



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 – Qualified Personnel (OAC 4715-11-01, 4715-11-02, 4715-11-02.1, 4715-11-03, 4715-11-03.1, 4715-11-03.2, 4715-11-04, 4715-11-04.1, 4715-11-04.2, 4715-11-04.3, 4715-11-04.4, 4715-11-05, and 4715-11-06)**

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 thirteen 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 4715-11-01 outlines various duties that may be assigned to auxiliary personnel by a licensed dentist, which vary depending on the individual's training, experience, and the scope of practice connected to the individual's license, if applicable. OAC 4715-11-02 permits dentists and dental employers to train basic qualified personnel in basic remediable and extra-oral tasks and establishes limitations on the scope of practice for such personnel. OAC 4715-11-02.1 requires dental auxiliaries seeking to monitor nitrous oxide-oxygen minimal sedation to meet various training, education, and examination requirements. OAC 4715-11-03 permits licensed dentists to allow certified assistants to assist with certain duties and to engage in pit and fissure sealants as well as coronal polishing

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under special limitations prescribed by the rule.

OAC 4715-11-03.1 requires dental assistants to become certified in coronal polishing prior to providing related services and outlines training, experience, and examination requirements necessary for certification, and establishes an application fee of \$15. OAC 4715-11-03.2 outlines the services that can be performed by a certified assistant when the supervising dentist is not physically present and requirements that must be met to perform such services. OAC 3715-11-04, 4715-11-04.1, 3715-11-04.2, 3715-11-04.3, and 4715-11-04.4 permit licensed dentists to delegate duties to dental auxiliaries under their supervision, outline the application and registration requirements for dental auxiliaries, delineate the education or training necessary to register as a dental auxiliary, specify examination requirements for registration, and describe the functions that can be performed by a dental auxiliary. OAC 4715-11-04 permits licensed dentists to assign certain duties to non-dental healthcare providers under the dentist's direct supervision. Lastly, OAC 3715-11-06 lists certain duties and procedures that may not be delegated by any licensed dentists.

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 all categories of dental assistant personnel and the dental practices of their supervising dentist in Ohio. The adverse impacts to business include the time and expenses necessary to obtain certification, education, and training, and pass an examination to serve as a dental assistant, as well as application and renewal fees for each type of dental assistant license. Both the application fee and the renewal fee for dental auxiliaries is \$20. The application fee to obtain certification in coronal polishing is \$15. The adverse impact may also include disciplinary sanctions for violations of the scope of practice limitations prescribed by the rule. The Board states in the BIA that the adverse impact for disciplinary actions varies based on the extent of the violation. The Board states that the adverse impact to business is justified 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.