

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

Agency Name

Division

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**4731-11-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

∴  
*(the above tagline is from the draft RSFA; it will be replaced by  
the current tagline from the rule loaded on the website)*

**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: **HB188**General Assembly: **131**Sponsor: **Manning,  
Huffman**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: **4731.05; 4731.74**5. Statute(s) the rule, as filed, amplifies or implements: **4731.22; 4731.74**

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

The rule sets out definitions for terms that are used in the other rules in Chapter 4731-11. The rule is amended to reflect the requirements of Section 4731.74 of the Revised Code. That section requires the Medical Board to adopt rules setting

requirements for physicians who wish to provide a prescription drug to a patient the physician has not physically examined. The amendments to the rule define terms that are used in new rule 4731-11-09, consistent with the provisions of Section 4731.74 of the Revised Code.

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:

The amendments add the definitions of "cross coverage" and "active patient." The definition of "opioid treatment program" is deleted as it is not used in any of the rules in Chapter 4731-11.

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:

The rule references provisions of the Ohio Revised Code and Ohio Administrative Code, which are readily available from the internet, the Medical Board's website, and public libraries. The rule also references a regulation in the Code of Federal Regulation, which is identified by the date such regulation is to be effective. The regulation is readily available from the internet or a public library.

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:

No applicable.

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:

Paragraph (D) of the rule is revised to prevent any incorporation by reference problem. Because there is a chance that the rule will become effective prior to March 23, 2017, the date reference for the federal regulation is changed to "in effect as of the effective date of this rule."

12. Five Year Review (FYR) Date: **1/31/2020**

(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

None

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

Not applicable

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:

None

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? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**