

**MEMORANDUM****TO:** Lili C. Reitz, Ohio State Dental Board**FROM:** Sophia Papadimos, Regulatory Policy Assistant**DATE:** January 3, 2014**RE: CSI Review – 2013 Chapter 12 Dental Assistant Radiographer Rules (OAC 4715-12-01, 4715-12-02, 4715-12-03, 4715-12-04, 4714-12-05)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The proposed rule package consists of five amended rules being reviewed by the Ohio State Dental Board pursuant to the five-year review requirement of ORC 119.032. The proposed rules pertain to dental assistant radiographers. Ohio Administrative Code (OAC) 4715-12-01 articulates the permissible practices, supervision required and the record of certification for dental assistant radiographers. The rule is being amended to allow the certificate to be kept on file, instead of being displayed in a conspicuous location. OAC 4715-12-02 explains the application process to receive a certificate verifying someone is a dental assistant radiographer. It is being amended to include radiography as a component of a dental assistant's exam. OAC 4715-12-03 sets forth the requirements and procedures to renew a dental assistant radiographer's certificate. The major change to this rule is allowing a certificate to expire 90 days after the renewal deadline rather than having an automatic suspension for failure to renew. OAC 4715-12-04 sets forth the minimum education and training requirements for a dental assistant radiography initial training program/course and sets forth the application and fee requirements for approval of the

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program/course. Amendments to the rule clarify the minimum subjects that must be included in the dental assistant radiographer initial training program/course. OAC 4715-12-05 refers to continuing education. Every person certified to practice as a dental assistant radiographer is required to complete two hours of continuing education every two years. There were several program areas eliminated from the continuing education section which include darkroom and processing techniques and film mounting.

The rule package was submitted to the CSI Office on June 21, 2013 and the comment period was held open through July 8, 2013. During that time two comments were received. One was from the Ohio Dental Association in support of these rules and others submitted by the Dental Board. The second comment was submitted by the Ohio Dental Hygienists' Association expressing some concern with the retraining of personnel using radiation-producing equipment; however, the Dental Board does require continuing education which they believe is sufficient for the dental assistant radiographer. The CSI Office contacted the Dental Board with preliminary comments regarding the proposed BIA and the Board responded to the comments and submitted a revised BIA.

The BIA identifies the adverse impacts of rule 4715-12-02 as the \$25 fee required when submitting the application for the certificate and the time it takes to fulfill the specific requirements prior to the application. OAC 4715-12-05 identifies the time and money required for a continuing education course, but it is required under 4715.53 of the Revised Code. Additionally, if a dental assistant radiographer fails to comply with the rules he or she may be subjected to disciplinary action by the Board. However, these rules are intended to ensure the safety of the public, and the CSI Office believes that the adverse impacts of the rule are justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio State Dental Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.