

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 98**

**Senators Lehner, Thomas**

**Cosponsor: Senator Brown**

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**A BILL**

To amend sections 1751.01, 2305.234, 2925.01, 1  
3701.245, 3701.74, 3709.161, 3715.872, 3721.21, 2  
4715.01, 4715.02, 4715.03, 4715.05, 4715.22, 3  
4715.23, 4715.231, 4715.25, 4715.30, 4715.301, 4  
4715.33, 4715.39, 4715.42, 4715.421, 4715.52, 5  
4715.56, 4715.61, 4715.64, 4715.66, 4715.99, 6  
4769.01, and 4773.02, to enact sections 7  
4715.221, 4715.232, 4715.70, 4715.71, 4715.72, 8  
4715.73, 4715.74, 4715.75, 4715.751, 4715.752, 9  
4715.76, 4715.761, 4715.77, 4715.78, 4715.79, 10  
and 4715.80, and to repeal sections 4715.36, 11  
4715.361, 4715.362, 4715.363, 4715.364, 12  
4715.365, 4715.366, 4715.367, 4715.368, 13  
4715.369, 4715.37, 4715.371, 4715.372, 4715.373, 14  
4715.374, and 4715.375 of the Revised Code to 15  
establish licensing requirements for dental 16  
therapists. 17

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

**Section 1.** That sections 1751.01, 2305.234, 2925.01, 18  
3701.245, 3701.74, 3709.161, 3715.872, 3721.21, 4715.01, 19

4715.02, 4715.03, 4715.05, 4715.22, 4715.23, 4715.231, 4715.25, 20  
4715.30, 4715.301, 4715.33, 4715.39, 4715.42, 4715.421, 4715.52, 21  
4715.56, 4715.61, 4715.64, 4715.66, 4715.99, 4769.01, and 22  
4773.02 be amended and sections 4715.221, 4715.232, 4715.70, 23  
4715.71, 4715.72, 4715.73, 4715.74, 4715.75, 4715.751, 4715.752, 24  
4715.76, 4715.761, 4715.77, 4715.78, 4715.79, and 4715.80 of the 25  
Revised Code be enacted to read as follows: 26

**Sec. 1751.01.** As used in this chapter: 27

(A) (1) "Basic health care services" means the following 28  
services when medically necessary: 29

(a) Physician's services, except when such services are 30  
supplemental under division (B) of this section; 31

(b) Inpatient hospital services; 32

(c) Outpatient medical services; 33

(d) Emergency health services; 34

(e) Urgent care services; 35

(f) Diagnostic laboratory services and diagnostic and 36  
therapeutic radiologic services; 37

(g) Diagnostic and treatment services, other than 38  
prescription drug services, for biologically based mental 39  
illnesses; 40

(h) Preventive health care services, including, but not 41  
limited to, voluntary family planning services, infertility 42  
services, periodic physical examinations, prenatal obstetrical 43  
care, and well-child care; 44

(i) Routine patient care for patients enrolled in an 45  
eligible cancer clinical trial pursuant to section 3923.80 of 46

the Revised Code. 47

"Basic health care services" does not include experimental 48  
procedures. 49

Except as provided by divisions (A) (2) and (3) of this 50  
section in connection with the offering of coverage for 51  
diagnostic and treatment services for biologically based mental 52  
illnesses, a health insuring corporation shall not offer 53  
coverage for a health care service, defined as a basic health 54  
care service by this division, unless it offers coverage for all 55  
listed basic health care services. However, this requirement 56  
does not apply to the coverage of beneficiaries enrolled in 57  
medicare pursuant to a medicare contract, or to the coverage of 58  
beneficiaries enrolled in the federal employee health benefits 59  
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 60  
medicaid recipients, or to the coverage of beneficiaries under 61  
any federal health care program regulated by a federal 62  
regulatory body, or to the coverage of beneficiaries under any 63  
contract covering officers or employees of the state that has 64  
been entered into by the department of administrative services. 65

(2) A health insuring corporation may offer coverage for 66  
diagnostic and treatment services for biologically based mental 67  
illnesses without offering coverage for all other basic health 68  
care services. A health insuring corporation may offer coverage 69  
for diagnostic and treatment services for biologically based 70  
mental illnesses alone or in combination with one or more 71  
supplemental health care services. However, a health insuring 72  
corporation that offers coverage for any other basic health care 73  
service shall offer coverage for diagnostic and treatment 74  
services for biologically based mental illnesses in combination 75  
with the offer of coverage for all other listed basic health 76

care services. 77

(3) A health insuring corporation that offers coverage for 78  
basic health care services is not required to offer coverage for 79  
diagnostic and treatment services for biologically based mental 80  
illnesses in combination with the offer of coverage for all 81  
other listed basic health care services if all of the following 82  
apply: 83

(a) The health insuring corporation submits documentation 84  
certified by an independent member of the American academy of 85  
actuaries to the superintendent of insurance showing that 86  
incurred claims for diagnostic and treatment services for 87  
biologically based mental illnesses for a period of at least six 88  
months independently caused the health insuring corporation's 89  
costs for claims and administrative expenses for the coverage of 90  
basic health care services to increase by more than one per cent 91  
per year. 92

(b) The health insuring corporation submits a signed 93  
letter from an independent member of the American academy of 94  
actuaries to the superintendent of insurance opining that the 95  
increase in costs described in division (A) (3) (a) of this 96  
section could reasonably justify an increase of more than one 97  
per cent in the annual premiums or rates charged by the health 98  
insuring corporation for the coverage of basic health care 99  
services. 100

(c) The superintendent of insurance makes the following 101  
determinations from the documentation and opinion submitted 102  
pursuant to divisions (A) (3) (a) and (b) of this section: 103

(i) Incurred claims for diagnostic and treatment services 104  
for biologically based mental illnesses for a period of at least 105

six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of basic health care services to increase by more than one per cent per year.

(ii) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services.

Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code.

(B) (1) "Supplemental health care services" means any health care services other than basic health care services that a health insuring corporation may offer, alone or in combination with either basic health care services or other supplemental health care services, and includes:

(a) Services of facilities for intermediate or long-term care, or both;

(b) Dental care services;

(c) Vision care and optometric services including lenses and frames;

(d) Podiatric care or foot care services;

(e) Mental health services, excluding diagnostic and treatment services for biologically based mental illnesses;

(f) Short-term outpatient evaluative and crisis-intervention mental health services;

(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;

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| (h) Home health services;  | 133   |
| (i) Prescription drug services;  | 134   |
| (j) Nursing services;  | 135   |
| (k) Services of a dietitian licensed under Chapter 4759.<br>of the Revised Code;   | 136<br>137                                    |
| (l) Physical therapy services;   | 138   |
| (m) Chiropractic services;   | 139   |
| (n) Any other category of services approved by the<br>superintendent of insurance.   | 140<br>141                                    |
| (2) If a health insuring corporation offers prescription<br>drug services under this division, the coverage shall include<br>prescription drug services for the treatment of biologically<br>based mental illnesses on the same terms and conditions as other<br>physical diseases and disorders.  | 142<br>143<br>144<br>145<br>146               |
| (C) "Specialty health care services" means one of the<br>supplemental health care services listed in division (B) of this<br>section, when provided by a health insuring corporation on an<br>outpatient-only basis and not in combination with other<br>supplemental health care services.  | 147<br>148<br>149<br>150<br>151               |
| (D) "Biologically based mental illnesses" means<br>schizophrenia, schizoaffective disorder, major depressive<br>disorder, bipolar disorder, paranoia and other psychotic<br>disorders, obsessive-compulsive disorder, and panic disorder, as<br>these terms are defined in the most recent edition of the<br>diagnostic and statistical manual of mental disorders published<br>by the American psychiatric association. | 152<br>153<br>154<br>155<br>156<br>157<br>158 |
| (E) "Closed panel plan" means a health care plan that  | 159   |

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| requires enrollees to use participating providers.   | 160   |
| (F) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis.   | 161<br>162<br>163                             |
| (G) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.   | 164<br>165<br>166                             |
| (H) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.  | 167<br>168<br>169                             |
| (I) "Emergency health services" means those health care services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an enrollee's health status that would occur if such services were not received as soon as possible, and includes, where appropriate, provisions for transportation and indemnity payments or service agreements for out-of-area coverage. | 170<br>171<br>172<br>173<br>174<br>175<br>176 |
| (J) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation.   | 177<br>178<br>179                             |
| (K) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan.   | 180<br>181<br>182<br>183                      |
| (L) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, intellectual disability, intermediate care, or skilled nursing services.  | 184<br>185<br>186<br>187<br>188               |

(M) "Health care services" means basic, supplemental, and specialty health care services. 189  
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(N) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis. 191  
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(O) "Health insuring corporation" means a corporation, as defined in division (H) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, basic health care services, supplemental health care services, or specialty health care services, or a combination of basic health care services and either supplemental health care services or specialty health care services, through either an open panel plan or a closed panel plan. 195  
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"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their compensation directly from the insurer, a corporation formed by or on behalf of a political subdivision or a department, office, or institution of the state, or a public entity formed by or on behalf of a board of county commissioners, a county board of developmental disabilities, an alcohol and drug addiction services board, a board of alcohol, drug addiction, and mental health services, or a community mental health board, as those terms are used in Chapters 340. and 5126. of the Revised Code. Except as provided by division 205  
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(D) of section 1751.02 of the Revised Code, or as otherwise 219  
provided by law, no board, commission, agency, or other entity 220  
under the control of a political subdivision may accept 221  
insurance risk in providing for health care services. However, 222  
nothing in this division shall be construed as prohibiting such 223  
entities from purchasing the services of a health insuring 224  
corporation or a third-party administrator licensed under 225  
Chapter 3959. of the Revised Code. 226

(P) "Intermediary organization" means a health delivery 227  
network or other entity that contracts with licensed health 228  
insuring corporations or self-insured employers, or both, to 229  
provide health care services, and that enters into contractual 230  
arrangements with other entities for the provision of health 231  
care services for the purpose of fulfilling the terms of its 232  
contracts with the health insuring corporations and self-insured 233  
employers. 234

(Q) "Intermediate care" means residential care above the 235  
level of room and board for patients who require personal 236  
assistance and health-related services, but who do not require 237  
skilled nursing care. 238

(R) "Medical record" means the personal information that 239  
relates to an individual's physical or mental condition, medical 240  
history, or medical treatment. 241

(S) (1) "Open panel plan" means a health care plan that 242  
provides incentives for enrollees to use participating providers 243  
and that also allows enrollees to use providers that are not 244  
participating providers. 245

(2) No health insuring corporation may offer an open panel 246  
plan, unless the health insuring corporation is also licensed as 247

an insurer under Title XXXIX of the Revised Code, the health 248  
insuring corporation, on June 4, 1997, holds a certificate of 249  
authority or license to operate under Chapter 1736. or 1740. of 250  
the Revised Code, or an insurer licensed under Title XXXIX of 251  
the Revised Code is responsible for the out-of-network risk as 252  
evidenced by both an evidence of coverage filing under section 253  
1751.11 of the Revised Code and a policy and certificate filing 254  
under section 3923.02 of the Revised Code. 255

(T) "Osteopathic hospital" means a hospital registered 256  
under section 3701.07 of the Revised Code that advocates 257  
osteopathic principles and the practice and perpetuation of 258  
osteopathic medicine by doing any of the following: 259

(1) Maintaining a department or service of osteopathic 260  
medicine or a committee on the utilization of osteopathic 261  
principles and methods, under the supervision of an osteopathic 262  
physician; 263

(2) Maintaining an active medical staff, the majority of 264  
which is comprised of osteopathic physicians; 265

(3) Maintaining a medical staff executive committee that 266  
has osteopathic physicians as a majority of its members. 267

(U) "Panel" means a group of providers or health care 268  
facilities that have joined together to deliver health care 269  
services through a contractual arrangement with a health 270  
insuring corporation, employer group, or other payor. 271

(V) "Person" has the same meaning as in section 1.59 of 272  
the Revised Code, and, unless the context otherwise requires, 273  
includes any insurance company holding a certificate of 274  
authority under Title XXXIX of the Revised Code, any subsidiary 275  
and affiliate of an insurance company, and any government 276

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| agency.  | 277 |
| (W) "Premium rate" means any set fee regularly paid by a           | 278 |
| subscriber to a health insuring corporation. A "premium rate"      | 279 |
| does not include a one-time membership fee, an annual              | 280 |
| administrative fee, or a nominal access fee, paid to a managed     | 281 |
| health care system under which the recipient of health care        | 282 |
| services remains solely responsible for any charges accessed for   | 283 |
| those services by the provider or health care facility.            | 284 |
| (X) "Primary care provider" means a provider that is               | 285 |
| designated by a health insuring corporation to supervise,          | 286 |
| coordinate, or provide initial care or continuing care to an       | 287 |
| enrollee, and that may be required by the health insuring          | 288 |
| corporation to initiate a referral for specialty care and to       | 289 |
| maintain supervision of the health care services rendered to the   | 290 |
| enrollee.  | 291 |
| (Y) "Provider" means any natural person or partnership of          | 292 |
| natural persons who are licensed, certified, accredited, or        | 293 |
| otherwise authorized in this state to furnish health care          | 294 |
| services, or any professional association organized under          | 295 |
| Chapter 1785. of the Revised Code, provided that nothing in this   | 296 |
| chapter or other provisions of law shall be construed to           | 297 |
| preclude a health insuring corporation, health care                | 298 |
| practitioner, or organized health care group associated with a     | 299 |
| health insuring corporation from employing certified nurse         | 300 |
| practitioners, certified nurse anesthetists, clinical nurse        | 301 |
| specialists, certified nurse-midwives, dietitians, physician       | 302 |
| assistants, dental assistants, dental hygienists, <u>dental</u>    | 303 |
| <u>therapists</u> , optometric technicians, or other allied health | 304 |
| personnel who are licensed, certified, accredited, or otherwise    | 305 |
| authorized in this state to furnish health care services.          | 306 |

