



# State Medical Board of Ohio

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## AGENCY MEMORANDUM OF RESPONSE

TO: Mark Hamlin  
Division of Regulatory Policy  
Ohio Lieutenant Governor's Office

FROM: Sallie J. Debolt, Senior Counsel  
State Medical Board of Ohio

RE: Proposed rules in Chapter 4730, OAC – Physician Assistants

DATE: March 18, 2014

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Thank you for your review of the proposed rules for the regulation of physician assistants, which are in Chapter 4730, Ohio Administrative Code.

The Medical Board appreciates the Common Sense Initiatives Office's conclusion that the rules should be filed with JCARR. Subsequent to submitting the proposed rules to CSI, however, the Medical Board staff and others identified three additional changes that need to be made to bring the proposed rules in line with statutory changes enacted in HB 284 of the 129<sup>th</sup> General Assembly. None of the changes will cause an adverse impact to business.

The additional changes to the rules are as follows:

- The first needed change was brought to the Medical Board's attention in CSI comments made by Teri Weber, who pointed out that proposed Rule 4730-2-07(E)(2), prohibiting the prescribing of scheduled II controlled substances, should be deleted. Upon deletion of paragraph (E)(2), paragraph (E)(1) will become the last sentence in paragraph (E).
- The second needed change was identified internally by the Medical Board. Proposed Rule 4730-2-02, sets forth the educational requirements for a certificate to prescribe as found in Section 4730.46, ORC. The proposed rule filed with CSI references Division (B)(1)(b) of Section 4730.46, ORC, in defining the requirements for a master's degree to be in a course of study with clinical relevance to the practice of physician assistants. However, in HB 284, effective March 22, 2013, the language of Section 4730.46, ORC, was amended so that the provision related to a course of study with clinical relevance to the practice of physician assistants was moved to become Division (B)(2)(b), ORC. The proposed rule needs to reflect the current statutory citation.

- The third change was also identified by Medical Board staff and also involves proposed Rule 4730-2-02. As submitted to CSI, Paragraph (B) of the rule sets out the criteria by which an applicant can establish eligibility for a certificate to prescribe by having ten years of experience as a physician assistant in lieu of having a master's degree meeting the requirements of Section 4730.46, ORC. However, the ten year path for eligibility for a certificate to prescribe expired May 17, 2008 and was deleted from Section 4730.46 in H.B. 284. Accordingly, Paragraph (B) will be deleted, with the paragraphs following re-designated accordingly and the internal references in the rule amended to refer to the correct paragraph.

The above changes were approved by the Physician Assistant Policy Committee on March 11, 2014, and the Medical Board on March 12, 2014. Based upon the CSI conclusion that the proposed rules should be submitted to JCARR, the Medical Board also approved that the proposed rules as further amended on March 12, 2014 be filed with JCARR for the Chapter 119, O.R.C., rule promulgation process.