

**Rule Summary and Fiscal Analysis (Part A)****State Dental Board**

Agency Name

Division

**Mindy Franks**

Contact

**77 South High St. 17th Floor Columbus OH  
43215-6135**

Agency Mailing Address (Plus Zip)

**614-466-2580**

Phone

Fax

**mindy.franks@den.state.oh.us**

Email

**4715-6-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Standards and procedures for review of Ohio Automated Rx  
Reporting System (OARRS).****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB341**General Assembly: **130**Sponsor: **Wachtmann**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **4715.302**5. Statute(s) the rule, as filed, amplifies or implements: **4715.30, 4715.302**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Rule is being filed pursuant to 119. and due to the enrollment of HB 341.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the guidelines for accessing the Ohio Automated Rx Reporting System by licensed dentists in Ohio. The rule as proposed is to be amended by more than fifty percent and, therefore, the current rule is to be rescinded and the amended language adopted as a new rule. The rule establishes the standards and procedures for a dentist's review of the Ohio Automated Rx Reporting System (OARRS). The amendments reflect the provisions of O.R.C. 4715.032, effective April 1, 2015 [HB 341], and the state policy that dentists should utilize OARRS information when prescribing controlled substances. The rule incorporates the exceptions contained in O.R.C. 4715.032.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

First revised filing was to correct answers in the Rule Summary and Fiscal Analysis paperwork. The rule is now being revise filed subsequent to testimony provided at the Board's Public Rules Hearing on July 27, 2016. The language "unless the dentist believes or has reason to believe that a patient may be abusing or diverting reported drugs" in paragraph (G) was deleted as it exceeded the Board's authority.

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

n/a

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

n/a

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

n/a

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

A violation of this Rule could subject a dentist to administrative discipline under R.C. 4715.30.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The Rule requires a dentist to report to OARRS every time he or she personally furnishes an opioid to a patient. The Rule also requires a dentist to run an OARRS report (under certain circumstances) before prescribing.