(Z) "Provider sponsored organization" means a corporation, 307  
as defined in division (H) of this section, that is at least 308  
eighty per cent owned or controlled by one or more hospitals, as 309  
defined in section 3727.01 of the Revised Code, or one or more 310  
physicians licensed to practice medicine or surgery or 311  
osteopathic medicine and surgery under Chapter 4731. of the 312  
Revised Code, or any combination of such physicians and 313  
hospitals. Such control is presumed to exist if at least eighty 314  
per cent of the voting rights or governance rights of a provider 315  
sponsored organization are directly or indirectly owned, 316  
controlled, or otherwise held by any combination of the 317  
physicians and hospitals described in this division. 318

(AA) "Solicitation document" means the written materials 319  
provided to prospective subscribers or enrollees, or both, and 320  
used for advertising and marketing to induce enrollment in the 321  
health care plans of a health insuring corporation. 322

(BB) "Subscriber" means a person who is responsible for 323  
making payments to a health insuring corporation for 324  
participation in a health care plan, or an enrollee whose 325  
employment or other status is the basis of eligibility for 326  
enrollment in a health insuring corporation. 327

(CC) "Urgent care services" means those health care 328  
services that are appropriately provided for an unforeseen 329  
condition of a kind that usually requires medical attention 330  
without delay but that does not pose a threat to the life, limb, 331  
or permanent health of the injured or ill person, and may 332  
include such health care services provided out of the health 333  
insuring corporation's approved service area pursuant to 334  
indemnity payments or service agreements. 335

**Sec. 2305.234.** (A) As used in this section: 336

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| (1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.  | 337<br>338<br>339                                    |
| (2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.   | 340<br>341<br>342<br>343                             |
| (3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.  | 344<br>345   |
| (4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, a free clinic or other nonprofit shelter or health care facility as those terms are defined in section 3701.071 of the Revised Code, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person. | 346<br>347<br>348<br>349<br>350<br>351<br>352<br>353 |
| (5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:   | 354<br>355<br>356                                    |
| (a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;   | 357<br>358<br>359                                    |
| (b) Advanced practice registered nurses, registered nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;   | 360<br>361<br>362                                    |
| (c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;  | 363<br>364   |

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| (d) Dentists <del>and</del> , dental hygienists, <u>and dental</u>  | 365 |
| <u>therapists</u> licensed under Chapter 4715. of the Revised Code; | 366 |
| (e) Physical therapists, physical therapist assistants,             | 367 |
| occupational therapists, occupational therapy assistants, and       | 368 |
| athletic trainers licensed under Chapter 4755. of the Revised       | 369 |
| Code;   | 370 |
| (f) Chiropractors licensed under Chapter 4734. of the               | 371 |
| Revised Code;   | 372 |
| (g) Optometrists licensed under Chapter 4725. of the                | 373 |
| Revised Code;   | 374 |
| (h) Podiatrists authorized under Chapter 4731. of the               | 375 |
| Revised Code to practice podiatry;                                  | 376 |
| (i) Dietitians licensed under Chapter 4759. of the Revised          | 377 |
| Code;   | 378 |
| (j) Pharmacists licensed under Chapter 4729. of the                 | 379 |
| Revised Code;   | 380 |
| (k) Emergency medical technicians-basic, emergency medical          | 381 |
| technicians-intermediate, and emergency medical technicians-        | 382 |
| paramedic, certified under Chapter 4765. of the Revised Code;       | 383 |
| (l) Respiratory care professionals licensed under Chapter           | 384 |
| 4761. of the Revised Code;  | 385 |
| (m) Speech-language pathologists and audiologists licensed          | 386 |
| under Chapter 4753. of the Revised Code;                            | 387 |
| (n) Licensed professional clinical counselors, licensed             | 388 |
| professional counselors, independent social workers, social         | 389 |
| workers, independent marriage and family therapists, and            | 390 |
| marriage and family therapists, licensed under Chapter 4757. of     | 391 |

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| the Revised Code;   | 392  |
| (o) Psychologists licensed under Chapter 4732. of the Revised Code;   | 393<br>394   |
| (p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter.  | 395<br>396<br>397<br>398<br>399<br>400<br>401<br>402 |
| (6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.  | 403<br>404<br>405<br>406<br>407<br>408<br>409        |
| (7) "Indigent and uninsured person" means a person who meets both of the following requirements:  | 410<br>411   |
| (a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A) (7) (b) (iii) of this section includes a person whose income is greater than two hundred per cent of the federal poverty line. | 412<br>413<br>414<br>415<br>416<br>417<br>418<br>419 |
| (b) Relative to being uninsured, one of the following   | 420  |

applies: 421

(i) The person is not a policyholder, certificate holder, 422  
insured, contract holder, subscriber, enrollee, member, 423  
beneficiary, or other covered individual under a health 424  
insurance or health care policy, contract, or plan. 425

(ii) The person is a policyholder, certificate holder, 426  
insured, contract holder, subscriber, enrollee, member, 427  
beneficiary, or other covered individual under a health 428  
insurance or health care policy, contract, or plan, but the 429  
insurer, policy, contract, or plan denies coverage or is the 430  
subject of insolvency or bankruptcy proceedings in any 431  
jurisdiction. 432

(iii) Until June 30, 2019, the person is eligible for the 433  
medicaid program or is a medicaid recipient. 434

(iv) Except as provided in division (A) (7) (b) (iii) of this 435  
section, the person is not eligible for or a recipient, 436  
enrollee, or beneficiary of any governmental health care 437  
program. 438

(8) "Nonprofit health care referral organization" means an 439  
entity that is not operated for profit and refers patients to, 440  
or arranges for the provision of, health-related diagnosis, 441  
care, or treatment by a health care professional or health care 442  
worker. 443

(9) "Operation" means any procedure that involves cutting 444  
or otherwise infiltrating human tissue by mechanical means, 445  
including surgery, laser surgery, ionizing radiation, 446  
therapeutic ultrasound, or the removal of intraocular foreign 447  
bodies. "Operation" does not include the administration of 448  
medication by injection, unless the injection is administered in 449

conjunction with a procedure infiltrating human tissue by 450  
mechanical means other than the administration of medicine by 451  
injection. "Operation" does not include routine dental 452  
restorative procedures, the scaling of teeth, or extractions of 453  
teeth that are not impacted. 454

(10) "Tort action" means a civil action for damages for 455  
injury, death, or loss to person or property other than a civil 456  
action for damages for a breach of contract or another agreement 457  
between persons or government entities. 458

(11) "Volunteer" means an individual who provides any 459  
medical, dental, or other health-care related diagnosis, care, 460  
or treatment without the expectation of receiving and without 461  
receipt of any compensation or other form of remuneration from 462  
an indigent and uninsured person, another person on behalf of an 463  
indigent and uninsured person, any health care facility or 464  
location, any nonprofit health care referral organization, or 465  
any other person or government entity. 466

(12) "Community control sanction" has the same meaning as 467  
in section 2929.01 of the Revised Code. 468

(13) "Deep sedation" means a drug-induced depression of 469  
consciousness during which a patient cannot be easily aroused 470  
but responds purposefully following repeated or painful 471  
stimulation, a patient's ability to independently maintain 472  
ventilatory function may be impaired, a patient may require 473  
assistance in maintaining a patent airway and spontaneous 474  
ventilation may be inadequate, and cardiovascular function is 475  
usually maintained. 476

(14) "General anesthesia" means a drug-induced loss of 477  
consciousness during which a patient is not arousable, even by 478

painful stimulation, the ability to independently maintain 479  
ventilatory function is often impaired, a patient often requires 480  
assistance in maintaining a patent airway, positive pressure 481  
ventilation may be required because of depressed spontaneous 482  
ventilation or drug-induced depression of neuromuscular 483  
function, and cardiovascular function may be impaired. 484

(B) (1) Subject to divisions (F) and (G) (3) of this 485  
section, a health care professional who is a volunteer and 486  
complies with division (B) (2) of this section is not liable in 487  
damages to any person or government entity in a tort or other 488  
civil action, including an action on a medical, dental, 489  
chiropractic, optometric, or other health-related claim, for 490  
injury, death, or loss to person or property that allegedly 491  
arises from an action or omission of the volunteer in the 492  
provision to an indigent and uninsured person of medical, 493  
dental, or other health-related diagnosis, care, or treatment, 494  
including the provision of samples of medicine and other medical 495  
products, unless the action or omission constitutes willful or 496  
wanton misconduct. 497

(2) To qualify for the immunity described in division (B) 498  
(1) of this section, a health care professional shall do all of 499  
the following prior to providing diagnosis, care, or treatment: 500

(a) Determine, in good faith, that the indigent and 501  
uninsured person is mentally capable of giving informed consent 502  
to the provision of the diagnosis, care, or treatment and is not 503  
subject to duress or under undue influence; 504

(b) Inform the person of the provisions of this section, 505  
including notifying the person that, by giving informed consent 506  
to the provision of the diagnosis, care, or treatment, the 507  
person cannot hold the health care professional liable for 508

damages in a tort or other civil action, including an action on 509  
a medical, dental, chiropractic, optometric, or other health- 510  
related claim, unless the action or omission of the health care 511  
professional constitutes willful or wanton misconduct; 512

(c) Obtain the informed consent of the person and a 513  
written waiver, signed by the person or by another individual on 514  
behalf of and in the presence of the person, that states that 515  
the person is mentally competent to give informed consent and, 516  
without being subject to duress or under undue influence, gives 517  
informed consent to the provision of the diagnosis, care, or 518  
treatment subject to the provisions of this section. A written 519  
waiver under division (B) (2) (c) of this section shall state 520  
clearly and in conspicuous type that the person or other 521  
individual who signs the waiver is signing it with full 522  
knowledge that, by giving informed consent to the provision of 523  
the diagnosis, care, or treatment, the person cannot bring a 524  
tort or other civil action, including an action on a medical, 525  
dental, chiropractic, optometric, or other health-related claim, 526  
against the health care professional unless the action or 527  
omission of the health care professional constitutes willful or 528  
wanton misconduct. 529

(3) A physician or podiatrist who is not covered by 530  
medical malpractice insurance, but complies with division (B) (2) 531  
of this section, is not required to comply with division (A) of 532  
section 4731.143 of the Revised Code. 533

(C) Subject to divisions (F) and (G) (3) of this section, 534  
health care workers who are volunteers are not liable in damages 535  
to any person or government entity in a tort or other civil 536  
action, including an action upon a medical, dental, 537  
chiropractic, optometric, or other health-related claim, for 538

injury, death, or loss to person or property that allegedly 539  
arises from an action or omission of the health care worker in 540  
the provision to an indigent and uninsured person of medical, 541  
dental, or other health-related diagnosis, care, or treatment, 542  
unless the action or omission constitutes willful or wanton 543  
misconduct. 544

(D) Subject to divisions (F) and (G) (3) of this section, a 545  
nonprofit health care referral organization is not liable in 546  
damages to any person or government entity in a tort or other 547  
civil action, including an action on a medical, dental, 548  
chiropractic, optometric, or other health-related claim, for 549  
injury, death, or loss to person or property that allegedly 550  
arises from an action or omission of the nonprofit health care 551  
referral organization in referring indigent and uninsured 552  
persons to, or arranging for the provision of, medical, dental, 553  
or other health-related diagnosis, care, or treatment by a 554  
health care professional described in division (B) (1) of this 555  
section or a health care worker described in division (C) of 556  
this section, unless the action or omission constitutes willful 557  
or wanton misconduct. 558

(E) Subject to divisions (F) and (G) (3) of this section 559  
and to the extent that the registration requirements of section 560  
3701.071 of the Revised Code apply, a health care facility or 561  
location associated with a health care professional described in 562  
division (B) (1) of this section, a health care worker described 563  
in division (C) of this section, or a nonprofit health care 564  
referral organization described in division (D) of this section 565  
is not liable in damages to any person or government entity in a 566  
tort or other civil action, including an action on a medical, 567  
dental, chiropractic, optometric, or other health-related claim, 568  
for injury, death, or loss to person or property that allegedly 569

arises from an action or omission of the health care 570  
professional or worker or nonprofit health care referral 571  
organization relative to the medical, dental, or other health- 572  
related diagnosis, care, or treatment provided to an indigent 573  
and uninsured person on behalf of or at the health care facility 574  
or location, unless the action or omission constitutes willful 575  
or wanton misconduct. 576

(F) (1) Except as provided in division (F) (2) of this 577  
section, the immunities provided by divisions (B), (C), (D), and 578  
(E) of this section are not available to a health care 579  
professional, health care worker, nonprofit health care referral 580  
organization, or health care facility or location if, at the 581  
time of an alleged injury, death, or loss to person or property, 582  
the health care professionals or health care workers involved 583  
are providing one of the following: 584

(a) Any medical, dental, or other health-related 585  
diagnosis, care, or treatment pursuant to a community service 586  
work order entered by a court under division (B) of section 587  
2951.02 of the Revised Code or imposed by a court as a community 588  
control sanction; 589

