

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 184**

**Representatives Gavarone, DeVitis**

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**A BILL**

To amend sections 1739.05, 2925.01, 4715.03, 1  
4715.09, 4715.10, 4715.11, 4715.13, 4715.14, 2  
4715.22, 4715.36, 4715.39, and 4715.64 and to 3  
enact sections 1751.90, 3333.614, 3923.90, 4  
4715.43, 4715.431, 4715.432, 4715.433, 4715.434, 5  
4715.435, 4715.436, 4715.437, and 5164.951 of 6  
the Revised Code to authorize the provision of 7  
dental services through teledentistry, to 8  
require a proposal for creation of a primary 9  
care dental student component of the Choose Ohio 10  
First Scholarship Program, and to make other 11  
changes to the laws governing the practices of 12  
dentistry and dental hygiene. 13

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1739.05, 2925.01, 4715.03, 14  
4715.09, 4715.10, 4715.11, 4715.13, 4715.14, 4715.22, 4715.36, 15  
4715.39, and 4715.64 be amended and sections 1751.90, 3333.614, 16  
3923.90, 4715.43, 4715.431, 4715.432, 4715.433, 4715.434, 17  
4715.435, 4715.436, 4715.437, and 5164.951 of the Revised Code 18  
be enacted to read as follows: 19

**Sec. 1739.05.** (A) A multiple employer welfare arrangement 20  
that is created pursuant to sections 1739.01 to 1739.22 of the 21  
Revised Code and that operates a group self-insurance program 22  
may be established only if any of the following applies: 23

(1) The arrangement has and maintains a minimum enrollment 24  
of three hundred employees of two or more employers. 25

(2) The arrangement has and maintains a minimum enrollment 26  
of three hundred self-employed individuals. 27

(3) The arrangement has and maintains a minimum enrollment 28  
of three hundred employees or self-employed individuals in any 29  
combination of divisions (A) (1) and (2) of this section. 30

(B) A multiple employer welfare arrangement that is 31  
created pursuant to sections 1739.01 to 1739.22 of the Revised 32  
Code and that operates a group self-insurance program shall 33  
comply with all laws applicable to self-funded programs in this 34  
state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 35  
3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 36  
3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 37  
3923.30, 3923.301, 3923.38, 3923.581, 3923.602, 3923.63, 38  
3923.80, 3923.84, 3923.85, 3923.851, 3923.90, 3924.031, 39  
3924.032, and 3924.27 of the Revised Code. 40

(C) A multiple employer welfare arrangement created 41  
pursuant to sections 1739.01 to 1739.22 of the Revised Code 42  
shall solicit enrollments only through agents or solicitors 43  
licensed pursuant to Chapter 3905. of the Revised Code to sell 44  
or solicit sickness and accident insurance. 45

(D) A multiple employer welfare arrangement created 46  
pursuant to sections 1739.01 to 1739.22 of the Revised Code 47  
shall provide benefits only to individuals who are members, 48

employees of members, or the dependents of members or employees, 49  
or are eligible for continuation of coverage under section 50  
1751.53 or 3923.38 of the Revised Code or under Title X of the 51  
"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 52  
Stat. 227, 29 U.S.C.A. 1161, as amended. 53

(E) A multiple employer welfare arrangement created 54  
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 55  
subject to, and shall comply with, sections 3903.81 to 3903.93 56  
of the Revised Code in the same manner as other life or health 57  
insurers, as defined in section 3903.81 of the Revised Code. 58

Sec. 1751.90. (A) As used in this section, "teledentistry" 59  
has the same meaning as in section 4715.43 of the Revised Code. 60

(B) No individual or group health insuring corporation 61  
policy, contract, or agreement shall deny coverage for the costs 62  
of any services provided to an insured through teledentistry if 63  
those services would be covered if the services were delivered 64  
other than through teledentistry. 65

(C) The coverage that may not be excluded under division 66  
(B) of this section is subject to all terms, conditions, 67  
restrictions, exclusions, and limitations that apply to other 68  
coverage for services performed by participating and 69  
nonparticipating providers. 70

**Sec. 2925.01.** As used in this chapter: 71

(A) "Administer," "controlled substance," "controlled 72  
substance analog," "dispense," "distribute," "hypodermic," 73  
"manufacturer," "official written order," "person," 74  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 75  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 76  
have the same meanings as in section 3719.01 of the Revised 77

Code.	78
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	79 80
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	81 82 83 84
(D) "Bulk amount" of a controlled substance means any of the following:	85 86
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D) (2) or (5) of this section, whichever of the following is applicable:	87 88 89 90 91 92
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	93 94 95 96
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	97 98 99
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	100 101 102 103 104
(d) An amount equal to or exceeding twenty grams or five	105

times the maximum daily dose in the usual dose range specified 106  
in a standard pharmaceutical reference manual of a compound, 107  
mixture, preparation, or substance that is or contains any 108  
amount of a schedule II opiate or opium derivative; 109

(e) An amount equal to or exceeding five grams or ten unit 110  
doses of a compound, mixture, preparation, or substance that is 111  
or contains any amount of phencyclidine; 112

(f) An amount equal to or exceeding one hundred twenty 113  
grams or thirty times the maximum daily dose in the usual dose 114  
range specified in a standard pharmaceutical reference manual of 115  
a compound, mixture, preparation, or substance that is or 116  
contains any amount of a schedule II stimulant that is in a 117  
final dosage form manufactured by a person authorized by the 118  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 119  
U.S.C.A. 301, as amended, and the federal drug abuse control 120  
laws, as defined in section 3719.01 of the Revised Code, that is 121  
or contains any amount of a schedule II depressant substance or 122  
a schedule II hallucinogenic substance; 123

(g) An amount equal to or exceeding three grams of a 124  
compound, mixture, preparation, or substance that is or contains 125  
any amount of a schedule II stimulant, or any of its salts or 126  
isomers, that is not in a final dosage form manufactured by a 127  
person authorized by the Federal Food, Drug, and Cosmetic Act 128  
and the federal drug abuse control laws. 129

(2) An amount equal to or exceeding one hundred twenty 130  
grams or thirty times the maximum daily dose in the usual dose 131  
range specified in a standard pharmaceutical reference manual of 132  
a compound, mixture, preparation, or substance that is or 133  
contains any amount of a schedule III or IV substance other than 134  
an anabolic steroid or a schedule III opiate or opium 135

derivative;	136
(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;	137 138 139 140 141
(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;	142 143 144 145
(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.	146 147 148 149
(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.	150 151 152 153 154
(F) "Cultivate" includes planting, watering, fertilizing, or tilling.	155 156
(G) "Drug abuse offense" means any of the following:	157
(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	158 159 160 161 162
(2) A violation of an existing or former law of this or	163

any other state or of the United States that is substantially 164  
equivalent to any section listed in division (G) (1) of this 165  
section; 166

(3) An offense under an existing or former law of this or 167  
any other state, or of the United States, of which planting, 168  
cultivating, harvesting, processing, making, manufacturing, 169  
producing, shipping, transporting, delivering, acquiring, 170  
possessing, storing, distributing, dispensing, selling, inducing 171  
another to use, administering to another, using, or otherwise 172  
dealing with a controlled substance is an element; 173

(4) A conspiracy to commit, attempt to commit, or 174  
complicity in committing or attempting to commit any offense 175  
under division (G) (1), (2), or (3) of this section. 176

(H) "Felony drug abuse offense" means any drug abuse 177  
offense that would constitute a felony under the laws of this 178  
state, any other state, or the United States. 179

(I) "Harmful intoxicant" does not include beer or 180  
intoxicating liquor but means any of the following: 181

(1) Any compound, mixture, preparation, or substance the 182  
gas, fumes, or vapor of which when inhaled can induce 183  
intoxication, excitement, giddiness, irrational behavior, 184  
depression, stupefaction, paralysis, unconsciousness, 185  
asphyxiation, or other harmful physiological effects, and 186  
includes, but is not limited to, any of the following: 187

(a) Any volatile organic solvent, plastic cement, model 188  
cement, fingernail polish remover, lacquer thinner, cleaning 189  
fluid, gasoline, or other preparation containing a volatile 190  
organic solvent; 191

(b) Any aerosol propellant; 192

(c) Any fluorocarbon refrigerant;	193
(d) Any anesthetic gas.	194
(2) Gamma Butyrolactone;	195
(3) 1,4 Butanediol.	196
(J) "Manufacture" means to plant, cultivate, harvest,	197
process, make, prepare, or otherwise engage in any part of the	198
production of a drug, by propagation, extraction, chemical	199
synthesis, or compounding, or any combination of the same, and	200
includes packaging, repackaging, labeling, and other activities	201
incident to production.	202
(K) "Possess" or "possession" means having control over a	203
thing or substance, but may not be inferred solely from mere	204
access to the thing or substance through ownership or occupation	205
of the premises upon which the thing or substance is found.	206
(L) "Sample drug" means a drug or pharmaceutical	207
preparation that would be hazardous to health or safety if used	208
without the supervision of a licensed health professional	209
authorized to prescribe drugs, or a drug of abuse, and that, at	210
one time, had been placed in a container plainly marked as a	211
sample by a manufacturer.	212
(M) "Standard pharmaceutical reference manual" means the	213
current edition, with cumulative changes if any, of references	214
that are approved by the state board of pharmacy.	215
(N) "Juvenile" means a person under eighteen years of age.	216
(O) "Counterfeit controlled substance" means any of the	217
following:	218
(1) Any drug that bears, or whose container or label	219

bears, a trademark, trade name, or other identifying mark used 220  
without authorization of the owner of rights to that trademark, 221  
trade name, or identifying mark; 222

