

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: Ohio State Dental Board

Regulation/Package Title: 2013 – Amended Rules Chapter 3

Rule Number(s) 4715-3-01

Date: \_\_\_\_\_

**Rule Type:**

New  
✓ Amended

5-Year Review  
Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

**Regulatory Intent**

1. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

4715-3-01 Definitions.

This rule sets forth the definition of terms for Chapter 4715. of the Ohio Revised and Administrative Codes. The proposed amendments set forth the definition of “administration” in regards to anesthesia/sedation and to correct rule reference under “tasks and/or procedures categories”.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

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4715.03 Board organization - examinations.

- 3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

The proposed amendment does not implement a federal requirement and is not being amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program.

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

This question is non-applicable since the proposed amendment does not implement a federal requirement.

- 5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The General Assembly determined that the profession of dentistry required regulation and established a Board to license individuals and enforce the law and rules governing the practice of dentistry in Ohio. ORC Section 4715.03 requires the Board to develop and implement rule language to establish, implement and clarify minimum standards of education, training, and care for dental individuals. These regulations allow the Board to carry out its' statutory mission to ensure protection of the public.

- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The rule is not a quantitative regulation, nor does it impose a measurable quantitative burden on the licensee. The success of the regulation will be measured by the licensees understanding or legal objections to the rule.

#### **Development of the Regulation**

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The Board's Law and Rules Review Committee (Committee), holds open meetings throughout the rule review year. The Committee is comprised of fourteen (14) members including representatives of the Board, the Ohio Dental Association and the Ohio Dental Hygienists' Association. Additionally, the Board sends public notices and proposed Rule Review agendas to the Board mailing list; a listing of parties interested in all Board

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proceedings. The Committee met with the opportunity to discuss these rules in May, June, August, September, and December 2011.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Recent legislation, HB 93 of the 129<sup>th</sup> General Assembly, authorized the Board to adopt rules regarding standards and procedures for accessing and reporting to the Ohio Automated Rx Reporting System (OARRS). OAC Section 4715-6-01 went into effect in January 2012. Discussion by the Committee resulted in the decision to clarify the definition of administration in regard to anesthesia/sedation in an effort to assist in compliance with ORC 4715.302 and 4729.80.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Scientific data was not used to develop this rule or the amendment to the rule.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

No alternative regulations were considered by the agency since it was determined that the rule provides specific clarity required by ORC 4715.032.

**11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

The Board did not see an application for the rule to be performance-based.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The five-year rule review process is conducted with a focus on eliminating obsolete, unnecessary, and redundant rules and avoiding duplication. In addition, meetings with interested parties help to ensure that these rules do not duplicate any existing Ohio regulation.

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The Board will continue to use its website and social media links to educate and update licensees on its rules. Board employees provide information to applicants upon request and for clarification purposes. Staff training is conducted for rule changes to ensure that regulations are applied consistently.

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### **Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.*

This rule has no cost of compliance of adverse impact on the regulated community.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

This rule has no cost of compliance of adverse impact on the regulated community.

### **Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

This rule does not provide any exemptions or alternative means of compliance for small businesses. All licensed dental personnel under ORC 4715 must have a license or certificate to provide services in Ohio. The law does not differentiate on the size of the business and therefore, applies to all licensed, certified, or registered providers.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

ORC 4715 does not allow for the implementation of fines or penalties. Therefore, this is not applicable.

**18. What resources are available to assist small businesses with compliance of the regulation?**

Resources available to assist small businesses with compliance are the Boards law, rules, and policies online at the Boards website. Additionally, Board staff respond verbally and in writing to queries from interested parties.