(b) Performance of an operation to which any one of the 590  
following applies: 591

(i) The operation requires the administration of deep 592  
sedation or general anesthesia. 593

(ii) The operation is a procedure that is not typically 594  
performed in an office. 595

(iii) The individual involved is a health care 596  
professional, and the operation is beyond the scope of practice 597  
or the education, training, and competence, as applicable, of 598

the health care professional. 599

(c) Delivery of a baby or any other purposeful termination 600  
of a human pregnancy. 601

(2) Division (F)(1) of this section does not apply when a 602  
health care professional or health care worker provides medical, 603  
dental, or other health-related diagnosis, care, or treatment 604  
that is necessary to preserve the life of a person in a medical 605  
emergency. 606

(G)(1) This section does not create a new cause of action 607  
or substantive legal right against a health care professional, 608  
health care worker, nonprofit health care referral organization, 609  
or health care facility or location. 610

(2) This section does not affect any immunities from civil 611  
liability or defenses established by another section of the 612  
Revised Code or available at common law to which a health care 613  
professional, health care worker, nonprofit health care referral 614  
organization, or health care facility or location may be 615  
entitled in connection with the provision of emergency or other 616  
medical, dental, or other health-related diagnosis, care, or 617  
treatment. 618

(3) This section does not grant an immunity from tort or 619  
other civil liability to a health care professional, health care 620  
worker, nonprofit health care referral organization, or health 621  
care facility or location for actions that are outside the scope 622  
of authority of health care professionals or health care 623  
workers. 624

In the case of the diagnosis, care, or treatment of an 625  
indigent and uninsured person who is eligible for the medicaid 626  
program or is a medicaid recipient, this section grants an 627

immunity from tort or other civil liability only if the person's 628  
diagnosis, care, or treatment is provided in a free clinic, as 629  
defined in section 3701.071 of the Revised Code. 630

(4) This section does not affect any legal responsibility 631  
of a health care professional, health care worker, or nonprofit 632  
health care referral organization to comply with any applicable 633  
law of this state or rule of an agency of this state. 634

(5) This section does not affect any legal responsibility 635  
of a health care facility or location to comply with any 636  
applicable law of this state, rule of an agency of this state, 637  
or local code, ordinance, or regulation that pertains to or 638  
regulates building, housing, air pollution, water pollution, 639  
sanitation, health, fire, zoning, or safety. 640

**Sec. 2925.01.** As used in this chapter: 641

(A) "Administer," "controlled substance," "controlled 642  
substance analog," "dispense," "distribute," "hypodermic," 643  
"manufacturer," "official written order," "person," 644  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 645  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 646  
have the same meanings as in section 3719.01 of the Revised 647  
Code. 648

(B) "Drug dependent person" and "drug of abuse" have the 649  
same meanings as in section 3719.011 of the Revised Code. 650

(C) "Drug," "dangerous drug," "licensed health 651  
professional authorized to prescribe drugs," and "prescription" 652  
have the same meanings as in section 4729.01 of the Revised 653  
Code. 654

(D) "Bulk amount" of a controlled substance means any of 655  
the following: 656

(1) For any compound, mixture, preparation, or substance 657  
included in schedule I, schedule II, or schedule III, with the 658  
exception of controlled substance analogs, marihuana, cocaine, 659  
L.S.D., heroin, and hashish and except as provided in division 660  
(D)(2) or (5) of this section, whichever of the following is 661  
applicable: 662

(a) An amount equal to or exceeding ten grams or twenty- 663  
five unit doses of a compound, mixture, preparation, or 664  
substance that is or contains any amount of a schedule I opiate 665  
or opium derivative; 666

(b) An amount equal to or exceeding ten grams of a 667  
compound, mixture, preparation, or substance that is or contains 668  
any amount of raw or gum opium; 669

(c) An amount equal to or exceeding thirty grams or ten 670  
unit doses of a compound, mixture, preparation, or substance 671  
that is or contains any amount of a schedule I hallucinogen 672  
other than tetrahydrocannabinol or lysergic acid amide, or a 673  
schedule I stimulant or depressant; 674

(d) An amount equal to or exceeding twenty grams or five 675  
times the maximum daily dose in the usual dose range specified 676  
in a standard pharmaceutical reference manual of a compound, 677  
mixture, preparation, or substance that is or contains any 678  
amount of a schedule II opiate or opium derivative; 679

(e) An amount equal to or exceeding five grams or ten unit 680  
doses of a compound, mixture, preparation, or substance that is 681  
or contains any amount of phencyclidine; 682

(f) An amount equal to or exceeding one hundred twenty 683  
grams or thirty times the maximum daily dose in the usual dose 684  
range specified in a standard pharmaceutical reference manual of 685

a compound, mixture, preparation, or substance that is or 686  
contains any amount of a schedule II stimulant that is in a 687  
final dosage form manufactured by a person authorized by the 688  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 689  
U.S.C.A. 301, as amended, and the federal drug abuse control 690  
laws, as defined in section 3719.01 of the Revised Code, that is 691  
or contains any amount of a schedule II depressant substance or 692  
a schedule II hallucinogenic substance; 693

(g) An amount equal to or exceeding three grams of a 694  
compound, mixture, preparation, or substance that is or contains 695  
any amount of a schedule II stimulant, or any of its salts or 696  
isomers, that is not in a final dosage form manufactured by a 697  
person authorized by the Federal Food, Drug, and Cosmetic Act 698  
and the federal drug abuse control laws. 699

(2) An amount equal to or exceeding one hundred twenty 700  
grams or thirty times the maximum daily dose in the usual dose 701  
range specified in a standard pharmaceutical reference manual of 702  
a compound, mixture, preparation, or substance that is or 703  
contains any amount of a schedule III or IV substance other than 704  
an anabolic steroid or a schedule III opiate or opium 705  
derivative; 706

(3) An amount equal to or exceeding twenty grams or five 707  
times the maximum daily dose in the usual dose range specified 708  
in a standard pharmaceutical reference manual of a compound, 709  
mixture, preparation, or substance that is or contains any 710  
amount of a schedule III opiate or opium derivative; 711

(4) An amount equal to or exceeding two hundred fifty 712  
milliliters or two hundred fifty grams of a compound, mixture, 713  
preparation, or substance that is or contains any amount of a 714  
schedule V substance; 715

(5) An amount equal to or exceeding two hundred solid 716  
dosage units, sixteen grams, or sixteen milliliters of a 717  
compound, mixture, preparation, or substance that is or contains 718  
any amount of a schedule III anabolic steroid. 719

(E) "Unit dose" means an amount or unit of a compound, 720  
mixture, or preparation containing a controlled substance that 721  
is separately identifiable and in a form that indicates that it 722  
is the amount or unit by which the controlled substance is 723  
separately administered to or taken by an individual. 724

(F) "Cultivate" includes planting, watering, fertilizing, 725  
or tilling. 726

(G) "Drug abuse offense" means any of the following: 727

(1) A violation of division (A) of section 2913.02 that 728  
constitutes theft of drugs, or a violation of section 2925.02, 729  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 730  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 731  
or 2925.37 of the Revised Code; 732

(2) A violation of an existing or former law of this or 733  
any other state or of the United States that is substantially 734  
equivalent to any section listed in division (G) (1) of this 735  
section; 736

(3) An offense under an existing or former law of this or 737  
any other state, or of the United States, of which planting, 738  
cultivating, harvesting, processing, making, manufacturing, 739  
producing, shipping, transporting, delivering, acquiring, 740  
possessing, storing, distributing, dispensing, selling, inducing 741  
another to use, administering to another, using, or otherwise 742  
dealing with a controlled substance is an element; 743

(4) A conspiracy to commit, attempt to commit, or 744

complicity in committing or attempting to commit any offense 745  
under division (G) (1), (2), or (3) of this section. 746

(H) "Felony drug abuse offense" means any drug abuse 747  
offense that would constitute a felony under the laws of this 748  
state, any other state, or the United States. 749

(I) "Harmful intoxicant" does not include beer or 750  
intoxicating liquor but means any of the following: 751

(1) Any compound, mixture, preparation, or substance the 752  
gas, fumes, or vapor of which when inhaled can induce 753  
intoxication, excitement, giddiness, irrational behavior, 754  
depression, stupefaction, paralysis, unconsciousness, 755  
asphyxiation, or other harmful physiological effects, and 756  
includes, but is not limited to, any of the following: 757

(a) Any volatile organic solvent, plastic cement, model 758  
cement, fingernail polish remover, lacquer thinner, cleaning 759  
fluid, gasoline, or other preparation containing a volatile 760  
organic solvent; 761

(b) Any aerosol propellant; 762

(c) Any fluorocarbon refrigerant; 763

(d) Any anesthetic gas. 764

(2) Gamma Butyrolactone; 765

(3) 1,4 Butanediol. 766

(J) "Manufacture" means to plant, cultivate, harvest, 767  
process, make, prepare, or otherwise engage in any part of the 768  
production of a drug, by propagation, extraction, chemical 769  
synthesis, or compounding, or any combination of the same, and 770  
includes packaging, repackaging, labeling, and other activities 771

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| incident to production.   | 772                                    |
| (K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.   | 773<br>774<br>775<br>776               |
| (L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer. | 777<br>778<br>779<br>780<br>781<br>782 |
| (M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.   | 783<br>784<br>785                      |
| (N) "Juvenile" means a person under eighteen years of age.  | 786                                    |
| (O) "Counterfeit controlled substance" means any of the following:  | 787<br>788                             |
| (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;  | 789<br>790<br>791<br>792               |
| (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;   | 793<br>794<br>795<br>796               |
| (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;  | 797<br>798<br>799                      |

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

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

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

(R) "School premises" means either of the following:

(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;

(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 829  
standards under section 3301.07 of the Revised Code and on which 830  
some of the instruction, extracurricular activities, or training 831  
of the school is conducted, whether or not any instruction, 832  
extracurricular activities, or training provided by the school 833  
is being conducted on the parcel of real property at the time a 834  
criminal offense is committed. 835

(S) "School building" means any building in which any of 836  
the instruction, extracurricular activities, or training 837  
provided by a school is conducted, whether or not any 838  
instruction, extracurricular activities, or training provided by 839  
the school is being conducted in the school building at the time 840  
a criminal offense is committed. 841

(T) "Disciplinary counsel" means the disciplinary counsel 842  
appointed by the board of commissioners on grievances and 843  
discipline of the supreme court under the Rules for the 844  
Government of the Bar of Ohio. 845

(U) "Certified grievance committee" means a duly 846  
constituted and organized committee of the Ohio state bar 847  
association or of one or more local bar associations of the 848  
state of Ohio that complies with the criteria set forth in Rule 849  
V, section 6 of the Rules for the Government of the Bar of Ohio. 850

(V) "Professional license" means any license, permit, 851  
certificate, registration, qualification, admission, temporary 852  
license, temporary permit, temporary certificate, or temporary 853  
registration that is described in divisions (W) (1) to (36) of 854  
this section and that qualifies a person as a professionally 855  
licensed person. 856

(W) "Professionally licensed person" means any of the 857

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| following:   | 858 |
| (1) A person who has obtained a license as a manufacturer        | 859 |
| of controlled substances or a wholesaler of controlled           | 860 |
| substances under Chapter 3719. of the Revised Code;              | 861 |
| (2) A person who has received a certificate or temporary         | 862 |
| certificate as a certified public accountant or who has          | 863 |
| registered as a public accountant under Chapter 4701. of the     | 864 |
| Revised Code and who holds an Ohio permit issued under that      | 865 |
| chapter;   | 866 |
| (3) A person who holds a certificate of qualification to         | 867 |
| practice architecture issued or renewed and registered under     | 868 |
| Chapter 4703. of the Revised Code;                               | 869 |
| (4) A person who is registered as a landscape architect          | 870 |
| under Chapter 4703. of the Revised Code or who holds a permit as | 871 |
| a landscape architect issued under that chapter;                 | 872 |
| (5) A person licensed under Chapter 4707. of the Revised         | 873 |
| Code;  | 874 |
| (6) A person who has been issued a certificate of                | 875 |
| registration as a registered barber under Chapter 4709. of the   | 876 |
| Revised Code;  | 877 |
| (7) A person licensed and regulated to engage in the             | 878 |
| business of a debt pooling company by a legislative authority,   | 879 |
| under authority of Chapter 4710. of the Revised Code;            | 880 |
| (8) A person who has been issued a cosmetologist's               | 881 |
| license, hair designer's license, manicurist's license,          | 882 |
| esthetician's license, natural hair stylist's license, advanced  | 883 |
| cosmetologist's license, advanced hair designer's license,       | 884 |
| advanced manicurist's license, advanced esthetician's license,   | 885 |

advanced natural hair stylist's license, cosmetology 886  
instructor's license, hair design instructor's license, 887  
manicurist instructor's license, esthetics instructor's license, 888  
natural hair style instructor's license, independent 889  
contractor's license, or tanning facility permit under Chapter 890  
4713. of the Revised Code; 891

(9) A person who has been issued a license to practice 892  
dentistry, a dentist's general anesthesia permit, a dentist's 893  
conscious intravenous sedation permit, a dental resident's 894  
limited ~~resident's~~ license, a dentist's limited teaching 895  
license, a dental therapist license, a dental therapist's 896  
limited teaching license, a dental hygienist's ~~hygienist~~ 897  
license, or a dental hygienist's teacher's certificate under 898  
Chapter 4715. of the Revised Code; 899

