

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Dental Board

Regulation/Package Title: 2015 Chapter 17

Rule Number(s): 4715-17-01

Date: December 7, 2015

Rule Type:

New
 Amended

5-Year Review
 Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Amended

- **4715-17-01 Notice of regular and special meetings of the Ohio state dental board** : This rule sets forth the guidelines for notices of public meetings for the Board. Amendments to the rule were to update the Board's contact and address information and to include the Board's e-mail address for purposes of notification.

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2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

O.R.C. 4715.03 Board organization – examinations.

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

This regulation does not implement a federal requirement nor was it implemented to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

The question is not applicable since the regulation does not implement a federal requirement.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The purpose of this regulation is to set forth the process concerning the method of notices to the public and stakeholders regarding meetings of the Board.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

This rule is not a quantitative regulation, nor does it impose a measureable (if any) quantitative burden on licensees or the public. The success of the regulation will be measured by the understanding or legal objections from the licensees or the public to the rule.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

The Board's Law and Rules Review Committee (Committee) holds open meetings throughout the rule review year. The Committee is comprised of eleven (11) members including representatives of the Board, The Ohio Dental Association and the Ohio Dental Hygienists' Association. Additionally, the Board sends public notices and proposed rule review agendas to the Board mailing list, a listing of parties interested in all Board proceedings. The Committee met with the opportunity to discuss these rules in July, September, and December 2014.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Discussion by the Committee and approval by the full Board resulted in the decision that this rule is working as intended by the legislature and that the only changes made were to reflect current contact and address information.

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9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Scientific data was not used to develop the rule as the rule is not data driven.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

No alternative regulations were considered by the agency since it was determined that the rule provides the specific clarity required by Ohio Revised Codes 119.03 and 4715.03.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

The Board did not see an application for the rule in this package to be performance based.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The five-year rule review process is conducted with the focus on eliminating obsolete, unnecessary, and redundant rules and avoiding duplication. In addition, meetings with interested parties help to ensure that these rules do not duplicate any existing Ohio regulation.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The Board will continue to use its website and social media links to educate and update the public and stakeholders on the rules. Board employees provide information to the public and stakeholders upon request and for clarification purposes. Staff training is conducted for rule changes to assure accuracy in disseminating information and to ensure regulations are applied consistently.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The rule impacts any personnel in the practice of dentistry or any interested party involved in the practice of dentistry.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

Rule 4715-17-01 could impose a minimal adverse impact on the public and/or stakeholders if they request paper copies of notices of meetings be forwarded to them via the U.S. Postal Service.

c. Quantify the expected adverse impact from the regulation.

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Any interested party may obtain a paper copy of public notices of Board meeting by submitting self-addressed stamped envelopes or by paying an annual fee of \$14 to be included on the Boards mailing list.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The regulatory intent of this rule is to ensure that members of the public, interested parties and the media receive notice of regular or special board meetings. The changes to rule seek to clarify how interested parties can obtain notice of board meetings through email requests to the board or by applying to be part of the board's mailing list. There is no additional cost to the regulated community and should cause an adverse impact on the regulated community.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

Included in the rule are alternative ways to be notified by the Board of proposed Public Rules Hearings such as electronic mailings and the posting of the proposed rule and Notice of Public Rules Hearings to the Board website.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

There is no penalty or violation applied to this rule. Therefore, this is not applicable.

18. What resources are available to assist small businesses with compliance of the regulation?

Resources available to assist small businesses/stakeholders with compliance are online access to the Ohio Revised and Administrative Codes and written and verbal from Board staff in response to inquiries from interested parties.

NOTICE OF MEETINGS

4715-17-01 NOTICE OF REGULAR AND SPECIAL MEETINGS OF THE OHIO STATE DENTAL BOARD.

- (A) A notice of regular and special meetings of the Ohio state dental board which will include the time, place and purpose of such meeting may be obtained by written request, from the executive director of the "Ohio State Dental Board, 77 South High Street, 48th-17th floor, Columbus, Ohio 43215-6135," or by telephoning (614) 466-2580, or by e-mailing the request to dental.board@den.state.oh.us.
- (B) Any person may obtain reasonable advance written notification of meetings of the board by requesting to be placed on a general subscription mailing list by paying an annual subscription mailing fee of fourteen dollars. A check for this amount made payable to the treasurer, state of Ohio, should be sent to the "Ohio State Dental Board, 77 South High Street, 48th-17th floor, Columbus, Ohio 43215-6135." This subscription will be valid for one year from the date of receipt of such fee by the ~~executive secretary of the~~ Ohio state dental board, or notification may be received by providing the ~~executive secretary~~board with a self-addressed stamped envelope suitable for such purpose. Any person may obtain reasonable advance written notification of meetings of the board by requesting to be placed on an e-mail notification list at no cost by providing the ~~executive secretary~~board with an e-mail address suitable for such purposes.
- (C) The ~~executive secretary~~board shall maintain a list of news media which have requested notification, and such media shall be given at least twenty-four hours advance notice of each special meeting of the board, except in the event of an emergency requiring immediate official action. In the event of an emergency, the executive director, on behalf of the members of the board calling the meeting, shall immediately notify the news media that have requested notification of the time, place and purpose of the meeting.