Rule Summary and Fiscal Analysis (Part A)

State Medical Board - Physician Assistant Licensing
Agency Name

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4730-1-08 **RESCISSION**
Rule Number TYPE of rule filing

Rule Title/Tag Line **Special services plan.**

RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB110** General Assembly: **131** Sponsor: **Sen. Dave Burke**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4730.07**

5. Statute(s) the rule, as filed, amplifies or implements: **4730.09, 4730.15, 4730.16, 4730.17**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Rule 4730-1-08 sets forth the procedures for the Medical Board to review and approve or deny requests for physician assistant special services plans in which the medical procedures requested exceed those found in a standard physician assistant supervisory plan pursuant to repealed section 4730.09, Ohio Revised Code.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Current rule 4730-1-08 is inconsistent with statutory changes to the physician assistant statutes that became effective October 15, 2015. There are no longer special services plans for physician assistant practice. Accordingly, current rule 4730-1-08 needs to be rescinded.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The rule references provisions of the Ohio Revised Code and Ohio Administrative Code that are readily available via an internet search, the Medical Board's website, and the public library.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **5/5/2016**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this

rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

The rule implemented former Sections 4730.09, 4730.15, 4730.16, and 4730.17,ORC, which required a special services plan for physician assistant services beyond those listed in former Section 4730.09, ORC.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

Failure to comply with the rule would subject the special services plan application to denial.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The rule required that certain information be provided in the application for a special service plan approval.