(10) A person who has been issued an embalmer's license, a 900  
funeral director's license, a funeral home license, or a 901  
crematory license, or who has been registered for an embalmer's 902  
or funeral director's apprenticeship under Chapter 4717. of the 903  
Revised Code; 904

(11) A person who has been licensed as a registered nurse 905  
or practical nurse, or who has been issued a certificate for the 906  
practice of nurse-midwifery under Chapter 4723. of the Revised 907  
Code; 908

(12) A person who has been licensed to practice optometry 909  
or to engage in optical dispensing under Chapter 4725. of the 910  
Revised Code; 911

(13) A person licensed to act as a pawnbroker under 912  
Chapter 4727. of the Revised Code; 913

(14) A person licensed to act as a precious metals dealer 914

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| under Chapter 4728. of the Revised Code;                         | 915 |
| (15) A person licensed as a pharmacist, a pharmacy intern,       | 916 |
| a wholesale distributor of dangerous drugs, or a terminal        | 917 |
| distributor of dangerous drugs under Chapter 4729. of the        | 918 |
| Revised Code;  | 919 |
| (16) A person who is authorized to practice as a physician       | 920 |
| assistant under Chapter 4730. of the Revised Code;               | 921 |
| (17) A person who has been issued a certificate to               | 922 |
| practice medicine and surgery, osteopathic medicine and surgery, | 923 |
| a limited branch of medicine, or podiatry under Chapter 4731. of | 924 |
| the Revised Code;  | 925 |
| (18) A person licensed as a psychologist or school               | 926 |
| psychologist under Chapter 4732. of the Revised Code;            | 927 |
| (19) A person registered to practice the profession of           | 928 |
| engineering or surveying under Chapter 4733. of the Revised      | 929 |
| Code;  | 930 |
| (20) A person who has been issued a license to practice          | 931 |
| chiropractic under Chapter 4734. of the Revised Code;            | 932 |
| (21) A person licensed to act as a real estate broker or         | 933 |
| real estate salesperson under Chapter 4735. of the Revised Code; | 934 |
| (22) A person registered as a registered sanitarian under        | 935 |
| Chapter 4736. of the Revised Code;                               | 936 |
| (23) A person licensed to operate or maintain a junkyard         | 937 |
| under Chapter 4737. of the Revised Code;                         | 938 |
| (24) A person who has been issued a motor vehicle salvage        | 939 |
| dealer's license under Chapter 4738. of the Revised Code;        | 940 |
| (25) A person who has been licensed to act as a steam            | 941 |

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| engineer under Chapter 4739. of the Revised Code;  | 942                                    |
| (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;  | 943<br>944<br>945<br>946               |
| (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;  | 947<br>948<br>949                      |
| (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;   | 950<br>951<br>952                      |
| (29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;   | 953<br>954<br>955                      |
| (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;  | 956<br>957<br>958                      |
| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;   | 959<br>960<br>961                      |
| (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; | 962<br>963<br>964<br>965<br>966<br>967 |
| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;  | 968<br>969                             |

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(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;

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

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

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

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

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

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

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

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

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

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

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

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

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public

accommodation, business, amusement, or resort. 1026

(II) "Methamphetamine" means methamphetamine, any salt, 1027  
isomer, or salt of an isomer of methamphetamine, or any 1028  
compound, mixture, preparation, or substance containing 1029  
methamphetamine or any salt, isomer, or salt of an isomer of 1030  
methamphetamine. 1031

(JJ) "Lawful prescription" means a prescription that is 1032  
issued for a legitimate medical purpose by a licensed health 1033  
professional authorized to prescribe drugs, that is not altered 1034  
or forged, and that was not obtained by means of deception or by 1035  
the commission of any theft offense. 1036

(KK) "Deception" and "theft offense" have the same 1037  
meanings as in section 2913.01 of the Revised Code. 1038

**Sec. 3701.245.** (A) No state agency as defined in section 1039  
1.60 of the Revised Code, political subdivision, agency of local 1040  
government, or private nonprofit corporation receiving state or 1041  
local government funds shall refuse to admit as a patient, or to 1042  
provide services to, any individual solely because ~~he~~ the 1043  
individual refuses to consent to an HIV test or to disclose HIV 1044  
test results. 1045

(B) The prohibition contained in division (A) of this 1046  
section does not prevent a physician or a person licensed ~~to~~ 1047  
~~practice dentistry~~ under Chapter 4715. of the Revised Code to 1048  
practice dentistry or dental therapy from referring an 1049  
individual ~~he~~ the physician, dentist, or dental therapist has 1050  
reason to believe may have AIDS or an AIDS-related condition to 1051  
an appropriate health care provider or facility, if the referral 1052  
is based on reasonable professional judgment and not solely on 1053  
grounds of the refusal of the individual to consent to an HIV 1054

test or to disclose the result of an HIV test. 1055

**Sec. 3701.74.** (A) As used in this section and section 1056  
3701.741 of the Revised Code: 1057

(1) "Ambulatory care facility" means a facility that 1058  
provides medical, diagnostic, or surgical treatment to patients 1059  
who do not require hospitalization, including a dialysis center, 1060  
ambulatory surgical facility, cardiac catheterization facility, 1061  
diagnostic imaging center, extracorporeal shock wave lithotripsy 1062  
center, home health agency, inpatient hospice, birthing center, 1063  
radiation therapy center, emergency facility, and an urgent care 1064  
center. "Ambulatory care facility" does not include the private 1065  
office of a physician or dentist, whether the office is for an 1066  
individual or group practice. 1067

(2) "Chiropractor" means an individual licensed under 1068  
Chapter 4734. of the Revised Code to practice chiropractic. 1069

(3) "Emergency facility" means a hospital emergency 1070  
department or any other facility that provides emergency medical 1071  
services. 1072

(4) "Health care practitioner" means all of the following: 1073

(a) A dentist ~~or~~, dental hygienist, or dental therapist 1074  
licensed under Chapter 4715. of the Revised Code; 1075

(b) A registered or licensed practical nurse licensed 1076  
under Chapter 4723. of the Revised Code; 1077

(c) An optometrist licensed under Chapter 4725. of the 1078  
Revised Code; 1079

(d) A dispensing optician, spectacle dispensing optician, 1080  
contact lens dispensing optician, or spectacle-contact lens 1081  
dispensing optician licensed under Chapter 4725. of the Revised 1082

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|--|--------------------------------------|
| Code;  | 1083                                 |
| (e) A pharmacist licensed under Chapter 4729. of the<br>Revised Code;  | 1084<br>1085                         |
| (f) A physician;   | 1086                                 |
| (g) A physician assistant authorized under Chapter 4730.<br>of the Revised Code to practice as a physician assistant;  | 1087<br>1088                         |
| (h) A practitioner of a limited branch of medicine issued<br>a certificate under Chapter 4731. of the Revised Code;  | 1089<br>1090                         |
| (i) A psychologist licensed under Chapter 4732. of the<br>Revised Code;  | 1091<br>1092                         |
| (j) A chiropractor;  | 1093                                 |
| (k) A hearing aid dealer or fitter licensed under Chapter<br>4747. of the Revised Code;  | 1094<br>1095                         |
| (l) A speech-language pathologist or audiologist licensed<br>under Chapter 4753. of the Revised Code;  | 1096<br>1097                         |
| (m) An occupational therapist or occupational therapy<br>assistant licensed under Chapter 4755. of the Revised Code;   | 1098<br>1099                         |
| (n) A physical therapist or physical therapy assistant<br>licensed under Chapter 4755. of the Revised Code;  | 1100<br>1101                         |
| (o) A licensed professional clinical counselor, licensed<br>professional counselor, social worker, independent social<br>worker, independent marriage and family therapist, or marriage<br>and family therapist licensed, or a social work assistant<br>registered, under Chapter 4757. of the Revised Code; | 1102<br>1103<br>1104<br>1105<br>1106 |
| (p) A dietitian licensed under Chapter 4759. of the<br>Revised Code;   | 1107<br>1108                         |

- (q) A respiratory care professional licensed under Chapter 1109  
4761. of the Revised Code; 1110
- (r) An emergency medical technician-basic, emergency 1111  
medical technician-intermediate, or emergency medical 1112  
technician-paramedic certified under Chapter 4765. of the 1113  
Revised Code. 1114
- (5) "Health care provider" means a hospital, ambulatory 1115  
care facility, long-term care facility, pharmacy, emergency 1116  
facility, or health care practitioner. 1117
- (6) "Hospital" has the same meaning as in section 3727.01 1118  
of the Revised Code. 1119
- (7) "Long-term care facility" means a nursing home, 1120  
residential care facility, or home for the aging, as those terms 1121  
are defined in section 3721.01 of the Revised Code; a 1122  
residential facility licensed under section 5119.34 of the 1123  
Revised Code that provides accommodations, supervision, and 1124  
personal care services for three to sixteen unrelated adults; a 1125  
nursing facility, as defined in section 5165.01 of the Revised 1126  
Code; a skilled nursing facility, as defined in section 5165.01 1127  
of the Revised Code; and an intermediate care facility for 1128  
individuals with intellectual disabilities, as defined in 1129  
section 5124.01 of the Revised Code. 1130
- (8) "Medical record" means data in any form that pertains 1131  
to a patient's medical history, diagnosis, prognosis, or medical 1132  
condition and that is generated and maintained by a health care 1133  
provider in the process of the patient's health care treatment. 1134
- (9) "Medical records company" means a person who stores, 1135  
locates, or copies medical records for a health care provider, 1136  
or is compensated for doing so by a health care provider, and 1137

charges a fee for providing medical records to a patient or 1138  
patient's representative. 1139

(10) "Patient" means either of the following: 1140

(a) An individual who received health care treatment from 1141  
a health care provider; 1142

(b) A guardian, as defined in section 1337.11 of the 1143  
Revised Code, of an individual described in division (A) (10) (a) 1144  
of this section. 1145

(11) "Patient's personal representative" means a minor 1146  
patient's parent or other person acting in loco parentis, a 1147  
court-appointed guardian, or a person with durable power of 1148  
attorney for health care for a patient, the executor or 1149  
administrator of the patient's estate, or the person responsible 1150  
for the patient's estate if it is not to be probated. "Patient's 1151  
personal representative" does not include an insurer authorized 1152  
under Title XXXIX of the Revised Code to do the business of 1153  
sickness and accident insurance in this state, a health insuring 1154  
corporation holding a certificate of authority under Chapter 1155  
1751. of the Revised Code, or any other person not named in this 1156  
division. 1157

(12) "Pharmacy" has the same meaning as in section 4729.01 1158  
of the Revised Code. 1159

(13) "Physician" means a person authorized under Chapter 1160  
4731. of the Revised Code to practice medicine and surgery, 1161  
osteopathic medicine and surgery, or podiatric medicine and 1162  
surgery. 1163

(14) "Authorized person" means a person to whom a patient 1164  
has given written authorization to act on the patient's behalf 1165  
regarding the patient's medical record. 1166

(B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician, psychologist, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician, psychologist, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record.

(C) If a health care provider fails to furnish a medical

record as required by division (B) of this section, the patient, 1198  
personal representative, or authorized person who requested the 1199  
record may bring a civil action to enforce the patient's right 1200  
of access to the record. 1201

(D) (1) This section does not apply to medical records 1202  
whose release is covered by section 173.20 or 3721.13 of the 1203  
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 1204  
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 1205  
Abuse Patient Records," or by 42 C.F.R. 483.10. 1206

(2) Nothing in this section is intended to supersede the 1207  
confidentiality provisions of sections 2305.24, 2305.25, 1208  
2305.251, and 2305.252 of the Revised Code. 1209

**Sec. 3709.161.** (A) The board of health of a city or 1210  
general health district may procure a policy or policies of 1211  
insurance insuring the members of the board, the health 1212  
commissioner, and the employees of the board against liability 1213  
on account of damage or injury to persons and property resulting 1214  
from any act or omission that occurs in the individual's 1215  
official capacity as a member or employee of the board or 1216  
resulting solely out of such membership or employment. 1217

(B) (1) As used in this division, "health care 1218  
professional" means all of the following: 1219

(a) A dentist ~~or~~, dental hygienist, or dental therapist 1220  
licensed under Chapter 4715. of the Revised Code; 1221

(b) A registered nurse or licensed practical nurse 1222  
licensed under Chapter 4723. of the Revised Code; 1223

(c) A person licensed under Chapter 4729. of the Revised 1224  
Code to practice as a pharmacist; 1225

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| (d) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;   | 1226<br>1227   |
| (e) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;  | 1228<br>1229<br>1230   |
| (f) A psychologist licensed under Chapter 4732. of the Revised Code;  | 1231<br>1232   |
| (g) A veterinarian licensed under Chapter 4741. of the Revised Code;  | 1233<br>1234   |
| (h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;  | 1235<br>1236   |
| (i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;  | 1237<br>1238<br>1239   |
| (j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;  | 1240<br>1241<br>1242   |
| (k) A dietitian licensed under Chapter 4759. of the Revised Code.   | 1243<br>1244   |
| (2) The board of health of a city or general health district may purchase liability insurance for a health care professional with whom the board contracts for the provision of health care services against liability on account of damage or injury to persons and property arising from the health care professional's performance of services under the contract. The policy shall be purchased from an insurance company licensed to do business in this state, if such a policy is available from such a company. The board of health of a city or general health | 1245<br>1246<br>1247<br>1248<br>1249<br>1250<br>1251<br>1252<br>1253 |

district shall report the cost of the liability insurance policy 1254  
and subsequent increases in the cost to the director of health 1255  
on a form prescribed by the director. 1256