(2) Any unmarked or unlabeled substance that is 223  
represented to be a controlled substance manufactured, 224  
processed, packed, or distributed by a person other than the 225  
person that manufactured, processed, packed, or distributed it; 226

(3) Any substance that is represented to be a controlled 227  
substance but is not a controlled substance or is a different 228  
controlled substance; 229

(4) Any substance other than a controlled substance that a 230  
reasonable person would believe to be a controlled substance 231  
because of its similarity in shape, size, and color, or its 232  
markings, labeling, packaging, distribution, or the price for 233  
which it is sold or offered for sale. 234

(P) An offense is "committed in the vicinity of a school" 235  
if the offender commits the offense on school premises, in a 236  
school building, or within one thousand feet of the boundaries 237  
of any school premises, regardless of whether the offender knows 238  
the offense is being committed on school premises, in a school 239  
building, or within one thousand feet of the boundaries of any 240  
school premises. 241

(Q) "School" means any school operated by a board of 242  
education, any community school established under Chapter 3314. 243  
of the Revised Code, or any nonpublic school for which the state 244  
board of education prescribes minimum standards under section 245  
3301.07 of the Revised Code, whether or not any instruction, 246  
extracurricular activities, or training provided by the school 247  
is being conducted at the time a criminal offense is committed. 248

(R) "School premises" means either of the following:	249
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	250 251 252 253 254
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	255 256 257 258 259 260 261 262 263 264 265
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	266 267 268 269 270 271
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	272 273 274 275
(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar	276 277

association or of one or more local bar associations of the 278  
state of Ohio that complies with the criteria set forth in Rule 279  
V, section 6 of the Rules for the Government of the Bar of Ohio. 280

(V) "Professional license" means any license, permit, 281  
certificate, registration, qualification, admission, temporary 282  
license, temporary permit, temporary certificate, or temporary 283  
registration that is described in divisions (W) (1) to (36) of 284  
this section and that qualifies a person as a professionally 285  
licensed person. 286

(W) "Professionally licensed person" means any of the 287  
following: 288

(1) A person who has obtained a license as a manufacturer 289  
of controlled substances or a wholesaler of controlled 290  
substances under Chapter 3719. of the Revised Code; 291

(2) A person who has received a certificate or temporary 292  
certificate as a certified public accountant or who has 293  
registered as a public accountant under Chapter 4701. of the 294  
Revised Code and who holds an Ohio permit issued under that 295  
chapter; 296

(3) A person who holds a certificate of qualification to 297  
practice architecture issued or renewed and registered under 298  
Chapter 4703. of the Revised Code; 299

(4) A person who is registered as a landscape architect 300  
under Chapter 4703. of the Revised Code or who holds a permit as 301  
a landscape architect issued under that chapter; 302

(5) A person licensed under Chapter 4707. of the Revised 303  
Code; 304

(6) A person who has been issued a certificate of 305

registration as a registered barber under Chapter 4709. of the	306
Revised Code;	307
(7) A person licensed and regulated to engage in the	308
business of a debt pooling company by a legislative authority,	309
under authority of Chapter 4710. of the Revised Code;	310
(8) A person who has been issued a cosmetologist's	311
license, hair designer's license, manicurist's license,	312
esthetician's license, natural hair stylist's license, advanced	313
cosmetologist's license, advanced hair designer's license,	314
advanced manicurist's license, advanced esthetician's license,	315
advanced natural hair stylist's license, cosmetology	316
instructor's license, hair design instructor's license,	317
manicurist instructor's license, esthetics instructor's license,	318
natural hair style instructor's license, independent	319
contractor's license, or tanning facility permit under Chapter	320
4713. of the Revised Code;	321
(9) A person who has been issued a license to practice	322
dentistry, a general anesthesia permit, a conscious <del>intravenous</del>	323
sedation permit, a limited resident's license, a limited	324
teaching license, a dental hygienist's license, or a dental	325
hygienist's teacher's certificate under Chapter 4715. of the	326
Revised Code;	327
(10) A person who has been issued an embalmer's license, a	328
funeral director's license, a funeral home license, or a	329
crematory license, or who has been registered for an embalmer's	330
or funeral director's apprenticeship under Chapter 4717. of the	331
Revised Code;	332
(11) A person who has been licensed as a registered nurse	333
or practical nurse, or who has been issued a certificate for the	334

practice of nurse-midwifery under Chapter 4723. of the Revised Code;	335 336
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	337 338 339
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	340 341
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	342 343
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	344 345 346 347
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	348 349
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	350 351 352 353
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	354 355
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	356 357 358
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	359 360
(21) A person licensed to act as a real estate broker or	361

real estate salesperson under Chapter 4735. of the Revised Code;	362
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	363 364
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	365 366
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	367 368
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	369 370
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	371 372 373 374
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	375 376 377
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	378 379 380
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	381 382 383
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	384 385 386
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the	387 388

Revised Code;	389
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	390 391 392 393 394 395
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	396 397
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	398 399 400
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	401 402
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	403 404 405
(X) "Cocaine" means any of the following:	406
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	407 408
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	409 410 411 412
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include	413 414 415 416

decocainized coca leaves or extraction of coca leaves if the 417  
extractions do not contain cocaine or ecgonine. 418

(Y) "L.S.D." means lysergic acid diethylamide. 419

(Z) "Hashish" means the resin or a preparation of the 420  
resin contained in marihuana, whether in solid form or in a 421  
liquid concentrate, liquid extract, or liquid distillate form. 422

(AA) "Marihuana" has the same meaning as in section 423  
3719.01 of the Revised Code, except that it does not include 424  
hashish. 425

(BB) An offense is "committed in the vicinity of a 426  
juvenile" if the offender commits the offense within one hundred 427  
feet of a juvenile or within the view of a juvenile, regardless 428  
of whether the offender knows the age of the juvenile, whether 429  
the offender knows the offense is being committed within one 430  
hundred feet of or within view of the juvenile, or whether the 431  
juvenile actually views the commission of the offense. 432

(CC) "Presumption for a prison term" or "presumption that 433  
a prison term shall be imposed" means a presumption, as 434  
described in division (D) of section 2929.13 of the Revised 435  
Code, that a prison term is a necessary sanction for a felony in 436  
order to comply with the purposes and principles of sentencing 437  
under section 2929.11 of the Revised Code. 438

(DD) "Major drug offender" has the same meaning as in 439  
section 2929.01 of the Revised Code. 440

(EE) "Minor drug possession offense" means either of the 441  
following: 442

(1) A violation of section 2925.11 of the Revised Code as 443  
it existed prior to July 1, 1996; 444

(2) A violation of section 2925.11 of the Revised Code as 445  
it exists on and after July 1, 1996, that is a misdemeanor or a 446  
felony of the fifth degree. 447

(FF) "Mandatory prison term" has the same meaning as in 448  
section 2929.01 of the Revised Code. 449

(GG) "Adulterate" means to cause a drug to be adulterated 450  
as described in section 3715.63 of the Revised Code. 451

(HH) "Public premises" means any hotel, restaurant, 452  
tavern, store, arena, hall, or other place of public 453  
accommodation, business, amusement, or resort. 454

(II) "Methamphetamine" means methamphetamine, any salt, 455  
isomer, or salt of an isomer of methamphetamine, or any 456  
compound, mixture, preparation, or substance containing 457  
methamphetamine or any salt, isomer, or salt of an isomer of 458  
methamphetamine. 459

(JJ) "Lawful prescription" means a prescription that is 460  
issued for a legitimate medical purpose by a licensed health 461  
professional authorized to prescribe drugs, that is not altered 462  
or forged, and that was not obtained by means of deception or by 463  
the commission of any theft offense. 464

(KK) "Deception" and "theft offense" have the same 465  
meanings as in section 2913.01 of the Revised Code. 466

Sec. 3333.614. (A) The deans of the Ohio state university 467  
college of dentistry and Case western reserve university school 468  
of dental medicine shall jointly develop a proposal for the 469  
creation of a primary care dental student component of the 470  
choose Ohio first scholarship program operated under section 471  
3333.61 of the Revised Code. The purpose of the component is to 472  
annually award scholarships to dental students who meet the 473

requirements of division (D) of this section. 474

(B) The deans shall consider including in the proposal provisions that do the following: 475  
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(1) Establish a scholarship fund of sufficient size to permit annually not more than eight dental students to receive scholarships; 477  
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(2) Specify that a scholarship may be provided to a dental student for not more than four years. 480  
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(C) The deans shall submit the proposal to the chancellor of higher education not later than January 1, 2018, for the chancellor's review. The chancellor shall decide whether to implement the component as part of the program. 482  
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(D) If the component is implemented, a dental student must meet both of the following requirements to be eligible for a scholarship: 486  
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(1) Commit to practice dentistry, for not less than four years, in a dental health resource shortage area that has been designated under section 3702.87 of the Revised Code; 489  
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(2) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship. 492  
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**Sec. 3923.90.** (A) As used in this section, "teledentistry" has the same meaning as in section 4715.43 of the Revised Code. 495  
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(B) No individual or group policy of sickness and accident insurance or public employee benefit plan shall deny coverage for the costs of any services provided to an insured through teledentistry if those services would be covered if the services were delivered other than through teledentistry. 497  
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(C) The coverage that may not be excluded under division 502  
(B) of this section is subject to all terms, conditions, 503  
restrictions, exclusions, and limitations that apply to any 504  
other coverage for services performed by participating and 505  
nonparticipating providers. 506

**Sec. 4715.03.** (A) The state dental board shall organize by 507  
electing from its members a president, secretary, and vice- 508  
secretary. The secretary and vice-secretary shall be elected 509  
from the members of the board who are dentists. It shall hold 510  
meetings monthly at least eight months a year at such times and 511  
places as the board designates. A majority of the members of the 512  
board shall constitute a quorum. The board shall make such 513  
reasonable rules as it determines necessary pursuant to Chapter 514  
119. of the Revised Code. 515

