

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4731-18-01

Rule Type: Rescission

Rule Title/Tagline: Standards for surgery.

Agency Name: State Medical Board

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes

A. What is the rule's five year review date? 4/9/2019

2. Is this rule the result of recent legislation? No

3. What statute is this rule being promulgated under? 119.03

4. What statute(s) grant rule writing authority? 4731.05

5. What statute(s) does the rule implement or amplify? 4731.22

6. What are the reasons for proposing the rule?

The rule is being rescinded because the body of the rule is being moved to Chapter 4731-25 of the Administrative Code with the other rules concerning surgery standards.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule sets the standards for a physician who is performing surgery.

8. Does the rule incorporate material by reference? Yes

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule references a provision of the Revised Code that is readily available from a public library or internet search, including via the Medical Board's website.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

No revision is made to the rule as it is being rescinded. The rule was put into TBR status so that it would remain in effect during the time the comments on replacement rule 4731-25-08 were being considered. Now that rule 4731-25-08 is ready to be filed "revised," this rule can be refiled to be rescinded.

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The costs of compliance cannot be quantified, but should be minimal. The requirements of the rule are actions that a responsible surgeon would do.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

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? Yes

Failure to comply with the rule subjects the physician to administrative licensure discipline.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No