**Sec. 3715.872.** (A) As used in this section, "health care 1257  
professional" means any of the following who provide medical, 1258  
dental, or other health-related diagnosis, care, or treatment: 1259

(1) Individuals authorized under Chapter 4731. of the 1260  
Revised Code to practice medicine and surgery, osteopathic 1261  
medicine and surgery, or podiatric medicine and surgery; 1262

(2) Registered nurses and licensed practical nurses 1263  
licensed under Chapter 4723. of the Revised Code; 1264

(3) Physician assistants authorized to practice under 1265  
Chapter 4730. of the Revised Code; 1266

(4) ~~Dentists and~~, dental hygienists, and dental 1267  
therapists licensed under Chapter 4715. of the Revised Code; 1268

(5) Optometrists licensed under Chapter 4725. of the 1269  
Revised Code; 1270

(6) Pharmacists licensed under Chapter 4729. of the 1271  
Revised Code. 1272

(B) For matters related to donating, giving, accepting, or 1273  
dispensing drugs under the drug repository program, all of the 1274  
following apply: 1275

(1) Any person, including a pharmacy, drug manufacturer, 1276  
or health care facility, or any government entity that donates 1277  
or gives drugs to the drug repository program shall not be 1278  
subject to liability in tort or other civil action for injury, 1279  
death, or loss to person or property. 1280

(2) A pharmacy, hospital, or nonprofit clinic that accepts 1281  
or dispenses drugs under the program shall not be subject to 1282  
liability in tort or other civil action for injury, death, or 1283  
loss to person or property, unless an action or omission of the 1284  
pharmacy, hospital, or nonprofit clinic constitutes willful and 1285  
wanton misconduct. 1286

(3) A health care professional who accepts or dispenses 1287  
drugs under the program on behalf of a pharmacy, hospital, or 1288  
nonprofit clinic, and the pharmacy, hospital, or nonprofit 1289  
clinic that employs or otherwise uses the services of the health 1290  
care professional, shall not be subject to liability in tort or 1291  
other civil action for injury, death, or loss to person or 1292  
property, unless an action or omission of the health care 1293  
professional, pharmacy, hospital, or nonprofit clinic 1294  
constitutes willful and wanton misconduct. 1295

(4) The state board of pharmacy and the director of health 1296  
shall not be subject to liability in tort or other civil action 1297  
for injury, death, or loss to person or property, unless an 1298  
action or omission of the board or director constitutes willful 1299  
and wanton misconduct. 1300

(C) In addition to the immunity granted under division (B) 1301  
(1) of this section, any person, including a pharmacy, drug 1302  
manufacturer, or health care facility, and any government entity 1303  
that donates or gives drugs to the program shall not be subject 1304  
to criminal prosecution for the donation, giving, acceptance, or 1305  
dispensing of drugs under the program, unless an action or 1306  
omission of the person or government entity does not comply with 1307  
the provisions of this chapter or the rules adopted under it. 1308

(D) In the case of a drug manufacturer, the immunities 1309  
granted under divisions (B)(1) and (C) of this section apply 1310

with respect to any drug manufactured by the drug manufacturer 1311  
that is donated or given by any person or government entity 1312  
under the program, including but not limited to liability for 1313  
failure to transfer or communicate product or consumer 1314  
information or the expiration date of the drug donated or given. 1315

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of 1316  
the Revised Code: 1317

(A) "Long-term care facility" means either of the 1318  
following: 1319

(1) A nursing home as defined in section 3721.01 of the 1320  
Revised Code; 1321

(2) A facility or part of a facility that is certified as 1322  
a skilled nursing facility or a nursing facility under Title 1323  
XVIII or XIX of the "Social Security Act." 1324

(B) "Residential care facility" has the same meaning as in 1325  
section 3721.01 of the Revised Code. 1326

(C) "Abuse" means knowingly causing physical harm or 1327  
recklessly causing serious physical harm to a resident by 1328  
physical contact with the resident or by use of physical or 1329  
chemical restraint, medication, or isolation as punishment, for 1330  
staff convenience, excessively, as a substitute for treatment, 1331  
or in amounts that preclude habilitation and treatment. 1332

(D) "Neglect" means recklessly failing to provide a 1333  
resident with any treatment, care, goods, or service necessary 1334  
to maintain the health or safety of the resident when the 1335  
failure results in serious physical harm to the resident. 1336

"Neglect" does not include allowing a resident, at the 1337  
resident's option, to receive only treatment by spiritual means 1338  
through prayer in accordance with the tenets of a recognized 1339

religious denomination. 1340

(E) "Misappropriation" means depriving, defrauding, or 1341  
otherwise obtaining the real or personal property of a resident 1342  
by any means prohibited by the Revised Code, including 1343  
violations of Chapter 2911. or 2913. of the Revised Code. 1344

(F) "Resident" includes a resident, patient, former 1345  
resident or patient, or deceased resident or patient of a long- 1346  
term care facility or a residential care facility. 1347

(G) "Physical restraint" has the same meaning as in 1348  
section 3721.10 of the Revised Code. 1349

(H) "Chemical restraint" has the same meaning as in 1350  
section 3721.10 of the Revised Code. 1351

(I) "Nursing and nursing-related services" means the 1352  
personal care services and other services not constituting 1353  
skilled nursing care that are specified in rules the director of 1354  
health shall adopt in accordance with Chapter 119. of the 1355  
Revised Code. 1356

(J) "Personal care services" has the same meaning as in 1357  
section 3721.01 of the Revised Code. 1358

(K) (1) Except as provided in division (K) (2) of this 1359  
section, "nurse aide" means an individual who provides nursing 1360  
and nursing-related services to residents in a long-term care 1361  
facility, either as a member of the staff of the facility for 1362  
monetary compensation or as a volunteer without monetary 1363  
compensation. 1364

(2) "Nurse aide" does not include either of the following: 1365

(a) A licensed health professional practicing within the 1366  
scope of the professional's license; 1367

(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.

(L) "Licensed health professional" means all of the following:

(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;

(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;

(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;

(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;

(8) A dentist ~~or~~, dental hygienist, or dental therapist licensed under Chapter 4715. of the Revised Code;

(9) An optometrist licensed under Chapter 4725. of the

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| Revised Code;   | 1395   |
| (10) A pharmacist licensed under Chapter 4729. of the<br>Revised Code;  | 1396<br>1397   |
| (11) A psychologist licensed under Chapter 4732. of the<br>Revised Code;  | 1398<br>1399   |
| (12) A chiropractor licensed under Chapter 4734. of the<br>Revised Code;  | 1400<br>1401   |
| (13) A nursing home administrator licensed or temporarily<br>licensed under Chapter 4751. of the Revised Code;  | 1402<br>1403   |
| (14) A licensed professional counselor or licensed<br>professional clinical counselor licensed under Chapter 4757. of<br>the Revised Code;  | 1404<br>1405<br>1406   |
| (15) A marriage and family therapist or independent<br>marriage and family therapist licensed under Chapter 4757. of<br>the Revised Code.   | 1407<br>1408<br>1409   |
| (M) "Religious nonmedical health care institution" means<br>an institution that meets or exceeds the conditions to receive<br>payment under the medicare program established under Title XVIII<br>of the "Social Security Act" for inpatient hospital services or<br>post-hospital extended care services furnished to an individual<br>in a religious nonmedical health care institution, as defined in<br>section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286<br>(1965), 42 U.S.C. 1395x(ss)(1), as amended. | 1410<br>1411<br>1412<br>1413<br>1414<br>1415<br>1416<br>1417 |
| (N) "Competency evaluation program" means a program<br>through which the competency of a nurse aide to provide nursing<br>and nursing-related services is evaluated.  | 1418<br>1419<br>1420   |
| (O) "Training and competency evaluation program" means a<br>program of nurse aide training and evaluation of competency to  | 1421<br>1422   |

provide nursing and nursing-related services. 1423

**Sec. 4715.01.** Any person shall be regarded as practicing 1424  
dentistry, who is a manager, proprietor, operator, or conductor 1425  
of a place for performing dental operations, or who teaches 1426  
clinical dentistry, or who performs, or advertises to perform, 1427  
dental operations of any kind, or who diagnoses or treats 1428  
diseases or lesions of human teeth or jaws, or associated 1429  
structures, or attempts to correct malpositions thereof, or who 1430  
takes impressions of the human teeth or jaws, or who constructs, 1431  
supplies, reproduces, or repairs any prosthetic denture, bridge, 1432  
artificial restoration, appliance, or other structure to be used 1433  
or worn as a substitute for natural teeth, except upon the order 1434  
or prescription of a licensed dentist and constructed upon or by 1435  
the use of casts or models made from an impression taken by a 1436  
licensed dentist, or who advertises, offers, sells, or delivers 1437  
any such substitute or the services rendered in the 1438  
construction, reproduction, supply, or repair thereof to any 1439  
person other than a licensed dentist, or who places or adjusts 1440  
such substitute in the oral cavity of another, or uses the words 1441  
"dentist," "dental surgeon," the letters "D.D.S.," or other 1442  
letters or title in connection with his the person's name, which 1443  
in any way represents him the person as being engaged in the 1444  
practice of dentistry. 1445

"Manager, proprietor, operator, or conductor" as used in 1446  
this section includes any person: 1447

(A) Who employs licensed operators; ~~(B)~~ 1448

(B) Who places in the possession of licensed operators 1449  
dental offices or dental equipment necessary for the handling of 1450  
dental offices on the basis of a lease or any other agreement 1451  
for compensation or profit for the use of such office or 1452

equipment, when such compensation is manifestly in excess of the 1453  
reasonable rental value of such premises and equipment; 1454

(C) Who makes any other arrangements whereby ~~he~~ the person 1455  
derives profit, compensation, or advantage through retaining the 1456  
ownership or control of dental offices or necessary dental 1457  
equipment by making the same available in any manner for the use 1458  
of licensed operators; provided that this section does not apply 1459  
to bona fide sales of dental equipment secured by chattel 1460  
mortgage. 1461

Whoever having a license to practice dentistry ~~or,~~ dental 1462  
hygiene, or dental therapy enters the employment of, or enters 1463  
into any of the arrangements described in this section with, an 1464  
unlicensed manager, proprietor, operator, or conductor, or who 1465  
is determined mentally incompetent by a court of competent 1466  
jurisdiction, or is committed by a court having jurisdiction for 1467  
treatment of mental illness, may have ~~his~~ the person's license 1468  
suspended or revoked by the state dental board. 1469

**Sec. 4715.02.** The governor, with the advice and consent of 1470  
the senate, shall appoint a state dental board consisting of 1471  
~~thirteen~~ fifteen persons, nine of whom shall be graduates of a 1472  
reputable dental college, shall be citizens of the United 1473  
States, and shall have been in the legal and reputable practice 1474  
of dentistry in the state at least five years next preceding 1475  
their appointment; three of whom shall be graduates of a 1476  
reputable school of dental hygiene, shall be citizens of the 1477  
United States, and shall have been in the legal and reputable 1478  
practice of dental hygiene in the state at least five years next 1479  
preceding their appointment; two of whom shall be graduates of a 1480  
reputable dental therapy program, shall be citizens of the 1481  
United States, and shall have been in the legal and reputable 1482

practice of dental therapy in the state at least six months next 1483  
preceding their appointment; and one of whom shall be a member 1484  
of the public at large who is not associated with or financially 1485  
interested in the practice of dentistry. 1486

Of the nine members who are in the practice of dentistry, 1487  
two shall be persons recognized as specialists pursuant to rules 1488  
adopted by the board. The specialist members shall be appointed 1489  
in such a manner that the same specialty is not represented by 1490  
both members at the same time. When a vacancy occurs in a 1491  
position held by a specialist member, the governor shall make 1492  
all reasonable efforts to fill the vacancy with a person who 1493  
represents a specialty that is different from the specialty that 1494  
was represented by the member who vacated the position. 1495

Of the three members who are in the practice of dental 1496  
hygiene, not more than one may be a person employed as a full- 1497  
time teacher of dental hygiene students. 1498

Of the two members who are in the practice of dental 1499  
therapy, not more than one may be a person employed as a full- 1500  
time teacher of dental therapy students. 1501

Representation of the various geographical areas of the 1502  
state shall be considered in making appointments ~~for members who~~ 1503  
~~are in the practice of dentistry and for members who are in the~~ 1504  
~~practice of dental hygiene, except in the case of the member~~ 1505  
representing the public at large. 1506

Terms of office shall be for four years, commencing on the 1507  
seventh day of April and ending on the sixth day of April. Each 1508  
member shall hold office from the date of the member's 1509  
appointment until the end of the term for which the member was 1510  
appointed. Any member appointed to fill a vacancy occurring 1511

prior to the expiration of the term for which the member's 1512  
predecessor was appointed shall hold office for the remainder of 1513  
such term. Any member shall continue in office subsequent to the 1514  
expiration date of the member's term until the member's 1515  
successor takes office, or until a period of sixty days has 1516  
elapsed, whichever occurs first. No person so appointed shall 1517  
serve to exceed two terms. 1518