(B) A concurrence of a majority of the members of the 516  
board shall be required to do any of the following: 517

(1) Grant, refuse, suspend, place on probationary status, 518  
revoke, refuse to renew, or refuse to reinstate a license or 519  
censure a license holder or take any other action authorized 520  
under section 4715.30 of the Revised Code; 521

(2) Seek an injunction under section 4715.05 of the 522  
Revised Code; 523

(3) Enter into a consent agreement with a license holder; 524

(4) If the board develops and implements the quality 525  
intervention program under section 4715.031 of the Revised Code, 526  
refer a license holder to the program; 527

(5) Terminate an investigation conducted under division 528  
(D) of this section; 529

(6) Dismiss any complaint filed with the board.	530
(C) (1) The board shall adopt rules in accordance with	531
Chapter 119. of the Revised Code to do both of the following:	532
(a) Establish standards for the safe practice of dentistry	533
and dental hygiene by qualified practitioners and shall, through	534
its policies and activities, promote such practice;	535
(b) Establish universal blood and body fluid precautions	536
that shall be used by each person licensed under this chapter	537
who performs exposure prone invasive procedures.	538
(2) The rules adopted under division (C) (1) (b) of this	539
section shall define and establish requirements for universal	540
blood and body fluid precautions that include the following:	541
(a) Appropriate use of hand washing;	542
(b) Disinfection and sterilization of equipment;	543
(c) Handling and disposal of needles and other sharp	544
instruments;	545
(d) Wearing and disposal of gloves and other protective	546
garments and devices.	547
(D) The board shall administer and enforce the provisions	548
of this chapter. The board shall, in accordance with sections	549
4715.032 to 4715.035 of the Revised Code, investigate evidence	550
which appears to show that any person has violated any provision	551
of this chapter. Any person may report to the board under oath	552
any information such person may have appearing to show a	553
violation of any provision of this chapter. In the absence of	554
bad faith, any person who reports such information or who	555
testifies before the board in any disciplinary proceeding	556
conducted pursuant to Chapter 119. of the Revised Code is not	557

liable for civil damages as a result of making the report or 558  
providing testimony. If after investigation and reviewing the 559  
recommendation of the supervisory investigative panel issued 560  
pursuant to section 4715.034 of the Revised Code the board 561  
determines that there are reasonable grounds to believe that a 562  
violation of this chapter has occurred, the board shall, except 563  
as provided in this chapter, conduct disciplinary proceedings 564  
pursuant to Chapter 119. of the Revised Code, seek an injunction 565  
under section 4715.05 of the Revised Code, enter into a consent 566  
agreement with a license holder, or provide for a license holder 567  
to participate in the quality intervention program established 568  
under section 4715.031 of the Revised Code if the board develops 569  
and implements that program. 570

For the purpose of any disciplinary proceeding or any 571  
investigation conducted under this division, the board may 572  
administer oaths, order the taking of depositions, issue 573  
subpoenas in accordance with section 4715.033 of the Revised 574  
Code, compel the attendance and testimony of persons at 575  
depositions, and compel the production of books, accounts, 576  
papers, documents, or other tangible things. The hearings and 577  
investigations of the board shall be considered civil actions 578  
for the purposes of section 2305.252 of the Revised Code. 579  
Notwithstanding section 121.22 of the Revised Code and except as 580  
provided in section 4715.036 of the Revised Code, proceedings of 581  
the board relative to the investigation of a complaint or the 582  
determination whether there are reasonable grounds to believe 583  
that a violation of this chapter has occurred are confidential 584  
and are not subject to discovery in any civil action. 585

(E) (1) The board shall examine or cause to be examined 586  
eligible applicants to practice dental hygiene. The board may 587  
distinguish by rule different classes of qualified personnel 588

according to skill levels and require all or only certain of 589  
these classes of qualified personnel to be examined and 590  
certified by the board. 591

(2) The board shall administer a written jurisprudence 592  
examination to each applicant for a license to practice 593  
dentistry. The examination shall cover only the statutes and 594  
administrative rules governing the practice of dentistry in this 595  
state. 596

(F) In accordance with Chapter 119. of the Revised Code, 597  
the board shall adopt, and may amend or rescind, rules 598  
establishing the eligibility criteria, the application and 599  
permit renewal procedures, and safety standards applicable to a 600  
dentist licensed under this chapter who applies for a permit to 601  
employ or use conscious ~~intravenous~~-sedation. These rules shall 602  
include all of the following: 603

(1) The eligibility requirements and application 604  
procedures for an eligible dentist to obtain a conscious 605  
~~intravenous~~-sedation permit; 606

(2) The minimum educational and clinical training 607  
standards required of applicants, which shall include 608  
satisfactory completion of an advanced cardiac life support 609  
course; 610

(3) The facility equipment and inspection requirements; 611

(4) Safety standards; 612

(5) Requirements for reporting adverse occurrences. 613

(G) In accordance with Chapter 119. of the Revised Code, 614  
the board shall adopt rules establishing eligibility criteria, 615  
application and permit renewal procedures, and safety standards 616

applicable to a dentist licensed under this chapter who applies 617  
for a general anesthesia permit. 618

**Sec. 4715.09.** (A) No person shall practice dentistry 619  
without a current license from the state dental board. No person 620  
shall practice dentistry while the person's license is under 621  
suspension by the state dental board. 622

(B) No dentist shall use the services of any person not 623  
licensed to practice dentistry in this state, or the services of 624  
any partnership, corporation, or association, to construct, 625  
alter, repair, or duplicate any denture, plate, bridge, splint, 626  
or orthodontic or prosthetic appliance, without first furnishing 627  
the unlicensed person, partnership, corporation, or association 628  
with a written work authorization on forms prescribed by the 629  
state dental board. 630

The unlicensed person, partnership, corporation, or 631  
association shall retain the original work authorization, and 632  
the dentist shall retain a duplicate copy of the work 633  
authorization, for two years from its date. Work authorizations 634  
required by this section shall be open for inspection during the 635  
two-year period by the state dental board, its authorized agent, 636  
or the prosecuting attorney of a county or the director of law 637  
of a municipal corporation wherein the work authorizations are 638  
located. 639

(C) If the person, partnership, association, or 640  
corporation receiving a written authorization from a licensed 641  
dentist engages another person, firm, or corporation, referred 642  
to in this division as "subcontractor," to perform some of the 643  
services relative to the work authorization, ~~he or it~~ the person 644  
shall furnish a written sub-work authorization with respect 645  
thereto on forms prescribed by the state dental board. 646

The subcontractor shall retain the sub-work authorization 647  
and the issuer thereof shall retain a duplicate copy, attached 648  
to the work authorization received from the licensed dentist, 649  
for inspection by the state dental board or its duly authorized 650  
agents, for a period of two years in both cases. 651

(D) No unlicensed person, partnership, association, or 652  
corporation shall perform any service described in division (B) 653  
of this section without a written work authorization from a 654  
licensed dentist. Provided, that if a written work authorization 655  
is demanded from a licensed dentist who fails or refuses to 656  
furnish it for any reason, the unlicensed person, partnership, 657  
association, or corporation shall not, in such event, be subject 658  
to the enforcement provisions of section 4715.05 or the penal 659  
provisions of section 4715.99 of the Revised Code. 660

(E) No dentist shall employ or use conscious ~~intravenous~~ 661  
sedation unless the dentist possesses a valid permit issued by 662  
the state dental board authorizing ~~him~~ the dentist to do so. 663

(F) No dentist shall employ or use general anesthesia 664  
unless the dentist possesses a valid permit issued by the state 665  
dental board authorizing the dentist to do so. 666

**Sec. 4715.10.** (A) As used in this section, "accredited 667  
dental college" means a dental college accredited by the 668  
commission on dental accreditation or a dental college that has 669  
educational standards recognized by the commission on dental 670  
accreditation and is approved by the state dental board. 671

(B) Each person who desires to practice dentistry in this 672  
state shall file a written application for a license with the 673  
secretary of the state dental board. The application shall be on 674  
a form prescribed by the board and verified by oath. Each 675

applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section.

(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements:

(1) Be at least eighteen years of age;

(2) Be of good moral character;

(3) Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;

(4) Have passed parts I and II of the examination given by the national board of dental examiners;

(5) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code;

(6) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code.

(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:

(1) Have taken an examination administered by any of the following regional testing agencies and received ~~on each component of the examination a passing score as specified in division (A) of section 4715.11 of the Revised Code~~ on the examination as determined by the administering agency: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the commission on

dental competency assessments, the southern regional dental 704  
testing agency, inc., the council of interstate testing 705  
agencies, inc., or the western regional examining board; 706

(2) Have taken an examination administered by the state 707  
dental board and received a passing score as established by the 708  
board; 709

(3) Possess a license in good standing from another state 710  
and have actively engaged in the legal and reputable practice of 711  
dentistry in another state or in the armed forces of the United 712  
States, the United States public health service, or the United 713  
States department of veterans' affairs for five years 714  
immediately preceding application; 715

(4) Have completed a dental residency program accredited 716  
or approved by the commission on dental accreditation and 717  
administered by an accredited dental college or hospital. 718

(E) To be granted a license to practice dentistry, a 719  
graduate of an unaccredited dental college located outside the 720  
United States must meet both of the following requirements: 721

(1) Have taken a basic science and laboratory examination 722  
consistent with rules adopted under section 4715.11 of the 723  
Revised Code and received a passing score as established by the 724  
board; 725

(2) Have had sufficient clinical training in an accredited 726  
institution to reasonably assure a level of competency equal to 727  
that of graduates of accredited dental colleges, as determined 728  
by the board. 729

**Sec. 4715.11.** In the state dental board's implementation 730  
of section 4715.10 of the Revised Code, all of the following 731  
apply: 732

~~(A) For purposes of division (D) (1) of section 4715.10 of the Revised Code, a passing score on a component of an examination administered by a regional testing agency is the score established by the agency as a passing score for the component or, if the agency has not established a passing score for the component, the score established by the board as a passing score for the component. The board shall adopt rules establishing passing scores for examination components as necessary to implement this division.~~ 733  
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~~(B)~~ The board shall adopt rules establishing standards that must be met by graduates of unaccredited dental colleges located outside the United States. The standards must reasonably assure that the graduates have received a level of education and training equal to that provided by accredited dental colleges. 742  
743  
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~~(C)~~ (B) The board shall adopt rules governing the basic sciences and laboratory examination required by division (E) (1) of section 4715.10 of the Revised Code. 747  
748  
749

**Sec. 4715.13.** (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious ~~intravenous~~ sedation permit shall pay to the secretary of the state dental board the following fees: 750  
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753

(1) For license to practice dentistry, two hundred ten dollars if issued in an odd-numbered year or three hundred fifty-seven dollars if issued in an even-numbered year; 754  
755  
756

(2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars; 757  
758

(3) For a general anesthesia permit, one hundred twenty-seven dollars; 759  
760

(4) For a conscious ~~intravenous~~ sedation permit, one 761

hundred twenty-seven dollars. 762

(B) Forty dollars of each fee collected under division (A) 763  
(1) of this section for a license issued in an even-numbered 764  
year and twenty dollars of each fee collected under division (A) 765  
(1) of this section in an odd-numbered year shall be paid to the 766  
dentist loan repayment fund established under section 3702.95 of 767  
the Revised Code. 768

(C) In the case of a person who applies for a license to 769  
practice dentistry by taking an examination administered by the 770  
state dental board, both of the following apply: 771

(1) The fee in division (A) (1) of this section may be 772  
refunded to an applicant who is unavoidably prevented from 773  
attending the examination, or the applicant may be examined at 774  
the next regular or special meeting of the board without an 775  
additional fee. 776

(2) An applicant who fails the first examination may be 777  
re-examined at the next regular or special meeting of the board 778  
without an additional fee. 779

**Sec. 4715.14.** (A) (1) Each person who is licensed to 780  
practice dentistry in Ohio shall, on or before the first day of 781  
January of each even-numbered year, register with the state 782  
dental board. The registration shall be made on a form 783  
prescribed by the board and furnished by the secretary, shall 784  
include the licensee's name, address, license number, and such 785  
other reasonable information as the board may consider 786  
necessary, and shall include payment of a biennial registration 787  
fee of two hundred ~~forty-five~~ sixty-five dollars. Except as 788  
provided in division (E) of this section, this fee shall be paid 789  
to the treasurer of state. Subject to division (C) of this 790

section, a registration shall be in effect for the two-year 791  
period beginning on the first day of January of the even- 792  
numbered year and ending on the last day of December of the 793  
following odd-numbered year, and shall be renewed in accordance 794  
with the standard renewal procedure of sections 4745.01 to 795  
4745.03 of the Revised Code. 796

(2) (a) Except as provided in division (A) (2) (b) of this 797  
section, in the case of a licensee seeking registration who 798  
prescribes or personally furnishes opioid analgesics or 799  
benzodiazepines, as defined in section 3719.01 of the Revised 800  
Code, the licensee shall certify to the board whether the 801  
licensee has been granted access to the drug database 802  
established and maintained by the state board of pharmacy 803  
pursuant to section 4729.75 of the Revised Code. 804

(b) The requirement in division (A) (2) (a) of this section 805  
does not apply if any of the following is the case: 806

(i) The state board of pharmacy notifies the state dental 807  
board pursuant to section 4729.861 of the Revised Code that the 808  
licensee has been restricted from obtaining further information 809  
from the drug database. 810

(ii) The state board of pharmacy no longer maintains the 811  
drug database. 812

(iii) The licensee does not practice dentistry in this 813  
state. 814

(3) If a licensee certifies to the state dental board that 815  
the licensee has been granted access to the drug database and 816  
the board finds through an audit or other means that the 817  
licensee has not been granted access, the board may take action 818  
under section 4715.30 of the Revised Code. 819

(B) A licensed dentist who desires to temporarily retire 820  
from practice and who has given the board notice in writing to 821  
that effect shall be granted such a retirement, provided only 822  
that at that time all previous registration fees and additional 823  
costs of reinstatement have been paid. 824

(C) Not later than the thirty-first day of January of an 825  
even-numbered year, the board shall send a notice by certified 826  
mail to a dentist who fails to renew a license in accordance 827  
with division (A) of this section. The notice shall state all of 828  
the following: 829

(1) That the board has not received the registration form 830  
and fee described in that division; 831

(2) That the license shall remain valid and in good 832  
standing until the first day of April following the last day of 833  
December of the odd-numbered year in which the dentist was 834  
scheduled to renew if the dentist remains in compliance with all 835  
other applicable provisions of this chapter and any rule adopted 836  
under it; 837

(3) That the license may be renewed until the first day of 838  
April following the last day of December of the odd-numbered 839  
year in which the dentist was scheduled to renew by the payment 840  
of the biennial registration fee and an additional fee of one 841  
hundred dollars to cover the cost of late renewal; 842

(4) That unless the board receives the registration form 843  
and fee before the first day of April following the last day of 844  
December of the odd-numbered year in which the dentist was 845  
scheduled to renew, the board may, on or after the relevant 846  
first day of April, initiate disciplinary action against the 847  
dentist pursuant to Chapter 119. of the Revised Code; 848

(5) That a dentist whose license has been suspended as a result of disciplinary action initiated pursuant to division (C) (4) of this section may be reinstated by the payment of the biennial registration fee and an additional fee of three hundred dollars to cover the cost of reinstatement.

(D) Each dentist licensed to practice, whether a resident or not, shall notify the secretary in writing or electronically of any change in the dentist's office address or employment within ten days after such change has taken place. On the first day of July of every even-numbered year, the secretary shall issue a printed roster of the names and addresses so registered.

(E) ~~Twenty-Forty~~ dollars of each biennial registration fee shall be paid to the dentist loan repayment fund created under section 3702.95 of the Revised Code.

**Sec. 4715.22.** (A) (1) This section applies only when a licensed dental hygienist is not practicing ~~under a~~ in accordance with either of the following:

(a) A permit issued pursuant to section 4715.363 of the Revised Code authorizing practice under the oral health access supervision of a dentist;

(b) Section 4715.431 of the Revised Code.

(2) As used in this section, "health care facility" means either of the following:

(a) A hospital registered under section 3701.07 of the Revised Code;

(b) A "home" as defined in section 3721.01 of the Revised Code.

(B) A licensed dental hygienist shall practice under the

supervision, order, control, and full responsibility of a 877  
dentist licensed under this chapter. A dental hygienist may 878  
practice in a dental office, public or private school, health 879  
care facility, dispensary, or public institution. Except as 880  
provided in divisions (C) to (E) of this section, a dental 881  
hygienist may not provide dental hygiene services to a patient 882  
when the supervising dentist is not physically present at the 883  
location where the dental hygienist is practicing. 884

(C) A dental hygienist may provide, for not more than 885  
fifteen consecutive business days, dental hygiene services to a 886  
patient when the supervising dentist is not physically present 887  
at the location where the services are provided if all of the 888  
following requirements are met: 889

(1) The dental hygienist has at least one year and a 890  
minimum of one thousand five hundred hours of experience in the 891  
practice of dental hygiene. 892

(2) The dental hygienist has successfully completed a 893  
course approved by the state dental board in the identification 894  
and prevention of potential medical emergencies. 895

~~(3) The dental hygienist complies with written protocols~~ 896  
~~the supervising dentist establishes for emergencies.~~ 897

~~(4)~~ The dental hygienist does not perform, while the 898  
supervising dentist is absent from the location, procedures 899  
while the patient is anesthetized, definitive root planing, 900  
definitive subgingival curettage, or other procedures identified 901  
in rules the state dental board adopts. 902

~~(5)~~ (4) The supervising dentist has evaluated the dental 903  
hygienist's skills. 904

~~(6)~~ (5) The supervising dentist examined the patient not 905

more than one year prior to the date the dental hygienist 906  
provides the dental hygiene services to the patient. 907

~~(7)~~ (6) The dental hygienist complies with written 908  
protocols or written standing orders that the supervising 909  
dentist establishes, including those established for 910  
emergencies. 911

~~(8)~~ (7) The supervising dentist completed and evaluated a 912  
medical and dental history of the patient not more than one year 913  
prior to the date the dental hygienist provides dental hygiene 914  
services to the patient and, except when the dental hygiene 915  
services are provided in a health care facility, the supervising 916  
dentist determines that the patient is in a medically stable 917  
condition. 918

~~(9)~~ (8) If the dental hygiene services are provided in a 919  
health care facility, a doctor of medicine and surgery or 920  
osteopathic medicine and surgery who holds a current certificate 921  
issued under Chapter 4731. of the Revised Code or a registered 922  
nurse licensed under Chapter 4723. of the Revised Code is 923  
present in the health care facility when the services are 924  
provided. 925

~~(10)~~ (9) In advance of the appointment for dental hygiene 926  
services, the patient is notified that the supervising dentist 927  
will be absent from the location and that the dental hygienist 928  
cannot diagnose the patient's dental health care status. 929

