



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 – Patient and Personal Protection (OAC 4715-20-01 and 4715-20-03)**

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 two 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 4715-20-01 states that all dentists and dental care workers must provide evidence of immunity against the hepatitis B virus, comply with Centers for Disease Control and Prevention (CDC) guidelines for handwashing, utilize barrier techniques such as disposable gloves when placing fingers in the mouth of a patient or handling blood or saliva, and use face protection when the spattering of blood or bodily fluids is likely. The rule also permits the Board to waive immunization requirements related to the hepatitis B vaccine if it determines that the immunization would threaten the licensee's well-being or health. OAC 4715-20-03 simply states that sharp items connected to the practice of dentistry must be disposed in accordance with the requirements of Board policies.

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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 licensees that are regulated by the Board based on their engagement in the practice of dentistry in Ohio. The adverse impact to business includes the costs of purchasing, maintaining, and properly using protective equipment, engaging in proper cleanliness protocols, and disposing of sharp objects safely. The Board states in the BIA that the costs connected to these activities vary based on the source from which the regulated entity obtains sharp object disposal containers or other personal protective equipment. The Board states 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.