The Ohio dental association may submit to the governor the 1519  
names of five nominees for each position to be filled by a 1520  
dentist and from ~~the those names so submitted~~ or from others, at 1521  
the governor's discretion, the governor shall make ~~such~~ 1522  
~~appointments~~ each appointment; provided that ~~all such appointees~~ 1523  
~~shall possess~~ each appointee possesses the required 1524  
qualifications. The Ohio dental hygienists association, inc., 1525  
may submit to the governor the names of five nominees for each 1526  
position to be filled by a dental hygienist and from ~~the those~~ 1527  
~~names so submitted~~ or from others, at the governor's discretion, 1528  
the governor shall make ~~such appointments~~ each appointment; 1529  
provided that ~~all such appointees shall possess~~ each appointee 1530  
possesses the required qualifications. ~~No~~ A state or national 1531  
organization that represents the practice of dental therapy may 1532  
submit to the governor the names of five nominees for each 1533  
position to be filled by a dental therapist and from those names 1534  
or from others, at the governor's discretion, the governor shall 1535  
make each appointment; provided that each appointee possesses 1536  
the required qualifications. 1537

No person shall be appointed to the state dental board who 1538  
is employed by or practices in a corporation holding a 1539  
certificate of authority under Chapter 1751. of the Revised Code 1540  
with a person who is a member of the board. 1541

No member of the board shall administer to a student in 1542  
this state or to a graduate of a dental college located in this 1543  
state an examination on behalf of any of the following: the 1544  
central regional dental testing service, inc., northeast 1545  
regional board of dental examiners, inc., southern regional 1546  
testing agency, inc., or western regional examining board. 1547

**Sec. 4715.03.** (A) The state dental board shall organize by 1548  
electing from its members a president, secretary, and vice- 1549  
secretary. The secretary and vice-secretary shall be elected 1550  
from the members of the board who are dentists. It shall hold 1551  
meetings monthly at least eight months a year at such times and 1552  
places as the board designates. A majority of the members of the 1553  
board shall constitute a quorum. The board shall make such 1554  
reasonable rules as it determines necessary pursuant to Chapter 1555  
119. of the Revised Code. 1556

(B) A concurrence of a majority of the members of the 1557  
board shall be required to do any of the following: 1558

(1) Grant, refuse, suspend, place on probationary status, 1559  
revoke, refuse to renew, or refuse to reinstate a license or 1560  
censure a license holder or take any other action authorized 1561  
under section 4715.30 of the Revised Code; 1562

(2) Seek an injunction under section 4715.05 of the 1563  
Revised Code; 1564

(3) Enter into a consent agreement with a license holder; 1565

(4) If the board develops and implements the quality 1566  
intervention program under section 4715.031 of the Revised Code, 1567  
refer a license holder to the program; 1568

(5) Terminate an investigation conducted under division 1569  
(D) of this section; 1570

|   |      |
|---|------|
| (6) Dismiss any complaint filed with the board.                         | 1571 |
| (C) (1) The board shall adopt rules in accordance with                  | 1572 |
| Chapter 119. of the Revised Code to do both of the following:           | 1573 |
| (a) Establish standards for the safe practice of dentistry              | 1574 |
| <del>and</del> , <u>dental hygiene, and dental therapy</u> by qualified | 1575 |
| practitioners and shall, through its policies and activities,           | 1576 |
| promote such practice;  | 1577 |
| (b) Establish universal blood and body fluid precautions                | 1578 |
| that shall be used by each person licensed under this chapter           | 1579 |
| who performs exposure prone invasive procedures.                        | 1580 |
| (2) The rules adopted under division (C) (1) (b) of this                | 1581 |
| section shall define and establish requirements for universal           | 1582 |
| blood and body fluid precautions that include the following:            | 1583 |
| (a) Appropriate use of hand washing;                                    | 1584 |
| (b) Disinfection and sterilization of equipment;                        | 1585 |
| (c) Handling and disposal of needles and other sharp                    | 1586 |
| instruments;  | 1587 |
| (d) Wearing and disposal of gloves and other protective                 | 1588 |
| garments and devices.   | 1589 |
| (D) The board shall administer and enforce the provisions               | 1590 |
| of this chapter. The board shall, in accordance with sections           | 1591 |
| 4715.032 to 4715.035 of the Revised Code, investigate evidence          | 1592 |
| which appears to show that any person has violated any provision        | 1593 |
| of this chapter. Any person may report to the board under oath          | 1594 |
| any information such person may have appearing to show a                | 1595 |
| violation of any provision of this chapter. In the absence of           | 1596 |
| bad faith, any person who reports such information or who               | 1597 |
| testifies before the board in any disciplinary proceeding               | 1598 |

conducted pursuant to Chapter 119. of the Revised Code is not 1599  
liable for civil damages as a result of making the report or 1600  
providing testimony. If after investigation and reviewing the 1601  
recommendation of the supervisory investigative panel issued 1602  
pursuant to section 4715.034 of the Revised Code the board 1603  
determines that there are reasonable grounds to believe that a 1604  
violation of this chapter has occurred, the board shall, except 1605  
as provided in this chapter, conduct disciplinary proceedings 1606  
pursuant to Chapter 119. of the Revised Code, seek an injunction 1607  
under section 4715.05 of the Revised Code, enter into a consent 1608  
agreement with a license holder, or provide for a license holder 1609  
to participate in the quality intervention program established 1610  
under section 4715.031 of the Revised Code if the board develops 1611  
and implements that program. 1612

For the purpose of any disciplinary proceeding or any 1613  
investigation conducted under this division, the board may 1614  
administer oaths, order the taking of depositions, issue 1615  
subpoenas in accordance with section 4715.033 of the Revised 1616  
Code, compel the attendance and testimony of persons at 1617  
depositions, and compel the production of books, accounts, 1618  
papers, documents, or other tangible things. The hearings and 1619  
investigations of the board shall be considered civil actions 1620  
for the purposes of section 2305.252 of the Revised Code. 1621  
Notwithstanding section 121.22 of the Revised Code and except as 1622  
provided in section 4715.036 of the Revised Code, proceedings of 1623  
the board relative to the investigation of a complaint or the 1624  
determination whether there are reasonable grounds to believe 1625  
that a violation of this chapter has occurred are confidential 1626  
and are not subject to discovery in any civil action. 1627

(E) (1) The board shall examine or cause to be examined 1628  
eligible applicants to practice dental hygiene or dental 1629

therapy. The board may distinguish by rule different classes of 1630  
qualified personnel according to skill levels and require all or 1631  
only certain of these classes of qualified personnel to be 1632  
examined and certified by the board. 1633

(2) The board shall administer a written jurisprudence 1634  
examination to each applicant for a license to practice 1635  
dentistry. The examination shall cover only the statutes and 1636  
administrative rules governing the practice of dentistry in this 1637  
state. 1638

(F) In accordance with Chapter 119. of the Revised Code, 1639  
the board shall adopt, and may amend or rescind, rules 1640  
establishing the eligibility criteria, the application and 1641  
permit renewal procedures, and safety standards applicable to a 1642  
dentist licensed under this chapter who applies for a permit to 1643  
employ or use conscious intravenous sedation. These rules shall 1644  
include all of the following: 1645

(1) The eligibility requirements and application 1646  
procedures for an eligible dentist to obtain a conscious 1647  
intravenous sedation permit; 1648

(2) The minimum educational and clinical training 1649  
standards required of applicants, which shall include 1650  
satisfactory completion of an advanced cardiac life support 1651  
course; 1652

(3) The facility equipment and inspection requirements; 1653

(4) Safety standards; 1654

(5) Requirements for reporting adverse occurrences. 1655

**Sec. 4715.05.** The prosecuting attorney of a county, or the 1656  
village solicitor or city director of law of a municipal 1657

corporation, wherein a violation of this chapter allegedly 1658  
occurs, shall, when so requested by the state dental board, take 1659  
charge of and conduct the prosecution. 1660

In addition to any other remedy provided in this chapter, 1661  
the state dental board may request the attorney general, or the 1662  
prosecuting attorney of any county where a person is practicing 1663  
dentistry ~~or, dental hygiene, or dental therapy~~ without a 1664  
license or certificate from the board to apply to the court of 1665  
common pleas of the county where the unauthorized practice 1666  
occurs for any injunction to restrain such practice. The court 1667  
shall grant injunctive relief upon a showing that the respondent 1668  
named in the petition is practicing dentistry ~~or, dental~~ 1669  
~~hygiene, or dental therapy~~ without a valid license or exemption 1670  
from licensure granted pursuant to this chapter. 1671

**Sec. 4715.22.** (A) ~~(1) This section applies only when a~~ 1672  
~~licensed dental hygienist is not practicing under a permit~~ 1673  
~~issued pursuant to section 4715.363 of the Revised Code~~ 1674  
~~authorizing practice under the oral health access supervision of~~ 1675  
~~a dentist.~~ 1676

~~(2) As used in this section, "health:~~ 1677

(1) "General supervision" means that the supervising 1678  
dentist is reasonably available for consultation and direction 1679  
through some form of communication, regardless of whether the 1680  
supervising dentist is physically present at the location where 1681  
the individual being supervised is providing services. 1682

(2) "Health care facility" means either of the following: 1683

(a) A hospital registered under section 3701.07 of the 1684  
Revised Code; 1685

(b) A "home" as defined in section 3721.01 of the Revised 1686

Code. 1687

(B) A licensed dental hygienist shall practice under the 1688  
supervision, order, control, and full responsibility of a 1689  
dentist licensed under this chapter. A dental hygienist may 1690  
practice in a dental office, public or private school, health 1691  
care facility, dispensary, or public institution. Except as 1692  
provided in divisions (C) to ~~(E)~~ (F) of this section, a dental 1693  
hygienist may not provide dental hygiene services to a patient 1694  
when the supervising dentist is not physically present at the 1695  
location where the dental hygienist is practicing. 1696

(C) A dental hygienist may provide, for not more than 1697  
fifteen consecutive business days, dental hygiene services to a 1698  
patient when the supervising dentist is not physically present 1699  
at the location where the services are provided if all of the 1700  
following requirements are met: 1701

(1) The dental hygienist has ~~at least one year and a~~ 1702  
~~minimum of one thousand five~~ successfully completed four hundred 1703  
~~hours of experience in the clinical practice under the direct~~ 1704  
supervision of dental hygiene a dentist. 1705

(2) The dental hygienist has successfully completed a 1706  
course approved by the state dental board in the identification 1707  
and prevention of potential medical emergencies. 1708

(3) The dental hygienist complies with written protocols 1709  
the supervising dentist establishes for emergencies. 1710

(4) The dental hygienist does not perform, while the 1711  
supervising dentist is absent from the location, procedures 1712  
while the patient is anesthetized, definitive root planing, 1713  
definitive subgingival curettage, or other procedures identified 1714  
in rules the state dental board adopts. 1715

- (5) The supervising dentist has evaluated the dental  
hygienist's skills. 1716  
1717
- (6) The supervising dentist examined the patient not more  
than one year prior to the date the dental hygienist provides  
the dental hygiene services to the patient. 1718  
1719  
1720
- (7) The dental hygienist complies with written protocols  
or written standing orders that the supervising dentist  
establishes. 1721  
1722  
1723
- (8) The supervising dentist completed and evaluated a  
medical and dental history of the patient not more than one year  
prior to the date the dental hygienist provides dental hygiene  
services to the patient and, except when the dental hygiene  
services are provided in a health care facility, the supervising  
dentist determines that the patient is in a medically stable  
condition. 1724  
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- (9) If the dental hygiene services are provided in a  
health care facility, a doctor of medicine and surgery or  
osteopathic medicine and surgery who holds a current certificate  
issued under Chapter 4731. of the Revised Code or a registered  
nurse licensed under Chapter 4723. of the Revised Code is  
present in the health care facility when the services are  
provided. 1731  
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- (10) In advance of the appointment for dental hygiene  
services, the patient is notified that the supervising dentist  
will be absent from the location and that the dental hygienist  
cannot diagnose the patient's dental health care status. 1738  
1739  
1740  
1741
- (11) The dental hygienist is employed by, or under  
contract with, one of the following: 1742  
1743
- (a) The supervising dentist; 1744

|  |      |
|--|------|
| (b) A dentist licensed under this chapter who is one of          | 1745 |
| the following:   | 1746 |
| (i) The employer of the supervising dentist;                     | 1747 |
| (ii) A shareholder in a professional association formed          | 1748 |
| under Chapter 1785. of the Revised Code of which the supervising | 1749 |
| dentist is a shareholder;  | 1750 |
| (iii) A member or manager of a limited liability company         | 1751 |
| formed under Chapter 1705. of the Revised Code of which the      | 1752 |
| supervising dentist is a member or manager;                      | 1753 |
| (iv) A shareholder in a corporation formed under division        | 1754 |
| (B) of section 1701.03 of the Revised Code of which the          | 1755 |
| supervising dentist is a shareholder;                            | 1756 |
| (v) A partner or employee of a partnership or a limited          | 1757 |
| liability partnership formed under Chapter 1775. or 1776. of the | 1758 |
| Revised Code of which the supervising dentist is a partner or    | 1759 |
| employee.  | 1760 |
| (c) A government entity that employs the dental hygienist        | 1761 |
| to provide dental hygiene services in a public school or in      | 1762 |
| connection with other programs the government entity             | 1763 |
| administers.   | 1764 |
| (D) A dental hygienist may provide dental hygiene services       | 1765 |
| to a patient when the supervising dentist is not physically      | 1766 |
| present at the location where the services are provided if the   | 1767 |
| services are provided as part of a dental hygiene program that   | 1768 |
| is approved by the state dental board and all of the following   | 1769 |
| requirements are met:  | 1770 |
| (1) The program is operated through a school district            | 1771 |
| board of education or the governing board of an educational      | 1772 |

service center; the board of health of a city or general health 1773  
district or the authority having the duties of a board of health 1774  
under section 3709.05 of the Revised Code; a national, state, 1775  
district, or local dental association; or any other public or 1776  
private entity recognized by the state dental board. 1777