~~(11)~~ (10) The dental hygienist is employed by, or under 930  
contract with, one of the following: 931

(a) The supervising dentist; 932

(b) A dentist licensed under this chapter who is one of 933  
the following: 934

(i) The employer of the supervising dentist;	935
(ii) A shareholder in a professional association formed under Chapter 1785. of the Revised Code of which the supervising dentist is a shareholder;	936 937 938
(iii) A member or manager of a limited liability company formed under Chapter 1705. of the Revised Code of which the supervising dentist is a member or manager;	939 940 941
(iv) A shareholder in a corporation formed under division (B) of section 1701.03 of the Revised Code of which the supervising dentist is a shareholder;	942 943 944
(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee.	945 946 947 948
(c) A government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers.	949 950 951 952
(D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met:	953 954 955 956 957 958
(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state,	959 960 961 962 963

district, or local dental association; or any other public or 964  
private entity recognized by the state dental board. 965

(2) The supervising dentist is employed by or a volunteer 966  
for, and the patients are referred by, the entity through which 967  
the program is operated. 968

(3) (a) Except as provided in division (D) (3) (b) of this 969  
section, the services are performed after examination and 970  
diagnosis by the dentist and in accordance with the dentist's 971  
written treatment plan. 972

(b) The requirement in division (D) (3) (a) of this section 973  
does not apply when the only ~~service~~ services to be provided by 974  
the dental hygienist ~~is~~ are the placement of pit and fissure 975  
sealants and the application of fluoride varnish. 976

(E) A dental hygienist may ~~apply fluoride varnish, apply~~ 977  
~~desensitizing agents, and discuss general nonmedical nutrition~~ 978  
~~information for the purpose of maintaining good oral health~~ do 979  
any of the following when the supervising dentist is not 980  
physically present at the location where the services are 981  
provided, regardless of whether the dentist has examined the 982  
patient, if the dental hygienist is employed by, or under 983  
contract with, the supervising dentist or another person or 984  
government entity specified in division (C) ~~(11)~~ (10) (b) or (c) of 985  
this section: 986

(1) Apply fluoride varnish; 987

(2) Apply desensitizing agents; 988

(3) Apply disclosing solutions; 989

(4) Apply pit and fissure sealants; 990

(5) Recement temporary crowns or recement crowns with 991

<u>temporary cement;</u>	992
<u>(6) Conduct caries susceptibility testing;</u>	993
<u>(7) Provide instruction on oral hygiene home care,</u> <u>including the use of toothbrushes and dental floss;</u>	994 995
<u>(8) Discuss general nonmedical nutrition information for</u> <u>the purpose of maintaining good oral health.</u>	996 997
As used in <del>this</del> <u>division (E) (8) of this section</u> , "general nonmedical nutrition information" means information on the following: principles of good nutrition and food preparation, food to be included in the normal daily diet, the essential nutrients needed by the body, recommended amounts of the essential nutrients, the actions of nutrients on the body, the effects of deficiencies or excesses of nutrients, or food and supplements that are good sources of essential nutrients.	998 999 1000 1001 1002 1003 1004 1005
(F) No person shall do either of the following:	1006
(1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist;	1007 1008 1009
(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.	1010 1011
(G) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence of the supervising dentist pursuant to division (C) or (D) of this section. <del>The board shall not identify</del> <del>recementation of temporary crowns or recementation of crowns</del> <del>with temporary cement as such procedures.</del>	1012 1013 1014 1015 1016 1017 1018
<b>Sec. 4715.36.</b> As used in this section and sections	1019

4715.361 to 4715.374 of the Revised Code:	1020
(A) "Accredited dental hygiene school" means a dental	1021
hygiene school accredited by the American dental association	1022
commission on dental accreditation or a dental hygiene school	1023
whose educational standards are recognized by the American	1024
dental association commission on dental accreditation and	1025
approved by the state dental board.	1026
(B) "Authorizing dentist" means a dentist who authorizes a	1027
dental hygienist to perform dental hygiene services under	1028
section 4715.365 of the Revised Code.	1029
(C) "Clinical evaluation" means a diagnosis and treatment	1030
plan formulated for an individual patient by a dentist.	1031
(D) "Dentist" means an individual licensed under this	1032
chapter to practice dentistry.	1033
(E) "Dental hygienist" means an individual licensed under	1034
this chapter to practice as a dental hygienist.	1035
(F) "Dental hygiene services" means the prophylactic,	1036
preventive, and other procedures that dentists are authorized by	1037
this chapter and rules of the state dental board to assign to	1038
dental hygienists, except for procedures while a patient is	1039
anesthetized, definitive root planing, definitive subgingival	1040
curettage, the administration of local anesthesia, and the	1041
procedures specified in rules adopted by the board as described	1042
in division (C) <del>(4)</del> <u>(3)</u> of section 4715.22 of the Revised Code.	1043
(G) "Facility" means any of the following:	1044
(1) A health care facility, as defined in section 4715.22	1045
of the Revised Code;	1046
(2) A state correctional institution, as defined in	1047

section 2967.01 of the Revised Code;	1048
(3) A comprehensive child development program that	1049
receives funds distributed under the "Head Start Act," 95 Stat.	1050
499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a	1051
child day-care center;	1052
(4) A residential facility licensed under section 5123.19	1053
of the Revised Code;	1054
(5) A public school, as defined in section 3701.93 of the	1055
Revised Code, located in an area designated as a dental health	1056
resource shortage area pursuant to section 3702.87 of the	1057
Revised Code;	1058
(6) A nonpublic school, as defined in section 3701.93 of	1059
the Revised Code, located in an area designated as a dental	1060
health resource shortage area pursuant to section 3702.87 of the	1061
Revised Code;	1062
(7) A federally qualified health center or federally	1063
qualified health center look-alike, as defined in section	1064
3701.047 of the Revised Code;	1065
(8) A shelter for victims of domestic violence, as defined	1066
in section 3113.33 of the Revised Code;	1067
(9) A facility operated by the department of youth	1068
services under Chapter 5139. of the Revised Code;	1069
(10) A foster home, as defined in section 5103.02 of the	1070
Revised Code;	1071
(11) A nonprofit clinic, as defined in section 3715.87 of	1072
the Revised Code;	1073
(12) The residence of one or more individuals receiving	1074

services provided by a home health agency, as defined in section 1075  
5101.61 of the Revised Code; 1076

(13) A dispensary; 1077

(14) A health care facility, such as a clinic or hospital, 1078  
of the United States department of veterans affairs; 1079

(15) The residence of one or more individuals enrolled in 1080  
a home and community-based services medicaid waiver component, 1081  
as defined in section 5166.01 of the Revised Code; 1082

(16) A facility operated by the board of health of a city 1083  
or general health district or the authority having the duties of 1084  
a board of health under section 3709.05 of the Revised Code; 1085

(17) A women, infants, and children clinic; 1086

(18) A mobile dental unit located at any location listed 1087  
in divisions (G) (1) to (17) of this section; 1088

(19) Any other location, as specified by the state dental 1089  
board in rules adopted under section 4715.372 of the Revised 1090  
Code, that is in an area designated as a dental health resource 1091  
shortage area pursuant to section 3702.87 of the Revised Code 1092  
and provides health care services to individuals who are 1093  
medicaid recipients and to indigent and uninsured persons, as 1094  
defined in section 2305.234 of the Revised Code. 1095

**Sec. 4715.39.** (A) The state dental board may define the 1096  
duties that may be performed by dental assistants and other 1097  
individuals designated by the board as qualified personnel. If 1098  
defined, the duties shall be defined in rules adopted in 1099  
accordance with Chapter 119. of the Revised Code. The rules may 1100  
include training and practice standards for dental assistants 1101  
and other qualified personnel. The standards may include 1102

examination and issuance of a certificate. If the board issues a certificate, the recipient shall display the certificate in a conspicuous location in any office in which the recipient is employed to perform the duties authorized by the certificate.

(B) A dental assistant may polish the clinical crowns of teeth if all of the following requirements are met:

(1) The dental assistant's polishing activities are limited to the use of a rubber cup attached to a slow-speed rotary dental hand piece to remove soft deposits that build up over time on the crowns of teeth.

(2) The polishing is performed only after a dentist has evaluated the patient and any calculus detected on the teeth to be polished has been removed by a dentist or dental hygienist.

(3) The dentist supervising the assistant supervises not more than two dental assistants engaging in polishing activities at any given time.

(4) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification.

