



Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Corey Schaal, Ohio State Dental Board

FROM: Michael Bender, Business Advocate

DATE: December 2, 2024

RE: **CSI Review – 2024 November 5-Year Rule Review – Chapter 12 (OAC 4715-12-02, 4715-12-03, 4715-12-04, and 4715-12-05)**

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 four amended rules proposed by the Ohio State Dental Board (Board) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on October 28, 2024, and the public comment period was held open through November 8, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 28, 2024.

Ohio Administrative Code (OAC) 4715-12-02 requires individuals who wish to obtain a dental x-ray machine operator certificate to file an application with the Board. The rule is amended to update language, a citation, and typography, reflect the fact that the Board no longer approves biennial sponsors of continuing education, recognize certification from American Medical Technologists as an assistant with the required examination in radiography, and exempt applicants from initial training requirements if they have satisfactory work experience, government certification, or a private certification as a dental x-ray machine operator in a state that does not issue that license or certificate. OAC 4715-12-03 provides for the renewal of a dental x-ray machine operator certificate on a biennial

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

basis. The rule is amended to reflect the fact that the Board no longer approves biennial sponsors of continuing education. OAC 4715-12-04 describes what a dental x-ray machine operator training program must include. The rule is amended to reflect the fact that the Board no longer approves biennial sponsors of continuing education and require curricula to address newer technologies in dental practice. OAC 4715-12-05 requires dental x-ray machine operators to complete at least two hours of continuing education every two years to renew certification. The rule is amended to include all sponsors listed in OAC 4715-8-02, incorporate newer technologies in the list of acceptable continuing education topics, and remove the Board's ability to excuse or waive this requirement due to unusual circumstance, emergency, or hardship.

During early stakeholder outreach, the Board's Law and Rules Review Committee (Committee) considered the rule during several open meetings throughout 2024. The Committee is comprised of six representatives from the Ohio Dental Association and the Ohio Dental Hygienists' Association. Additionally, the Board sent public notices and Rule Review agendas to its mailing list of interested parties. The Committee provided input to the Board which led to the proposed changes. During the CSI public comment period, the Board received one comment from a Board member offering a few typographical suggestions. The Board explained that the draft rules conformed to guidance from the Legislative Service Commission.

The business community impacted by the rules includes certified dental x-ray machine operators, certification applicants, and training program sponsors. The adverse impacts created by the rules include requirements related to initial training, training program curricula, continuing education, certification, certification renewal, and recordkeeping. The application fee and biennial registration fee for a dental x-ray machine operator's certificate are both \$32. The initial training course program that applicants are required to complete must be at least seven hours long and cover certain subjects. Programs must be reviewed by the Board and can be suspended or revoked if they do not comply with statutory and regulatory requirements. Certified dental x-ray machine operators must obtain at least two hours of continuing education in dental radiation technology every two years, in addition to retaining records of continuing education completion for at least four years. Failure to comply with continuing education requirements constitutes failure to renew certification. The Board notes that the revision recognizing certification from American Medical Technologists as an assistant with the required examination in radiography will reduce the burden on the business community. Additionally, the Board explains that the rule change exempting applicants from initial training requirements if they have satisfactory work experience, government certification, or a private certification as a dental x-ray machine operator in a state that does not issue that license or certificate is derived from Senate Bill 131 of the 134th General Assembly. The Board states that the adverse impacts to business are justified to comply with federal regulations and state law, maintain public safety, and prevent the hazards of improper use of medical radiation.

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 rules with the Joint Committee on Agency Rule Review.