

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4731-18-03

Rule Type: New

Rule Title/Tagline: Delegation of the use of light based medical devices for specified non-ablative procedures.

Agency Name: State Medical Board

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 442 - 133 - Representative Roemer and Representative West
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4730.07, 4731.05
5. What statute(s) does the rule implement or amplify? 4730.07, 4730.21, 4731.25, 4731.05, 4731.22, 4731.41
6. What are the reasons for proposing the rule?

The rule provides information regarding the delegation of non-ablative light based medical devices and updates the types of light based medical devices that may be delegated by physicians. The rule addresses the elimination of licensure of cosmetic therapists in HB 442.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule adds the ability of physicians to delegate non ablative dermatologic procedures to physician assistants, registered nurses and licensed practical nurses if certain conditions are met. The rule adds education and training requirements for individuals delegated laser hair removal.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule references statutes in the Ohio Revised Code which are available on the Board's website.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Deletes the words, "authorizing the service" in paragraphs (A)(5)(a) and (B)(5)(a). Adds paragraph (B)(7)(f) to allow the education and training requirements of paragraphs (a), (b), or (c) to be satisfied through the cosmetic therapy course of instruction if the program provides written verification to the physician that the cosmetic therapist completed the requirements of (a), (b), or (c) as part of the cosmetic therapy course of instruction.

04/16/2021 The Hearing Notice contained an error. A corrected Hearing Notice is uploaded.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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Not applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There may be education and training costs for individuals delegated to perform non-ablative dermatological procedures and laser hair removal. The costs are variable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

The rule requires individuals who may be delegated the use of light based medical devices for non-ablative dermatological procedures or laser hair removal to hold licensure, and meet training and education requirements.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

The rule states that violation of the rule could result in disciplinary action, which could include a civil penalty and could also result in the unlicensed practice of medicine, which carries criminal penalties.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable