



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 – Accessing Personal Information (OAC 4715-19-01, 4715-19-02, 4715-19-03, 4715-19-04, and 4715-19-05)**

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 five 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.

The rules in this package address the Board's management of confidential information.

OAC 4715-19-01 states that the executive director is responsible for maintaining and ensuring the integrity of the personal information system maintained by the Board and specifies that the Board shall investigate and discipline any employee who is connected to the unauthorized use of the personal information system. OAC 4715-19-02 establishes procedures related to the access of personal information through the system. OAC 4715-19-03 outlines valid reasons that may be provided to justify accessing the confidential personal information maintained on the system. OAC

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4715-19-04 describes certain types of personal information that receives special confidentiality for privacy reasons. Lastly, OAC 4715-19-05 states that the Board shall secure and manage such information safely and instructs the Board to establish policies regarding the accessing and utilization of the information system.

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 personnel connected to the practice of dentistry in Ohio or any party seeking information maintained by the Board. The Board states in the BIA that the rules do not impose any adverse impact in the form of fees, fines, or employer time. The Board states in the BIA that the rule is necessary to ensure that it can fulfill its statutory mission of protecting the public from substandard practice, while securing the confidential personal information of regulated individuals.

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.