



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Zachary Russell, Ohio Dental Board

FROM: Joseph Baker, Regulatory Policy Advocate

DATE: August 9, 2021

RE: **CSI Review – Coronal Polishing (Oral Health Access Supervision Program (OAC 4715-10-01, 4715-10-02, 4715-10-02.1, 4715-10-03, 4715-10-04, and 4715-10-04.1)**

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 Board as provided for in ORC 107.54.

Analysis

This rule package contains six no-change rules being proposed by the Ohio Dental Board (Board) as part of the statutory five-year review process. The rule package was submitted to the CSI Office on July 13, 2021, and the public comment period was held open through July 27, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 13, 2021.

OAC 4715-10-01 prohibits dentists from participating in the Oral Health Access Supervision (OHAS) program without obtaining a permit issued by the Board. The rule additionally specifies the information that must be provided on the application form and prescribes a \$25 application fee. OAC 4715-10-02 states that an OHAS permit expires on the 31st day of December of odd-numbered years and prescribes a renewal fee of \$25 as well as conditions that must be met to renew the permit. OAC 4715-10-02.1 states that the Board may suspend an OHAS permit if the dentist no longer has an active license, fails to complete continuing education requirements, is subject to disciplinary action or fails to provide the Board with a list of locations where services were provided under the permit.

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OAC 4715-10-03 outlines the application process for a dental hygienist to participate in the OHAS program, including an application fee of \$25 and the applicant attesting that he or she complies with various training and work experience criteria. OAC 4715-10-04 states that a dental hygienist permit to practice under the OHAS program expires on the 31st day of December of odd-numbered years and prescribes a renewal fee of \$25 as well as conditions that must be met to renew the permit. OAC 4715-10-04.1 allows the Board to revoke or suspend a dental hygienist OHAS program permit for various reasons, including if the hygienist no longer has an active license, fails to complete continuing education, fails to maintain life-support training, fails to provide the Board with a listing of locations where services are provided, or has been subjected to disciplinary action for certain violations.

During early stakeholder outreach, the Board notified all parties registered to receive notification regarding rule changes that the rule would be considered at the June 9, 2021 Board meeting. No stakeholder comments were provided at that time or during the CSI public comment period.

The business community affected by the rules includes any dental hygienist seeking to obtain a permit to practice under the supervision of a dentist or a dentist seeking to participate in the OHAS program in Ohio, as well as those currently participating in the program. The adverse impacts to business include the cost of the permit application fee, which ranges from \$20 for dental hygienists to \$25 for dentists, as well as the time and expenses necessary to meet various educational and training requirements to obtain the license, and the administrative effort necessary to document compliance and submit the application. The adverse impact may also include disciplinary action for failure to comply with the rules, the cost of which varies based on the specific case. The Board states in the BIA that the adverse impact to business is necessary to ensure that only competent and safe practitioners are permitted to practice dentistry in Ohio.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.