(5) The dental assistant receives a certificate from the board authorizing the assistant to engage in the polishing activities. The board shall issue the certificate if the individual has successfully completed training in the polishing of clinical crowns through a program accredited by the American dental association commission on dental accreditation or equivalent training approved by the board. The training shall include courses in basic dental anatomy and infection control, followed by a course in coronal polishing that includes didactic, preclinical, and clinical training; any other training

required by the board; and a skills assessment that includes 1132  
successful completion of standardized testing. The board shall 1133  
adopt rules pursuant to division (A) of this section 1134  
establishing standards for approval of this training. 1135

(C) A dental assistant may apply pit and fissure sealants 1136  
if all of the following requirements are met: 1137

(1) A dentist evaluates the patient and designates the 1138  
teeth and surfaces that will benefit from the application of 1139  
sealant on the day the application is to be performed. 1140

(2) The dental assistant is certified by the dental 1141  
assisting national board or the Ohio commission on dental 1142  
assistant certification. 1143

(3) The dental assistant has successfully completed a 1144  
course in the application of sealants consisting of at least two 1145  
hours of didactic instruction and six hours of clinical 1146  
instruction through a program provided by an institution 1147  
accredited by the American dental association commission on 1148  
dental accreditation or a program provided by a sponsor of 1149  
continuing education approved by the board. 1150

(4) The dentist supervising the assistant has observed the 1151  
assistant successfully apply at least six sealants. 1152

(5) Except as provided in division (D) or (E) of this 1153  
section, the dentist supervising the assistant checks and 1154  
approves the application of all sealants placed by the assistant 1155  
before the patient leaves the location where the sealant 1156  
application procedure is performed. 1157

(D) (1) A dental assistant who is certified by the dental 1158  
assisting national board or the Ohio commission on dental 1159  
assistant certification may provide, for not more than fifteen 1160

consecutive business days, all of the following services to a 1161  
patient when the supervising dentist is not physically present 1162  
at the location where the services are provided if the 1163  
conditions specified in division (D) (2) of this section have 1164  
been satisfied: 1165

(a) Recementation of temporary crowns or recementation of 1166  
crowns with temporary cement; 1167

(b) Application of fluoride varnish; 1168

(c) Application of disclosing solutions; 1169

(d) Application of desensitizing agents; 1170

(e) Caries susceptibility testing; 1171

(f) Instruction on oral hygiene home care, including the 1172  
use of toothbrushes and dental floss. 1173

(2) The conditions that must be satisfied before a dental 1174  
assistant may provide the services specified in division (D) (1) 1175  
of this section are all of the following: 1176

(a) The dental assistant has at least ~~two years~~ one year 1177  
and a minimum of ~~three~~ one thousand five hundred hours of 1178  
experience practicing as a dental assistant. 1179

(b) The dental assistant has successfully completed a 1180  
course approved by the state dental board in the identification 1181  
and prevention of potential medical emergencies. 1182

(c) The supervising dentist has evaluated the dental 1183  
assistant's skills. 1184

(d) ~~The supervising dentist examined the patient not more~~ 1185  
~~than one year prior to the date that the dental assistant~~ 1186  
~~provides the services to the patient.~~ 1187

~~(e)~~—The supervising dentist has established written 1188  
protocols or written standing orders for the dental assistant to 1189  
follow during and in the absence of an emergency. 1190

~~(f)~~—(e) The supervising dentist completed and evaluated a 1191  
medical and dental history of the patient not more than one year 1192  
prior to the date that the dental assistant provides services to 1193  
the patient, and the supervising dentist determines that the 1194  
patient is in a medically stable condition. 1195

~~(g)~~—(f) The patient is notified, in advance of the 1196  
appointment for services, that the supervising dentist will be 1197  
absent from the location and that the dental assistant cannot 1198  
diagnose the patient's dental health care status. 1199

~~(h)~~—(g) The dental assistant is employed by, or under 1200  
contract with, the supervising dentist, a dentist licensed under 1201  
this chapter who meets one of the criteria specified in division 1202  
(C) ~~(11)~~ (10) (b) of section 4715.22 of the Revised Code, or a 1203  
government entity that employs the dental assistant to provide 1204  
services in a public school or in connection with other programs 1205  
the government entity administers. 1206

(3) A dental assistant who is certified by the dental 1207  
assisting national board or the Ohio commission on dental 1208  
assistant certification may apply, for not more than fifteen 1209  
business days, pit and fissure sealants when the supervising 1210  
dentist is not physically present at the location where the 1211  
sealants are to be applied if the dental assistant meets the 1212  
requirements in divisions (C) (3) and (4) of this section and all 1213  
of the conditions specified in division (D) (2) of this section 1214  
have been satisfied. 1215

(E) A dental assistant who is certified by the dental 1216

assisting national board or the Ohio commission on dental 1217  
assistant certification may apply pit and fissure sealants prior 1218  
to a dentist examining the patient and rendering a diagnosis, 1219  
and when a dentist is not physically present at the location 1220  
where the service is provided, if all of the following are the 1221  
case: 1222

(1) The dental assistant meets the requirements in 1223  
divisions (C) (3) and (4) of this section. 1224

(2) ~~All of the~~ The conditions specified in ~~division~~ 1225  
divisions (D) (2) (a), (b), (c), (d), (f), and (g) of this section 1226  
have been satisfied. 1227

(3) The dental assistant is providing the service as part 1228  
of a program operated through any of the following: a school 1229  
district board of education or the governing board of an 1230  
educational service center; the board of health of a city or 1231  
general health district or the authority having the duties of a 1232  
board of health under section 3709.05 of the Revised Code; a 1233  
national, state, district, or local dental association; or any 1234  
other public or private entity recognized by the state dental 1235  
board. 1236

(4) A supervising dentist for the program described in 1237  
division (E) (3) of this section meets both of the following 1238  
conditions: 1239

(a) Is employed by or a volunteer for, and the patients 1240  
are referred by, the entity through which the program is 1241  
operated; 1242

(b) Is available for consultation by telephone, 1243  
videoconferencing, or other means of electronic communication. 1244

(5) The application of pit and fissure sealants is limited 1245

to erupted permanent posterior teeth without suspicion of 1246  
dentinal cavitation. 1247

(6) If the patient is a minor, a parent, guardian, or 1248  
other person responsible for the patient has been notified that 1249  
a dentist will not be present at the location and that the 1250  
dental assistant is not trained to diagnose or treat other 1251  
serious dental concerns that could exist. 1252

(F) Subject to this section and the applicable rules of 1253  
the board, licensed dentists may assign to dental assistants and 1254  
other qualified personnel dental procedures that do not require 1255  
the professional competence or skill of the licensed dentist, a 1256  
dental hygienist, or an expanded function dental auxiliary as 1257  
this section or the board by rule authorizes dental assistants 1258  
and other qualified personnel to perform. Except as provided in 1259  
division (D) or (E) of this section, the performance of dental 1260  
procedures by dental assistants and other qualified personnel 1261  
shall be under direct supervision and full responsibility of the 1262  
licensed dentist. 1263

(G) Nothing in this section shall be construed by rule of 1264  
the state dental board or otherwise to do the following: 1265

(1) Authorize dental assistants or other qualified 1266  
personnel to engage in the practice of dental hygiene as defined 1267  
by sections 4715.22 and 4715.23 of the Revised Code or to 1268  
perform the duties of a dental hygienist, including the removal 1269  
of calcarious deposits, dental cement, or accretions on the 1270  
crowns and roots of teeth other than as authorized pursuant to 1271  
this section; 1272

(2) Authorize dental assistants or other qualified 1273  
personnel to engage in the practice of an expanded function 1274

dental auxiliary as specified in section 4715.64 of the Revised Code or to perform the duties of an expanded function dental auxiliary other than as authorized pursuant to this section.

(3) Authorize the assignment of any of the following:

(a) Diagnosis;

(b) Treatment planning and prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic, or orthodontic appliances;

(c) Surgical procedures on hard or soft tissue of the oral cavity, or any other intraoral procedure that contributes to or results in an irremediable alteration of the oral anatomy;

(d) The making of final impressions from which casts are made to construct any dental restoration.

(H) No dentist shall assign any dental assistant or other individual acting in the capacity of qualified personnel to perform any dental procedure that the assistant or other individual is not authorized by this section or by board rule to perform. No dental assistant or other individual acting in the capacity of qualified personnel shall perform any dental procedure other than in accordance with this section and any applicable board rule or any dental procedure that the assistant or other individual is not authorized by this section or by board rule to perform.

Sec. 4715.43. (A) As used in this section and in sections 4715.431 to 4715.437 of the Revised Code:

(1) "Authorizing dentist" means the holder of a current, valid teledentistry permit issued under this section who authorizes a dental hygienist or expanded function dental

auxiliary to perform services under section 4715.431 of the 1303  
Revised Code. 1304

(2) "Dental hygiene services" means the prophylactic, 1305  
preventive, and other procedures that dentists are authorized by 1306  
this chapter and rules of the state dental board to assign to 1307  
dental hygienists, except for procedures while a patient is 1308  
anesthetized, definitive root planing, definitive subgingival 1309  
curettage, the administration of local anesthesia, and the 1310  
procedures specified in rules adopted by the board as described 1311  
in division (C) (3) of section 4715.22 of the Revised Code. 1312

(3) "Interim therapeutic restoration" means a direct 1313  
provisional restoration placed to stabilize a tooth until a 1314  
licensed dentist can assess the need for further treatment. 1315  
"Interim therapeutic restoration" includes the removal of 1316  
debris, other than carious or noncarious tooth structure, from 1317  
the carious lesion using air or water irrigation. 1318

(4) "Synchronous, real-time communication" means a live, 1319  
two-way interaction between a patient and a dentist conducted 1320  
through audiovisual technology. 1321

(5) "Teledentistry" means the delivery of dental services 1322  
through the use of synchronous, real-time communication and the 1323  
delivery of services of a dental hygienist or expanded function 1324  
dental auxiliary pursuant to a dentist's authorization. 1325

(B) A dentist who desires to provide dental services 1326  
through teledentistry shall apply to the state dental board for 1327  
a teledentistry permit. The application must be made under oath 1328  
on a form prescribed by the board and be accompanied by a 1329  
twenty-dollar application fee. To be eligible for the permit, 1330  
the dentist must meet the requirements established by the board 1331

in rules adopted under section 4715.436 of the Revised Code. 1332

The state dental board shall issue a teledentistry permit 1333  
to a dentist who is in good standing with the board and 1334  
satisfies all of the requirements of this section. 1335

**Sec. 4715.431.** (A) If all of the conditions in division 1336  
(B) of this section are met, an authorizing dentist may do 1337  
either of the following under a teledentistry permit without 1338  
examining a patient in person: 1339

(1) Authorize a dental hygienist or expanded function 1340  
dental auxiliary to perform services as set forth in division 1341  
(E) or (F) of this section, as applicable, at a location where 1342  
no dentist is physically present; 1343

