



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

### MEMORANDUM

**TO:** Zachary Russell, Ohio Dental Board

**FROM:** Joseph Baker, Regulatory Policy Advocate

**DATE:** August 9, 2021

**RE:** **CSI Review – Approval of Treatment Providers and Centers (OAC 4715-21-01)**

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On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

#### Analysis

This rule package contains one no-change rule being proposed by the Ohio Dental Board (Board) as part of the statutory five-year review process. The rule package was submitted to the CSI Office on July 13, 2021, and the public comment period was held open through July 27, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on July 13, 2021.

OAC 4715-21-01 outlines requirements for approval of treatment providers and treatment centers by the Board. The rule states that the Board shall approve certain qualified practitioners as treatment providers for licensees or permit holders with substance abuse problems. To be approved as a provider, the practitioner must submit evidence that it is capable of making appropriate inpatient examinations and be fully accredited. Additionally, upon approval and participation, the practitioner must report the name of any Board licensee who is unable to practice to acceptable standards due to impairment related to substance abuse treatment, and for the licensee to suspend practice upon entering the treatment facility. If the practitioner does not provide treatment that meets the level of acceptable services as determined by the Board, the Board may revoke approval for the practitioner

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to provide treatment. Lastly, the practitioner must notify the Board regarding loss of accreditation, change in location, or change in ownership, among other reasons.

During early stakeholder outreach, the Board notified all parties registered to receive notification regarding rule changes that the rule would be considered at the June 9, 2021 Board meeting. No stakeholder comments were provided at that time or during the CSI public comment period.

The business community affected by the rules includes dentists and dental hygienists dealing with substance abuse, as well as providers and centers treating substance abuse disorder. The adverse impact to business includes the time and cost for licensees to participate in treatment for substance abuse as well as the time and effort required for treatment centers to be approved by the Board to serve licensees. In certain cases, the Board may take additional action against a licensee, resulting in an immediate and indefinite suspension of licensure to practice. The Board states in the BIA that the adverse impact to business is necessary to ensure that only competent and safe practitioners are permitted to practice dentistry in Ohio.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.