

**MEMORANDUM**

**TO:** Mindy Franks, Ohio State Dental Board

**FROM:** Emily Kaylor, Regulatory Policy Advocate

**DATE:** April 13, 2016

**RE:** **CSI Review – 2015 Chapter 12 (OAC 4715-12-01)**

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On behalf of Lt. Governor Mary Taylor, 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 Agency as provided for in ORC 107.54.

**Analysis**

The proposed rule package consists of one amended rule submitted by the Ohio State Dental Board. The rule package was transmitted to the CSI Office, along with 18 other proposed Dental Board packages, on December 8, 2015 and the comment period was held open through January 4, 2016. No comments were received during this time.

The rule establishes what a dental x-ray machine operator may do with and without the direct supervision of the supervising dentist and the certificate that must be displayed in the office to confirm their credentials. The amendments correct the job title from dental assistant radiographer to dental x-ray machine operator and allow dental x-ray machine operators to perform radiologic procedures when the supervising dentist is not present. The amendments implement House Bill 463 of the 130th General Assembly.

According to the BIA, the adverse impact is that dental x-ray machine operators and their supervising dentists can be disciplined if violations of this chapter are discovered. Disciplinary

actions can include continuing education requirements or restriction, suspension, or revocation of the dental x-ray machine operator's certificate or dentist's license. This can mean lost income or dental practice in addition to time they must spend receiving educational remediation. No comments were received that the impacts are burdensome. The rules were reviewed and approved by the Board's Law and Rules Review Committee. This committee holds open meetings throughout each calendar year and consists of members from the Board, Ohio Dental Association, and Ohio Dental Hygienists' Association. The impacts are necessary to ensure the competent and safe practice of dental radiography in Ohio.

Therefore, after reviewing the proposed rule, the CSI Office has determined the purpose of the rule is justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio State Dental Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.