



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Sallie Debolt, State Medical Board of Ohio

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: March 18, 2019

RE: **CSI Review – Standards for Surgery (OAC 4731-18-01 and 4731-25-08)**

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 Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one new rule and one rescinded rule submitted by the State Medical Board of Ohio (Board). The rule package was submitted to the CSI Office on June 27, 2018 and the public comment period was held open through July 13, 2018. No comments were received during this time.

Ohio Administrative Code (OAC) 4731-18-01 sets forth the requirements of surgeons during surgery and postoperative care. The rule requires surgeons to adequately determine the course of an operation and communicate the plan with the patient or authorized individual, and to oversee postoperative care. OAC 4731-18-01 is proposed for rescission and is to be replaced with OAC 4731-25-08, which contains the entirety of the previous rule and includes changes that clarify the rule language.

During early stakeholder outreach, the Board sent the proposed rules to relevant industry stakeholders for feedback. The Board's Policy Committee also reviewed the proposed rules during public meetings. The Board received comments from the Ohio Association of Physician

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Assistants, which suggested changes to the scope of practice for physician assistants. The Board did not make changes to the rule based on these comments, because the content of the rule specifically addresses the duties of surgeons and is not intended to dictate the scope of practice for additional health care personnel.

The business community impacted by these rules includes all physicians practicing as surgeons. The adverse impact created by the rules includes the time and effort required of surgeons to adequately consider a patient's course of care and communicating with patients. The Board states in the BIA that the regulatory burden is justified in order to ensure patient safety.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the State Medical Board of Ohio should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.