

**MEMORANDUM**

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

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

**DATE:** April 12, 2016

**RE:** **CSI Review – 2015 Chapter 40 (OAC 4715-40-01)**

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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 being reviewed by the Ohio State Dental Board pursuant to the five-year review requirement in statute. The rule package was submitted 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. One comment was received during this time.

The proposed rule sets forth the definitions of terms for the Quality Intervention Program. Only one amendment is proposed to the rule in order to correct a reference to the ORC. The amendment was agreed to be the only change by the Board's Law and Rules Review Committee. This committee holds open meetings throughout each calendar year and consists of eleven members from the Board, Ohio Dental Association, and Ohio Dental Hygienists' Association.

An adverse impact is created by defining terms that are utilized in specific requirements found in Chapter 40. The participatory agreement sets out the requirement for a licensee to go through

remediation, or prescribed educational intervention, which could cost from \$150/hour to \$200/hour depending on where the education is attained. Additional costs are applicable for any educational materials required to complete the remediation. One comment was received that made suggestions to keep terms in uniformity with other dental code references. The Board agrees and will make the suggested changes.

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.