



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 – Review of Ohio Automated RX Reporting System (OAC 4715-6-01)**

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 rules filed with the CSI Office on July 13, 2021.

OAC 4715-6-01 sets forth definitions, requirements and procedures related to the Ohio Automated Rx Reporting System (OARRS). The rule requires dentists to obtain and review an OARRS report in certain situations, such as when determining whether to prescribe opioids to patients or when certain red flags relate to the patient. Such red flags might include concerns about selling prescription drugs, forging a prescription, travelling with a group of patients to the dentist's office where all or most patients request controlled substances, and other factors. When prescribing certain drugs to individuals exhibiting these risk factors, dentists are also required by the rule to review and document the reasons why the dentist believes the patient may be seeking to obtain the drugs for illegitimate causes, to consider referring the patient to a substance abuse specialist, or to take other related

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actions. Lastly, the rule lists exceptions to the OARRS reporting requirements under specified conditions that render substance abuse less likely to occur, such as when the drug is prescribed to treat acute pain resulting from a surgical procedure or when it is prescribed for administration at a hospital or residential care facility.

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 who practice in Ohio. The adverse impact to business includes the administrative effort necessary to perform OARRS checks and to document patient interactions in the system. If the dentist fails to comply with the OARRS reporting requirements, the adverse impact may also include disciplinary action by the Board. Such disciplinary action varies based on the violation but may include additional ethics or continuing education training. The Board notes in the BIA that there is no additional cost for a dentist to access the OARRS database and that the adverse impact is necessary to enable the Board to carry out its statutory mission of protecting the public by setting requirements and procedures for dentists to access and use the OARRS database.

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.