



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Zachary Russell, Ohio Dental Board

FROM: Paula Steele, Common Sense Initiative Office

DATE: June 28, 2019

RE: CSI Review – Definitions (OAC 4715-3-01)

On behalf of Lt. Governor Jon Husted, 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

This rule package contains one amended rule being proposed by the Ohio Dental Board (Board) pursuant to the five-year review requirement in Ohio statute. The rule package was submitted to the CSI Office on May 13, 2019 with a public comment period held open through May 24, 2019. No comments were received during this time.

The proposed rule provides definitions used throughout OAC Chapter 4715 regulating licensees of the Board. The definitions enable the board to administer and enforce provisions required in the ORC. Terms defined in the rule are organized by categories such as advertising, sedation, prescribing, disciplinary actions, education and more are defined in the rule. Amendments include minor corrections, changes to the definition of "overgloving," and the addition of the Higher Learning Commission of the North Central Association of Colleges and Schools as an accepted educational program to the definition of "certified assistant" and "unlicensed dental hygienist."

Upon review of the draft rules, the CSI Office was not able to open a linked page to the Pharmacy Board's Morphine Equivalent Dose (MED) calculator. CSI also it determined that the reference to

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

the educational accreditation organization referred to as the “Higher Learning Commission of the North Central Association of Colleges and Schools,” was no longer valid because in 2014, the North Central Association was dissolved.

According to the BIA, notice of the proposed rule was sent out to interested parties and the Board’s Law and Rule Review Committee. The Board received input on the rule from the stakeholders but how the input effected the rule development was not included in the BIA. The CSI Office contacted the Board to gain this understanding and to discuss the preceding matters in the draft rule.

The BIA states that because the rule includes only definitions of terms, the rule does not create an adverse impact and are necessary to carry out the duties and obligations of the Board. The CSI Office agrees that the stand alone definitions do not create an adverse impact to business, however, the terms and how they are applied within other rules could create adverse impact to businesses.

Recommendations

1. In rule 4715-3-01 *Definitions*, reference to the “Higher Learning Commission of the North Central Association of Colleges and Schools” should be corrected to reflect the appropriate naming convention of the educational accreditation organization.
2. In rule 4715-3-01 *Definitions*, ensure the referenced link in (C) 4 to the Pharmacy Board takes the reader to the proper web page location.

Conclusion

Until the Board addresses the recommendations above, it **should not** file this proposed rule package with the Joint Committee on Agency Rule Review