(2) The supervising dentist is employed by or a volunteer 1778  
for, and the patients are referred by, the entity through which 1779  
the program is operated. 1780

(3) (a) Except as provided in division (D) (3) (b) of this 1781  
section, the services are performed after examination and 1782  
diagnosis by the dentist and in accordance with the dentist's 1783  
written treatment plan. 1784

(b) The requirement in division (D) (3) (a) of this section 1785  
does not apply when the only service to be provided by the 1786  
dental hygienist is the placement of pit and fissure sealants. 1787

(E) A dental hygienist may provide dental hygiene services 1788  
to a patient when a dentist is not physically present at the 1789  
location where the services are provided without a dentist 1790  
having examined, diagnosed, or provided treatment planning for 1791  
the patient if all of the following requirements are met: 1792

(1) The dental hygienist and a supervising dentist have 1793  
entered into a supervision agreement under section 4715.221 of 1794  
the Revised Code. 1795

(2) The supervision agreement authorizes the dental 1796  
hygienist to practice under general supervision. 1797

(3) The dental hygienist complies with the supervision 1798  
agreement. 1799

(4) After receiving a license under section 4715.21 of the 1800

Revised Code, the dental hygienist successfully completes four 1801  
hundred hours of clinical practice under the direct supervision 1802  
of a dentist. 1803

(5) The dental hygienist demonstrates to the supervising 1804  
dentist proficiency in each service authorized under the 1805  
supervision agreement. 1806

(F) A dental hygienist may apply fluoride varnish, apply 1807  
desensitizing agents, and discuss general nonmedical nutrition 1808  
information for the purpose of maintaining good oral health when 1809  
the supervising dentist is not physically present at the 1810  
location where the services are provided, regardless of whether 1811  
the dentist has examined the patient, if the dental hygienist is 1812  
employed by, or under contract with, the supervising dentist or 1813  
another person or government entity specified in division (C) 1814  
(11) (b) or (c) of this section. 1815

As used in this division, "general nonmedical nutrition 1816  
information" means information on the following: principles of 1817  
good nutrition and food preparation, food to be included in the 1818  
normal daily diet, the essential nutrients needed by the body, 1819  
recommended amounts of the essential nutrients, the actions of 1820  
nutrients on the body, the effects of deficiencies or excesses 1821  
of nutrients, or food and supplements that are good sources of 1822  
essential nutrients. 1823

~~(F)~~ (G) No person shall do either of the following: 1824

(1) Practice dental hygiene in a manner that is separate 1825  
or otherwise independent from the dental practice of a 1826  
supervising dentist; 1827

(2) Establish or maintain an office or practice that is 1828  
primarily devoted to the provision of dental hygiene services. 1829

~~(G)~~ (H) The state dental board shall adopt rules under 1830  
division (C) of section 4715.03 of the Revised Code identifying 1831  
procedures a dental hygienist may not perform when practicing in 1832  
the absence of the supervising dentist pursuant to division (C) 1833  
or (D) of this section. The board shall not identify 1834  
recementation of temporary crowns or recementation of crowns 1835  
with temporary cement as such procedures. 1836

**Sec. 4715.221.** As used in this section, "general 1837  
supervision" has the same meaning as in section 4715.22 of the 1838  
Revised Code. 1839

To be eligible under division (E) of section 4715.22 of 1840  
the Revised Code to provide dental hygiene services under 1841  
general supervision when the supervising dentist is not 1842  
physically present at the location where the services are 1843  
provided, a dental hygienist must enter into a written 1844  
supervision agreement with the supervising dentist. The 1845  
supervision agreement must include all of the following: 1846

(A) Any exclusions, limitations, or conditions on the 1847  
services the dental hygienist is authorized to provide; 1848

(B) A statement from the dental hygienist agreeing to 1849  
comply with any written protocols or standing orders the 1850  
supervising dentist establishes; 1851

(C) A description of circumstances under which the dental 1852  
hygienist is required to refer patients to the supervising 1853  
dentist or another dentist or health care professional. 1854

**Sec. 4715.23.** The practice of a dental hygienist shall 1855  
consist of those prophylactic, preventive, and other procedures 1856  
that licensed dentists are authorized by this chapter and rules 1857  
of the dental board to assign only to licensed dental hygienists 1858

or to qualified personnel under section 4715.39 of the Revised Code. 1859  
1860

Licensed dentists may assign to dental hygienists 1861  
intraoral tasks that do not require the professional competence 1862  
or skill of the licensed dentist and that are authorized by this 1863  
chapter or by board rule. Such performance of intraoral tasks by 1864  
dental hygienists shall be under supervision and full 1865  
responsibility of the licensed dentist, and at no time shall 1866  
more than four dental hygienists be practicing clinical hygiene 1867  
under the supervision of the same dentist. ~~The Except as~~ 1868  
provided in section 4715.232 of the Revised Code, the foregoing 1869  
shall not be construed as authorizing the assignment of 1870  
diagnosis, treatment planning and prescription ~~(including~~ 1871  
~~prescriptions for drugs and medicaments or authorizations for~~ 1872  
~~restorative, prosthodontic, or orthodontic appliances); or,~~ 1873  
except when done in conjunction with the removal of calcarious 1874  
deposits, dental cement, or accretions on the crowns and roots 1875  
of teeth, surgical procedures on hard and soft tissues within 1876  
the oral cavity or any other intraoral procedure that 1877  
contributes to or results in an irremediable alteration of the 1878  
oral anatomy; or the making of final impressions from which 1879  
casts are made to construct any dental restoration. 1880

The state dental board shall issue rules defining the 1881  
procedures that may be performed by licensed dental hygienists 1882  
engaged in school health activities or employed by public 1883  
agencies. 1884

**Sec. 4715.231.** (A) As used in this section, "direct 1885  
supervision" means a dentist licensed under this chapter is 1886  
present, for purposes of consultation and direction, at the 1887  
location where a dental hygienist performs the administration of 1888

local anesthesia to a patient. "Direct supervision" does not 1889  
mean that the dentist must observe the administration of local 1890  
anesthesia to a patient. 1891

(B) ~~Under the direct~~ Except when practicing under general 1892  
supervision of as a dentist dental hygienist therapist, a dental 1893  
hygienist may administer intraoral block and infiltration local 1894  
anesthesia to a patient only if the dental hygienist does so 1895  
under the direct supervision of a dentist, is in compliance with 1896  
division (D) of this section, and either of the following is the 1897  
case: 1898

(1) The dental hygienist has met both of the following 1899  
requirements: 1900

(a) Successfully completed a course in the administration 1901  
of local anesthesia approved by the state dental board and 1902  
offered by a dental or dental hygiene program that is accredited 1903  
by the commission on dental accreditation ~~of the American dental~~ 1904  
~~association;~~ 1905

(b) Within eighteen months of completion of the anesthesia 1906  
course, successfully passed a state or regional written 1907  
examination on local anesthesia approved by the board. 1908

(2) The dental hygienist is authorized to administer local 1909  
anesthesia by another state's licensing authority with 1910  
jurisdiction over the practice of dental hygiene and both of the 1911  
following conditions are met: 1912

(a) The dental hygienist was required by the licensing 1913  
authority of the other state to complete, and the dental 1914  
hygienist successfully completed, a course or instruction as a 1915  
requirement to be authorized to administer local anesthesia. 1916

(b) Either of the following applies: 1917

(i) The required hours and content of the course or instruction described in division (B) (2) (a) of this section are substantially equivalent, as determined by the board, to the required hours and content of the course described in division (C) of this section. 1918  
1919  
1920  
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(ii) The board determines that the required hours and content of the course or instruction described in division (B) (2) (a) of this section are not substantially equivalent to the required hours and content of the course described in division (C) of this section, but the dental hygienist submits evidence satisfactory to the board that the dental hygienist obtained, within the forty-eight months immediately preceding the date that the dental hygienist applied under section 4715.21 of the Revised Code for a license to practice as a dental hygienist, twenty-four consecutive months of experience in the administration of local anesthesia in the other state where the dental hygienist is authorized to administer local anesthesia. 1923  
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(C) To be approved by the board, the local anesthesia administration course described in division (B) (1) (a) of this section must contain not less than fifteen hours of didactic instruction and not less than fourteen hours of clinical experience and include instruction on each of the following subjects: 1935  
1936  
1937  
1938  
1939  
1940

(1) Theory of pain control; 1941

(2) Selection of pain control modalities; 1942

(3) Anatomy; 1943

(4) Neurophysiology; 1944

(5) Pharmacology of local anesthetics; 1945

|  |  |
|--|--|
| (6) Pharmacology of vasoconstrictors;  | 1946   |
| (7) Psychological aspects of pain control;   | 1947   |
| (8) Systemic complications;  | 1948   |
| (9) Techniques of maxillary and mandibular anesthesia<br>taught by a dentist or other qualified instructor;  | 1949<br>1950   |
| (10) Infection control;  | 1951   |
| (11) Local anesthesia medical emergencies.   | 1952   |
| (D) A dental hygienist may administer local anesthesia<br>only if the dental hygienist has obtained current certification<br>to perform basic cardiac life-support procedures as required by<br>section 4715.251 of the Revised Code.  | 1953<br>1954<br>1955<br>1956                         |
| <u>Sec. 4715.232. A licensed dentist may assign to a dental<br/>hygienist the following intraoral tasks:</u>   | 1957<br>1958   |
| <u>(A) Performance of oral cancer screenings;</u>  | 1959   |
| <u>(B) Prescription, administration, and dispensing of<br/>topical or prophylactic agents, including fluoride varnishes,<br/>antimicrobial solutions for mouth rinsing, and other<br/>antimicrobial agents;</u>  | 1960<br>1961<br>1962<br>1963                         |
| <u>(C) Application of fluoride and pit and fissure sealants,<br/>regardless of whether the dentist has examined the patient.</u>   | 1964<br>1965   |
| <b>Sec. 4715.25.</b> (A) Every person licensed to practice as a<br>dental hygienist and required to register with the state dental<br>board shall certify to the board at the time of applying for a<br>renewal of registration that in the two-year period preceding<br>the registration period for which renewal is sought the<br>registrant completed a minimum of twenty-four hours of<br>continuing dental hygiene education. Certification shall be made | 1966<br>1967<br>1968<br>1969<br>1970<br>1971<br>1972 |

upon the application for registration prescribed by the board 1973  
pursuant to section 4715.24 of the Revised Code. 1974

(B) (1) The board shall apply toward the satisfaction of a 1975  
registrant's continuing dental hygiene education requirement any 1976  
of the following courses that the registrant completed: 1977

(a) The basic life-support training course required by 1978  
section 4715.251 of the Revised Code; 1979

(b) Any course required by statute or rule of the board 1980  
for registration; 1981

(c) Any course required by statute or rule of the board as 1982  
a condition of performing a particular function; 1983

(d) Any other course that the board determines acceptable. 1984

(2) In the case of a registrant whose license was 1985  
reinstated under section 4715.242 of the Revised Code, the board 1986  
shall apply toward the satisfaction of the registrant's 1987  
continuing dental hygiene education requirement any course that 1988  
the board applied toward the continuing dental hygiene education 1989  
requirement for reinstatement of the license if the course was 1990  
completed during the two-year period immediately preceding the 1991  
registration period for which renewal is sought. 1992

(3) In the case of a registrant who is a dental hygienist 1993  
therapist, the board shall apply toward the satisfaction of the 1994  
registrant's continuing dental hygiene education requirement any 1995  
course that must be completed to maintain a license to practice 1996  
as a dental therapist under section 4715.76 of the Revised Code. 1997

(C) Continuing education programs may be developed and 1998  
offered to dental hygienists by any of the following agencies or 1999  
organizations: 2000

(1) National, state, district, or local dental hygienists' associations affiliated with the American dental hygienists' association; 2001  
2002  
2003

(2) National, state, district, or local dental associations affiliated with the American dental association or national dental association; 2004  
2005  
2006

(3) National or state dental therapy associations or district or local dental therapy associations affiliated with a national or state dental therapy association; 2007  
2008  
2009

(4) Accredited dental hygiene colleges or schools; 2010

~~(4)~~ (5) Accredited dental colleges or schools; 2011

~~(5)~~ (6) Dental therapy education programs accredited by the commission on dental accreditation; 2012  
2013

(7) Other organizations, schools, paraprofessional programs, or agencies approved by the state dental board. 2014  
2015

(D) A licensed dental hygienist shall retain in the dental hygienist's records for a period of at least four years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With cause, the board may request such documentation from licensed dental hygienists, and the board may request such documentation from licensed dental hygienists at random without cause. 2016  
2017  
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(E) The board may excuse licensed dental hygienists, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship. 2023  
2024  
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(F) Failure to comply with the requirements of this section constitutes a failure to renew registration pursuant to 2027  
2028

section 4715.24 of the Revised Code. 2029

**Sec. 4715.30.** (A) An applicant for or holder of a 2030  
certificate or license issued under this chapter is subject to 2031  
disciplinary action by the state dental board for any of the 2032  
following reasons: 2033

(1) Employing or cooperating in fraud or material 2034  
deception in applying for or obtaining a license or certificate; 2035