(2) Prescribe a drug that is not a controlled substance 1344  
for a patient who is at a location where no dentist is 1345  
physically present. 1346

(B) The conditions that must be met under division (A) of 1347  
this section are the following: 1348

(1) The authorizing dentist must prepare a written 1349  
authorization that includes all of the following: 1350

(a) The authorizing dentist's name and permit number; 1351

(b) The name of the dental hygienist or expanded function 1352  
dental auxiliary; 1353

(c) The patient's name; 1354

(d) The name and address of the location where the 1355  
services are to be provided; 1356

(e) The date of the authorization; 1357

(f) A statement signed by the dental hygienist or expanded 1358

function dental auxiliary agreeing to comply with the written 1359  
protocols or written standing orders the authorizing dentist 1360  
establishes, including those for dealing with emergencies; 1361

(g) Any other information the dentist considers 1362  
appropriate. 1363

(2) Before any dental services are provided all of the 1364  
following must occur: 1365

(a) The patient is notified that an authorizing dentist 1366  
will perform a clinical evaluation through teledentistry. 1367

(b) The patient is given an explanation of alternatives 1368  
to, and the capabilities and limitations of, teledentistry. 1369

(c) The patient consents to the provision of services 1370  
through teledentistry and the consent is documented in the 1371  
patient's record. 1372

(3) The authorizing dentist establishes the patient's 1373  
identity and physical location through synchronous, real-time 1374  
communication. 1375

(4) The authorizing dentist provides dental services 1376  
through teledentistry only as is appropriate for the patient and 1377  
in accordance with appropriate standards of care. 1378

(5) The authorizing dentist establishes a diagnosis and 1379  
treatment plan and documents it in the patient's record. 1380

(6) The authorizing dentist specifies the services the 1381  
dental hygienist or expanded function dental auxiliary is 1382  
authorized to provide to the patient. 1383

(7) The dental hygienist or expanded function dental 1384  
auxiliary is employed by, or under contract with, one of the 1385

<u>following:</u>	1386
<u>(a) The authorizing dentist;</u>	1387
<u>(b) A dentist who is any of the following:</u>	1388
<u>(i) The authorizing dentist's employer;</u>	1389
<u>(ii) A shareholder in a professional association formed</u>	1390
<u>under Chapter 1785. of the Revised Code of which the authorizing</u>	1391
<u>dentist is a shareholder;</u>	1392
<u>(iii) A member or manager of a limited liability company</u>	1393
<u>formed under Chapter 1705. of the Revised Code of which the</u>	1394
<u>authorizing dentist is a member or manager;</u>	1395
<u>(iv) A shareholder in a corporation formed under division</u>	1396
<u>(B) of section 1701.03 of the Revised Code of which the</u>	1397
<u>authorizing dentist is a shareholder;</u>	1398
<u>(v) A partner or employee of a partnership, formed under</u>	1399
<u>Chapter 1775. of the Revised Code, of which the authorizing</u>	1400
<u>dentist is a partner or employee;</u>	1401
<u>(vi) A partner or employee of a limited liability</u>	1402
<u>partnership, formed under Chapter 1775. of the Revised Code, of</u>	1403
<u>which the authorizing dentist is a partner or employee.</u>	1404
<u>(C) A dentist retains responsibility for ensuring the</u>	1405
<u>safety and quality of services provided to patients through</u>	1406
<u>teledentistry. Services delivered through teledentistry must be</u>	1407
<u>consistent with in-person services. Persons involved with</u>	1408
<u>providing services through teledentistry must abide by laws</u>	1409
<u>addressing the privacy and security of the patient's dental and</u>	1410
<u>medical information.</u>	1411
<u>(D) An authorizing dentist may not have more than a total</u>	1412

of three dental hygienists and expanded dental function 1413  
auxiliaries working under the dentist's authorization pursuant 1414  
to this section at any time. 1415

(E) (1) If authorized to do so by an authorizing dentist in 1416  
accordance with this section, a dental hygienist may provide 1417  
dental hygiene services at a location where no dentist is 1418  
physically present if all of the following requirements are met: 1419

(a) The dental hygienist has at least one year and a 1420  
minimum of one thousand five hundred hours of experience in the 1421  
practice of dental hygiene. 1422

(b) The dental hygienist has completed a course described 1423  
in division (C) (2) of section 4715.22 of the Revised Code on the 1424  
identification and prevention of potential medical emergencies. 1425

(c) The authorizing dentist has evaluated the dental 1426  
hygienist's skills. 1427

(d) The dental hygienist complies with written protocols 1428  
or written standing orders established by the authorizing 1429  
dentist, including written protocols established for 1430  
emergencies. 1431

(2) If authorized to do so by an authorizing dentist in 1432  
accordance with this section, a dental hygienist may place 1433  
interim therapeutic restorations when a dentist is not 1434  
physically present at the location where the dental hygienist is 1435  
practicing if the requirements of division (E) (1) of this 1436  
section are met and the dental hygienist has successfully 1437  
completed a state dental board-approved course in the proper 1438  
placement of interim therapeutic restorations. 1439

(3) If authorized to do so by an authorizing dentist in 1440  
accordance with this section, a dental hygienist may apply 1441

silver diamine fluoride when a dentist is not physically present 1442  
at the location where the dental hygienist is practicing if the 1443  
requirements of division (E) (1) of this section are met and the 1444  
dental hygienist has successfully completed a state dental 1445  
board-approved course in the application of silver diamine 1446  
fluoride. 1447

(F) (1) If authorized to do so by an authorizing dentist in 1448  
accordance with this section, an expanded function dental 1449  
auxiliary may provide the services listed in divisions (A) (2) to 1450  
(9) of section 4715.64 of the Revised Code, and any additional 1451  
procedures authorized pursuant to division (A) (10) of that 1452  
section, when a dentist is not physically present at the 1453  
location where the expanded function dental auxiliary is 1454  
practicing if all of the following requirements are met: 1455

(a) The expanded function dental auxiliary has at least 1456  
one year and a minimum of one thousand five hundred hours of 1457  
experience practicing as an expanded function dental auxiliary. 1458

(b) The expanded function dental auxiliary has completed a 1459  
course described in division (C) (2) of section 4715.64 of the 1460  
Revised Code on the identification and prevention of potential 1461  
medical emergencies. 1462

(c) The authorizing dentist has evaluated the expanded 1463  
function dental auxiliary's skills. 1464

(d) The expanded function dental auxiliary complies with 1465  
written protocols or written standing orders established by the 1466  
authorizing dentist, including written protocols for 1467  
emergencies. 1468

(2) If authorized to do so by an authorizing dentist in 1469  
accordance with this section, an expanded function dental 1470

auxiliary who meets the requirements of division (F)(1) of this 1471  
section and has successfully completed a state dental board- 1472  
approved course in the proper placement of interim therapeutic 1473  
restorations may place interim therapeutic restorations when a 1474  
dentist is not physically present at the location where the 1475  
expanded function dental auxiliary is practicing. 1476

(3) If authorized to do so by an authorizing dentist in 1477  
accordance with this section, an expanded function dental 1478  
auxiliary who meets the requirements of division (F)(1) of this 1479  
section and has successfully completed a state dental board- 1480  
approved course in the application of silver diamine fluoride 1481  
may apply silver diamine fluoride when a dentist is not 1482  
physically present at the location where the expanded function 1483  
dental auxiliary is practicing. 1484

**Sec. 4715.432.** A teledentistry permit issued under section 1485  
4715.43 of the Revised Code expires on the thirty-first day of 1486  
December of the first odd-numbered year occurring after the 1487  
permit's issuance. A dentist who desires to renew a permit shall 1488  
apply, under oath, to the state dental board on a form 1489  
prescribed by the board and pay a renewal fee of twenty dollars. 1490

The board shall renew a teledentistry permit for a two- 1491  
year period if the dentist is in good standing with the board 1492  
and meets all of the following conditions: 1493

(A) Submits a complete application; 1494

(B) Pays the renewal fee; 1495

(C) Verifies with the board the locations where dental 1496  
hygienists and expanded function dental auxiliaries have 1497  
provided services pursuant to the dentist's authorization since 1498  
the teledentistry permit was most recently issued or renewed. 1499

Sec. 4715.433. The state dental board may, in accordance 1500  
with Chapter 119. of the Revised Code, suspend or revoke a 1501  
permit issued under section 4715.43 of the Revised Code if the 1502  
permit holder fails to comply with sections 4715.431 to 4715.437 1503  
of the Revised Code, including any rules adopted by the board 1504  
under section 4715.346 of the Revised Code. 1505

Sec. 4715.434. At the request of the state dental board, 1506  
an authorizing dentist, or a dental hygienist or expanded 1507  
function dental auxiliary who has been authorized to perform 1508  
services in accordance with section 4715.431 of the Revised 1509  
Code, shall make available to the board a list of all locations 1510  
where the dental hygienist or expanded function dental auxiliary 1511  
provided services, the locations where the hygienist or 1512  
auxiliary is expected to provide services in the future, or 1513  
both, as specified in the board's request. 1514

Sec. 4715.435. (A) No person shall provide services under 1515  
section 4715.431 of the Revised Code unless one of the following 1516  
applies: 1517

(1) The person is a dentist who holds a current, valid 1518  
teledentistry permit issued under section 4715.43 of the Revised 1519  
Code. 1520

(2) The person is providing services in accordance with 1521  
section 4715.431 of the Revised Code and is either a dental 1522  
hygienist or an expanded function dental auxiliary. 1523

