



## 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 4731-21, Ohio Administrative Code

DATE: October 20, 2016

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Thank you for your review of the proposed rules in Chapter 4731-21, Ohio Administrative Code.

The State Medical Board of Ohio reviewed the Common Sense Initiative ("CSI") recommendation and the proposed rules at its meeting on October 19, 2016. During the review it was discovered that paragraph (H) of Rule 4731-21-01 should have been stricken from the proposed rule before it was submitted to CSI. The rules in Chapter 4731-21 are being amended to, among other things, reflect that Section 4731.052, Ohio Revised Code, now refers to "chronic pain," instead of the previous reference to "intractable pain." Paragraph (H) of the rule, which defines "intractable pain," is, therefore, unnecessary, not used in any of the proposed rules in Chapter 4731-21, and is actually confusing. Therefore, the Medical Board voted to strike the definition from the rule before filing it with the Joint Committee on Agency Rule Review ("JCARR"). Striking the definition of "intractable pain," has no effect on the adverse impacts included in the rule package.

Based upon your recommendation, on October 19, 2016, the State Medical Board of Ohio approved that the rule, as amended, be filed with JCARR.