



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Justin Sheridan, Ohio State Dental Board

FROM: Jacob Ritzenthaler, Business Advocate

DATE: November 29, 2022

RE: **CSI Review – Qualified Personnel (OAC 4715-11-01)**

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 Board as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule proposed by the Ohio State Dental Board (Board). The draft rule was submitted to the CSI Office on October 26, 2022, and the public comment period was open through November 4, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 26, 2022.

Ohio Administrative Code (OAC) 4715-11-01 establishes requirements for dentists to assign certain tasks to qualified personnel. The rule allows for assignment of tasks to dental auxiliaries, expanded function dental auxiliaries, certified assistants, and basic qualified personnel. Assignable tasks include administration assistance for medicine and anesthetics, monitoring of sedation, coronal polishing, and other tasks. The rule is amended to update references to other OAC rules.

During early stakeholder outreach, the Board reviewed the rule during meetings of its Law and Rule Review Committee and sent the rule to interested parties via email. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rule includes supervising dentists and qualified

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personnel. The adverse impacts created by the rule include requirements for certification and registration and penalties for violations of rule requirements. Initial fees and renewal fees cost \$32 for dental x-ray machine operators, \$25 for expanded function dental auxiliaries, and \$19 for the initial fee for coronal polishers. Disciplinary actions for noncompliance can include required training and education, probation, suspension, or certificate revocation. The Board states that the adverse impacts are necessary to ensure the competency of dental practitioners and the safety of patients.

Recommendations

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

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rule with the Joint Committee on Agency Rule Review.