

**MEMORANDUM**

**TO:** Mindy Franks, Ohio State Dental Board

**FROM:** Emily Kaylor, Regulatory Policy Advocate

**DATE:** April 13, 2016

**RE:** CSI Review – 2015 Chapter 15 (OAC 4715-15-01 through 4715-15-28)

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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 25 no-change and three amended rules being reviewed by the Ohio State Dental Board pursuant to the five-year review requirement in statute. The rule package was submitted to the CSI Office, along with 18 other proposed Dental Board packages, on December 8, 2015 and the comment period was held open through January 4, 2016. No comments were received during this time.

The proposed rules set forth the guidelines for administrative hearings by the Board. The amended rules correct OAC references and incorporate requirements of House Bill 215 of the 128th General Assembly, enacted in 2010, for an attorney hearing examiner to submit a written report within 30 days of closing an adjudication hearing rather than the previously required 60 days. The rules allow the Board to discipline licensees for substandard practice in order to protect the public's right to proper dental care.

The rules were determined to be fulfilling their legislative intent by the Board's Law and Rules

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Review Committee. This committee holds open meetings throughout each calendar year and consists of eleven members from the Board, Ohio Dental Association, and Ohio Dental Hygienists' Association.

The BIA states that the adverse impact associated with this rule is the costs associated with disciplinary sanctions taken against a licensee due to substandard care which can include lost earnings, suspension of a license, education remediation, or license revocation. Witnesses called to an administrative hearing receive a daily fee for appearing and mileage reimbursement according to ORC 119.094. No comments were received that the impacts are burdensome. The impacts are necessary to ensure that dental professionals are properly utilizing their licenses and to protect the public.

Therefore, after reviewing the proposed rule, the CSI Office has determined the purpose of the rule is 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.