(B) No person shall authorize a dental hygienist or 1524  
expanded function dental auxiliary to provide services under 1525  
section 4715.431 of the Revised Code unless the person is a 1526  
dentist who holds a current, valid teledentistry permit issued 1527  
under section 4715.43 of the Revised Code and the dental 1528

hygienist or expanded function dental hygienist will provide the 1529  
services in accordance with division (E) or (F) of section 1530  
4715.431 of the Revised Code, as appropriate. 1531

(C) No authorizing dentist shall authorize a dental 1532  
hygienist or expanded function dental auxiliary to diagnose a 1533  
patient's oral health care status. 1534

No dental hygienist or expanded function dental auxiliary 1535  
shall diagnose a patient's oral health care status as part of 1536  
services provided under section 4715.431 of the Revised Code. 1537

**Sec. 4715.436.** The state dental board shall adopt rules in 1538  
accordance with Chapter 119. of the Revised Code as it considers 1539  
necessary to implement sections 4715.43 to 4715.435 of the 1540  
Revised Code. The rules shall include both of the following: 1541

(A) Requirements that must be met for issuance of a 1542  
teledentistry permit under section 4715.43 of the Revised Code; 1543

(B) Approval of courses on the proper placement of interim 1544  
therapeutic restorations and the application of silver diamine 1545  
fluoride, as authorized under section 4715.431 of the Revised 1546  
Code. 1547

The rules may specify procedures a dental hygienist is not 1548  
permitted to perform when practicing in the absence of the 1549  
authorizing dentist pursuant to section 4715.431 of the Revised 1550  
Code. 1551

**Sec. 4715.437.** Nothing in sections 4715.43 to 4715.436 of 1552  
the Revised Code authorizes any activity prohibited by division 1553  
(F) of section 4715.22 of the Revised Code, prohibited or not 1554  
authorized by section 4715.23 of the Revised Code, or prohibited 1555  
by this chapter or a rule adopted by the state dental board 1556  
under this chapter. 1557

**Sec. 4715.64.** (A) Subject to divisions (B), (C), and (D) 1558  
of this section and section 4715.431 of the Revised Code, the 1559  
practice of an expanded function dental auxiliary shall consist 1560  
of the following: 1561

(1) Procedures involved in the placement of restorative 1562  
materials limited to amalgam restorative materials and 1563  
nonmetallic restorative materials, including direct-bonded 1564  
restorative materials; 1565

(2) Application of pit and fissure sealants; 1566

(3) Recementation of temporary crowns or recementation of 1567  
crowns with temporary cement; 1568

(4) Application of topical fluoride; 1569

(5) Application of fluoride varnish; 1570

(6) Application of disclosing solutions; 1571

(7) Application of desensitizing agents; 1572

(8) Caries susceptibility testing; 1573

(9) Instruction on oral hygiene home care, including the 1574  
use of toothbrushes and dental floss; 1575

(10) Any additional procedures authorized by the state 1576  
dental board in rules adopted under section 4715.66 of the 1577  
Revised Code. 1578

(B) An expanded function dental auxiliary shall perform 1579  
the services specified in divisions (A) (1) and ~~(11)~~ (10) of this 1580  
section only under the supervision, order, control, and full 1581  
responsibility of a dentist licensed under this chapter. At no 1582  
time shall more than two expanded function dental auxiliaries be 1583  
practicing as expanded function dental auxiliaries under the 1584

supervision of the same dentist. Except as provided in divisions 1585  
(C) and (D) of this section and section 4715.431 of the Revised 1586  
Code, an expanded function dental auxiliary shall not practice 1587  
as an expanded function dental auxiliary when the supervising 1588  
dentist is not physically present at the location where the 1589  
expanded function dental auxiliary is practicing. 1590

(C) An expanded function dental auxiliary may perform, for 1591  
not more than fifteen consecutive business days, the ~~services~~ 1592  
~~specified in divisions (A) (2) to (10) of this section~~ 1593  
application of pit and fissure sealants when the supervising 1594  
dentist is not physically present at the location where the 1595  
expanded function dental auxiliary is practicing if all of the 1596  
following conditions have been satisfied: 1597

(1) The expanded function dental auxiliary has at least 1598  
~~two years one year~~ and a minimum of ~~three one thousand five~~ 1599  
hundred hours of experience practicing as an expanded function 1600  
dental auxiliary or dental assistant. 1601

(2) The expanded function dental auxiliary has 1602  
successfully completed a course approved by the board in the 1603  
identification and prevention of potential medical emergencies. 1604

(3) The supervising dentist has evaluated the expanded 1605  
function dental auxiliary's skills. 1606

(4) ~~The supervising dentist examined the patient not more~~ 1607  
~~than one year prior to the date that the expanded function~~ 1608  
~~dental auxiliary provides services to the patient.~~ 1609

~~(5)~~The supervising dentist has established written 1610  
protocols or written standing orders for the expanded function 1611  
dental auxiliary to follow during and in the absence of an 1612  
emergency. 1613

~~(6)~~-(5) The supervising dentist completed and evaluated a 1614  
medical and dental history of the patient not more than one year 1615  
prior to the date that the expanded function dental auxiliary 1616  
provides services to the patient, and the supervising dentist 1617  
determines that the patient is in a medically stable condition. 1618

~~(7)~~-(6) In advance of the appointment for services, the 1619  
patient is notified that the supervising dentist will be absent 1620  
from the location and that the expanded function dental 1621  
auxiliary cannot diagnose the patient's dental health care 1622  
status. 1623

~~(8)~~-(7) The expanded function dental auxiliary is employed 1624  
by, or under contract with, the supervising dentist, a dentist 1625  
licensed under this chapter who meets one of the criteria 1626  
specified in division (C) ~~(11)~~-(10)(b) of section 4715.22 of the 1627  
Revised Code, or a government entity that employs the expanded 1628  
function dental auxiliary to provide services in a public school 1629  
or in connection with other programs the government entity 1630  
administers. 1631

(D) An expanded function dental auxiliary may apply pit 1632  
and fissure sealants prior to a dentist examining the patient 1633  
and rendering a diagnosis, and when a dentist is not physically 1634  
present at the location where the service is provided, if all of 1635  
the following are the case: 1636

(1) ~~All of the~~ The conditions specified in ~~division~~ 1637  
divisions (C) (1), (2), (3), (4), (6), and (7) of this section 1638  
have been satisfied. 1639

(2) The expanded function dental auxiliary is providing 1640  
the service as part of a program operated through any of the 1641  
following: a school district board of education or the governing 1642

board of an educational service center; the board of health of a 1643  
city or general health district or the authority having the 1644  
duties of a board of health under section 3709.05 of the Revised 1645  
Code; a national, state, district, or local dental association; 1646  
or any other public or private entity recognized by the state 1647  
dental board. 1648

(3) A supervising dentist for the program described in 1649  
division (D)(2) of this section meets both of the following 1650  
conditions: 1651

(a) Is employed by or a volunteer for, and the patients 1652  
are referred by, the entity through which the program is 1653  
operated; 1654

(b) Is available for consultation by telephone, 1655  
videoconferencing, or other means of electronic communication. 1656

(4) The application of pit and fissure sealants is limited 1657  
to erupted permanent posterior teeth without suspicion of 1658  
cavitation. 1659

(5) If the patient is a minor, a parent, guardian, or 1660  
other person responsible for the patient has been notified that 1661  
a dentist will not be present at the location and that the 1662  
expanded function dental auxiliary is not trained to diagnose or 1663  
treat other serious dental concerns that could exist. 1664

(E) An expanded function dental auxiliary may perform the 1665  
services specified in divisions (A)(3) to (9) of this section 1666  
when the supervising dentist is not physically present at the 1667  
location where the services are provided, regardless of whether 1668  
the dentist has examined the patient, if the expanded function 1669  
dental auxiliary is employed by, or under contract with, the 1670  
supervising dentist, a dentist licensed under this chapter who 1671

meets one of the criteria specified in division (C) (10) (b) of 1672  
section 4715.22 of the Revised Code, or a government entity that 1673  
employs the expanded function dental auxiliary to provide 1674  
services in a public school or in connection with other programs 1675  
the government entity administers. 1676

(F) Nothing in this section shall be construed by rule of 1677  
the board or otherwise to authorize an expanded function dental 1678  
auxiliary to engage in the practice of dental hygiene as defined 1679  
by sections 4715.22 and 4715.23 of the Revised Code. 1680

**Sec. 5164.951.** As used in this section, "teledentistry" 1681  
has the same meaning as in section 4715.43 of the Revised Code. 1682

The department of medicaid shall establish standards for 1683  
medicaid payments for services provided through teledentistry. 1684  
The standards shall provide coverage for services to the same 1685  
extent that those services would be covered by the medicaid 1686  
program if the services were provided without the use of 1687  
teledentistry. 1688

**Section 2.** That existing sections 1739.05, 2925.01, 1689  
4715.03, 4715.09, 4715.10, 4715.11, 4715.13, 4715.14, 4715.22, 1690  
4715.36, 4715.39, and 4715.64 of the Revised Code are hereby 1691  
repealed. 1692

**Section 3.** The enactment by this act of section 4715.435 1693  
of the Revised Code takes effect six months after the effective 1694  
date of this section. 1695

**Section 4.** Section 1739.05 of the Revised Code is 1696  
presented in this act as a composite of the section as amended 1697  
by both Sub. H.B. 463 and Sub. S.B. 319 of the 132nd General 1698  
Assembly. The General Assembly, applying the principle stated in 1699  
division (B) of section 1.52 of the Revised Code that amendments 1700

are to be harmonized if reasonably capable of simultaneous 1701  
operation, finds that the composite is the resulting version of 1702  
the section in effect prior to the effective date of the section 1703  
as presented in this act. 1704