



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Kimberly Anderson, State Medical Board of Ohio

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: September 13, 2019

RE: **CSI Review – Physician Assistants (OAC 4730-1-01, 4730-1-05, 4730-1-06, 4730-1-06.1, 4730-1-07, 4730-1-08, 4730-2-01, 4730-2-04, 4730-2-05, 4730-2-06, 4730-2-07, 4730-2-10, 4730-3-01, and 4730-3-02)**

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This rule package consists of three no-change rules, five rescinded rules, and six amended rules proposed by the State Medical Board of Ohio (Board). This rule package was submitted to the CSI Office on July 16, 2019 and the public comment period was held open through August 1, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on July 16, 2019.

The rules are proposed to comply with SB 259/132nd General Assembly, which made significant amendments to the Physician Assistant Practice Act. Rescinded rules consolidate certain procedural rules so rules that apply to all license types are in one place.

Ohio Administrative Code (OAC) Chapters 4730-1, 4730-2, and 4730-3 establish regulations for physician assistants. OAC 4730-1-01 and 4730-1-05 set forth the definitions used throughout the Chapter and quality assurance system. These rules are proposed without changes. OAC 4730-1-06 establishes licensure requirements for physician assistants and is being amended to allow for the

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electronic submission of applicants. OAC 4730-1-06.1 establishes provisions for military membership as it relates to physician assistant certification and is proposed for rescission. OAC 4730-1-07 details miscellaneous provisions and is being amended to include additional OAC Chapter as applicable to physician assistants, including Chapters that concern criminal record checks and delegation, and removing reference to OAC Chapter 4730-21 which has been rescinded. OAC 4730-1-08 presents guidelines for the delegation of medical tasks and administration of drugs and is proposed for rescission. OAC Chapter 4730-2 establishes regulations for physician-delegated prescriptive authority. OAC 4730-2-01 details the definitions used throughout the Chapter and is proposed without changes. OAC 4730-2-04 and 4730-2-05 relate to on-site supervision and valid prescriber numbers and are being amended to correct typographical errors and update terminology. OAC 4730-2-06 includes the physician assistant formulary and is being proposed for rescission following changes to Ohio statute. OAC 4730-2-07 and 4730-2-10 establish standards for physician assistant prescribing and the Ohio Automated RX Reporting System. These rules are being amended to update terminology and referenced rules. OAC Chapter 4730-3 sets forth criminal records checks for physician assistants and both OAC 4730-3-01 and 4730-3-02 are both proposed for rescission, as their provisions are being moved to a separate Chapter.

During early stakeholder outreach, the Board reviewed the rules with the Physician Assistant Policy Committee and sent the rules to interested parties for feedback. The Committee suggested changes to OAC 4730-1-06 that remove certain continuing education requirements. The Board received one comment from a stakeholder in support of the proposed changes. No comments were received during the CSI public comment period.

The business community impacted by these rules includes all physician assistants practicing in Ohio, as well as physicians who provide supervision to physician assistants. The adverse cost created by these rules includes the cost of continuing education courses and background checks, as well as the time and effort spent to comply with the requirements of the rules. The Board states in the BIA that background checks can cost between \$47 and \$80. The cost of continuing education courses can range from free to several hundred dollars, depending on the course and the number of credit hours offered.

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.