedback from customers and staff where the rule is considered burdensome and/or fails to complete a rigorous review as outlined in the Implementation Worksheet. At the same time, consideration to the agency's JCARR five-year rule review schedule is factored into the prioritization process since the CSBR process must be followed for each of these scheduled reviews.

b) Schedule: The Chief Legal Counsel should complete the Agency Work Schedule as a tool to assist in reviewing rules. The Schedule asks for the agency to list the total number of current agency rules and the total number of rules identified as "high priority-least common sense" with the expected timeline. Additionally, all projected new rule reviews can be identified by year, as well as the remaining balance of rules for a "top to bottom" review by year. Please note that the Schedule is not binding.

c) Review Rules Using Worksheet: Using the CSBR review Implementation Worksheet with Checklist, each agency can complete the respective rigorous review of each rule by going through the ten-part review and answering the summary questions. The Worksheet is designed to assist in a thorough step-by-step method for determining the necessity of the rule.

d) Reporting Results: Each agency reports their respective rule reviews using the Agency Reporting Survey.

e) View Results: The rule review results will be posted online for easy access by customers and stakeholders.

How Do Agencies Prepare Schedules?

- 1) Fill in the respective boxes describing your agency's total numbers.

How Do I Use the Implementation Worksheet with Checklist?

- 1) Find the implementation worksheet at www.business.ohio.gov/reform under Agency Tools.
- 2) Review the directions for following the process flow map. Then, select the rule to be reviewed and begin the ten-part review. Conduct any research, any inter-agency dialogue, stakeholder communication, or process improvement effort to complete the review. Once completed, an agency can then report its results.

How Do I Report Results When Rule Review Is Complete?

- 1) Complete the Agency Reporting Survey at www.business.ohio.gov/reform under Agency Tools.

How Can I Review Statewide/Agency Progress and Results Achieved?

- 1) Find statewide and agency results at www.business.ohio.gov/reform under Results.
- 2) The progress for Agencies with an Ombudsman, as designated in the Executive Order, can be viewed from this website and thus statewide progress can be tracked. Utilizing the website for access to tools, forms and results will allow for the transparent implementation review and progress of Executive Order 2008-04S.

Version 9.1.09