(2) Obtaining or attempting to obtain money or anything of 2036  
value by intentional misrepresentation or material deception in 2037  
the course of practice; 2038

(3) Advertising services in a false or misleading manner 2039  
or violating the board's rules governing time, place, and manner 2040  
of advertising; 2041

(4) Commission of an act that constitutes a felony in this 2042  
state, regardless of the jurisdiction in which the act was 2043  
committed; 2044

(5) Commission of an act in the course of practice that 2045  
constitutes a misdemeanor in this state, regardless of the 2046  
jurisdiction in which the act was committed; 2047

(6) Conviction of, a plea of guilty to, a judicial finding 2048  
of guilt of, a judicial finding of guilt resulting from a plea 2049  
of no contest to, or a judicial finding of eligibility for 2050  
intervention in lieu of conviction for, any felony or of a 2051  
misdemeanor committed in the course of practice; 2052

(7) Engaging in lewd or immoral conduct in connection with 2053  
the provision of dental services; 2054

(8) Selling, prescribing, giving away, or administering 2055  
drugs for other than legal and legitimate therapeutic purposes, 2056

or conviction of, a plea of guilty to, a judicial finding of 2057  
guilt of, a judicial finding of guilt resulting from a plea of 2058  
no contest to, or a judicial finding of eligibility for 2059  
intervention in lieu of conviction for, a violation of any 2060  
federal or state law regulating the possession, distribution, or 2061  
use of any drug; 2062

(9) Providing or allowing dental therapists, dental 2063  
hygienists, expanded function dental auxiliaries, or other 2064  
practitioners of auxiliary dental occupations working under the 2065  
certificate or license holder's supervision, or a dentist 2066  
holding a temporary limited continuing education license under 2067  
division (C) of section 4715.16 of the Revised Code working 2068  
under the certificate or license holder's direct supervision, to 2069  
provide dental care that departs from or fails to conform to 2070  
accepted standards for the profession, whether or not injury to 2071  
a patient results; 2072

(10) Inability to practice under accepted standards of the 2073  
profession because of physical or mental disability, dependence 2074  
on alcohol or other drugs, or excessive use of alcohol or other 2075  
drugs; 2076

(11) Violation of any provision of this chapter or any 2077  
rule adopted thereunder; 2078

(12) Failure to use universal blood and body fluid 2079  
precautions established by rules adopted under section 4715.03 2080  
of the Revised Code; 2081

(13) Except as provided in division (H) of this section, 2082  
either of the following: 2083

(a) Waiving the payment of all or any part of a deductible 2084  
or copayment that a patient, pursuant to a health insurance or 2085

health care policy, contract, or plan that covers dental 2086  
services, would otherwise be required to pay if the waiver is 2087  
used as an enticement to a patient or group of patients to 2088  
receive health care services from that certificate or license 2089  
holder; 2090

(b) Advertising that the certificate or license holder 2091  
will waive the payment of all or any part of a deductible or 2092  
copayment that a patient, pursuant to a health insurance or 2093  
health care policy, contract, or plan that covers dental 2094  
services, would otherwise be required to pay. 2095

(14) Failure to comply with section 4715.302 or 4729.79 of 2096  
the Revised Code, unless the state board of pharmacy no longer 2097  
maintains a drug database pursuant to section 4729.75 of the 2098  
Revised Code; 2099

(15) Any of the following actions taken by an agency 2100  
responsible for authorizing, certifying, or regulating an 2101  
individual to practice a health care occupation or provide 2102  
health care services in this state or another jurisdiction, for 2103  
any reason other than the nonpayment of fees: the limitation, 2104  
revocation, or suspension of an individual's license to 2105  
practice; acceptance of an individual's license surrender; 2106  
denial of a license; refusal to renew or reinstate a license; 2107  
imposition of probation; or issuance of an order of censure or 2108  
other reprimand; 2109

(16) Failure to cooperate in an investigation conducted by 2110  
the board under division (D) of section 4715.03 of the Revised 2111  
Code, including failure to comply with a subpoena or order 2112  
issued by the board or failure to answer truthfully a question 2113  
presented by the board at a deposition or in written 2114  
interrogatories, except that failure to cooperate with an 2115

investigation shall not constitute grounds for discipline under 2116  
this section if a court of competent jurisdiction has issued an 2117  
order that either quashes a subpoena or permits the individual 2118  
to withhold the testimony or evidence in issue; 2119

(17) Failure to comply with the requirements in section 2120  
3719.061 of the Revised Code before issuing for a minor a 2121  
prescription for an opioid analgesic, as defined in section 2122  
3719.01 of the Revised Code. 2123

(B) A manager, proprietor, operator, or conductor of a 2124  
dental facility shall be subject to disciplinary action if any 2125  
dentist, dental hygienist, dental therapist, expanded function 2126  
dental auxiliary, or qualified personnel providing services in 2127  
the facility is found to have committed a violation listed in 2128  
division (A) of this section and the manager, proprietor, 2129  
operator, or conductor knew of the violation and permitted it to 2130  
occur on a recurring basis. 2131

(C) Subject to Chapter 119. of the Revised Code, the board 2132  
may take one or more of the following disciplinary actions if 2133  
one or more of the grounds for discipline listed in divisions 2134  
(A) and (B) of this section exist: 2135

(1) Censure the license or certificate holder; 2136

(2) Place the license or certificate on probationary 2137  
status for such period of time the board determines necessary 2138  
and require the holder to: 2139

(a) Report regularly to the board upon the matters which 2140  
are the basis of probation; 2141

(b) Limit practice to those areas specified by the board; 2142

(c) Continue or renew professional education until a 2143

satisfactory degree of knowledge or clinical competency has been 2144  
attained in specified areas. 2145

(3) Suspend the certificate or license; 2146

(4) Revoke the certificate or license. 2147

Where the board places a holder of a license or 2148  
certificate on probationary status pursuant to division (C) (2) 2149  
of this section, the board may subsequently suspend or revoke 2150  
the license or certificate if it determines that the holder has 2151  
not met the requirements of the probation or continues to engage 2152  
in activities that constitute grounds for discipline pursuant to 2153  
division (A) or (B) of this section. 2154

Any order suspending a license or certificate shall state 2155  
the conditions under which the license or certificate will be 2156  
restored, which may include a conditional restoration during 2157  
which time the holder is in a probationary status pursuant to 2158  
division (C) (2) of this section. The board shall restore the 2159  
license or certificate unconditionally when such conditions are 2160  
met. 2161

(D) If the physical or mental condition of an applicant or 2162  
a license or certificate holder is at issue in a disciplinary 2163  
proceeding, the board may order the license or certificate 2164  
holder to submit to reasonable examinations by an individual 2165  
designated or approved by the board and at the board's expense. 2166  
The physical examination may be conducted by any individual 2167  
authorized by the Revised Code to do so, including a physician 2168  
assistant, a clinical nurse specialist, a certified nurse 2169  
practitioner, or a certified nurse-midwife. Any written 2170  
documentation of the physical examination shall be completed by 2171  
the individual who conducted the examination. 2172

Failure to comply with an order for an examination shall 2173  
be grounds for refusal of a license or certificate or summary 2174  
suspension of a license or certificate under division (E) of 2175  
this section. 2176

(E) If a license or certificate holder has failed to 2177  
comply with an order under division (D) of this section, the 2178  
board may apply to the court of common pleas of the county in 2179  
which the holder resides for an order temporarily suspending the 2180  
holder's license or certificate, without a prior hearing being 2181  
afforded by the board, until the board conducts an adjudication 2182  
hearing pursuant to Chapter 119. of the Revised Code. If the 2183  
court temporarily suspends a holder's license or certificate, 2184  
the board shall give written notice of the suspension personally 2185  
or by certified mail to the license or certificate holder. Such 2186  
notice shall inform the license or certificate holder of the 2187  
right to a hearing pursuant to Chapter 119. of the Revised Code. 2188

(F) Any holder of a certificate or license issued under 2189  
this chapter who has pleaded guilty to, has been convicted of, 2190  
or has had a judicial finding of eligibility for intervention in 2191  
lieu of conviction entered against the holder in this state for 2192  
aggravated murder, murder, voluntary manslaughter, felonious 2193  
assault, kidnapping, rape, sexual battery, gross sexual 2194  
imposition, aggravated arson, aggravated robbery, or aggravated 2195  
burglary, or who has pleaded guilty to, has been convicted of, 2196  
or has had a judicial finding of eligibility for treatment or 2197  
intervention in lieu of conviction entered against the holder in 2198  
another jurisdiction for any substantially equivalent criminal 2199  
offense, is automatically suspended from practice under this 2200  
chapter in this state and any certificate or license issued to 2201  
the holder under this chapter is automatically suspended, as of 2202  
the date of the guilty plea, conviction, or judicial finding, 2203

whether the proceedings are brought in this state or another 2204  
jurisdiction. Continued practice by an individual after the 2205  
suspension of the individual's certificate or license under this 2206  
division shall be considered practicing without a certificate or 2207  
license. The board shall notify the suspended individual of the 2208  
suspension of the individual's certificate or license under this 2209  
division by certified mail or in person in accordance with 2210  
section 119.07 of the Revised Code. If an individual whose 2211  
certificate or license is suspended under this division fails to 2212  
make a timely request for an adjudicatory hearing, the board 2213  
shall enter a final order revoking the individual's certificate 2214  
or license. 2215

(G) If the supervisory investigative panel determines both 2216  
of the following, the panel may recommend that the board suspend 2217  
an individual's certificate or license without a prior hearing: 2218

(1) That there is clear and convincing evidence that an 2219  
individual has violated division (A) of this section; 2220

(2) That the individual's continued practice presents a 2221  
danger of immediate and serious harm to the public. 2222

Written allegations shall be prepared for consideration by 2223  
the board. The board, upon review of those allegations and by an 2224  
affirmative vote of not fewer than four dentist members of the 2225  
board and seven of its members in total, excluding any member on 2226  
the supervisory investigative panel, may suspend a certificate 2227  
or license without a prior hearing. A telephone conference call 2228  
may be utilized for reviewing the allegations and taking the 2229  
vote on the summary suspension. 2230

The board shall issue a written order of suspension by 2231  
certified mail or in person in accordance with section 119.07 of 2232

the Revised Code. The order shall not be subject to suspension 2233  
by the court during pendency or any appeal filed under section 2234  
119.12 of the Revised Code. If the individual subject to the 2235  
summary suspension requests an adjudicatory hearing by the 2236  
board, the date set for the hearing shall be within fifteen 2237  
days, but not earlier than seven days, after the individual 2238  
requests the hearing, unless otherwise agreed to by both the 2239  
board and the individual. 2240

Any summary suspension imposed under this division shall 2241  
remain in effect, unless reversed on appeal, until a final 2242  
adjudicative order issued by the board pursuant to this section 2243  
and Chapter 119. of the Revised Code becomes effective. The 2244  
board shall issue its final adjudicative order within seventy- 2245  
five days after completion of its hearing. A failure to issue 2246  
the order within seventy-five days shall result in dissolution 2247  
of the summary suspension order but shall not invalidate any 2248  
subsequent, final adjudicative order. 2249

(H) Sanctions shall not be imposed under division (A) (13) 2250  
of this section against any certificate or license holder who 2251  
waives deductibles and copayments as follows: 2252

(1) In compliance with the health benefit plan that 2253  
expressly allows such a practice. Waiver of the deductibles or 2254  
copayments shall be made only with the full knowledge and 2255  
consent of the plan purchaser, payer, and third-party 2256  
administrator. Documentation of the consent shall be made 2257  
available to the board upon request. 2258

(2) For professional services rendered to any other person 2259  
who holds a certificate or license issued pursuant to this 2260  
chapter to the extent allowed by this chapter and the rules of 2261  
the board. 2262

(I) In no event shall the board consider or raise during a hearing required by Chapter 119. of the Revised Code the circumstances of, or the fact that the board has received, one or more complaints about a person unless the one or more complaints are the subject of the hearing or resulted in the board taking an action authorized by this section against the person on a prior occasion.

(J) The board may share any information it receives pursuant to an investigation under division (D) of section 4715.03 of the Revised Code, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

**Sec. 4715.301.** The state dental board shall adopt rules in

accordance with Chapter 119. of the Revised Code establishing 2294  
standards for approving and designating physicians and 2295  
facilities as treatment providers for dentists ~~or,~~  dental 2296  
hygienists, or dental therapists with substance abuse problems 2297  
and shall approve and designate treatment providers in 2298  
accordance with the rules. The rules shall include standards for 2299  
both inpatient and outpatient treatment. The rules shall provide 2300  
that to be approved, a treatment provider must be capable of 2301  
making an initial examination to determine the type of treatment 2302  
required for a ~~dentist or dental hygienist~~ the individual with 2303  
substance abuse problems. Subject to the rules, the board shall 2304  
review and approve treatment providers on a regular basis and 2305  
may, at its discretion, withdraw or deny approval. 2306

An approved treatment provider shall: 2307

(A) Report to the board the name of any ~~dentist or dental~~ 2308  
~~hygienist~~ individual suffering or showing evidence of suffering 2309  
inability to practice under accepted standards as described in 2310  
division (A) (10) of section 4715.30 of the Revised Code who 2311  
fails to comply within one week with a referral for examination; 2312

(B) Report to the board the name of any impaired ~~dentist~~ 2313  
~~or dental hygienist~~ individual who fails to enter treatment 2314  
within forty-eight hours following the provider's determination 2315  
that treatment is needed; 2316

(C) Require every ~~dentist or dental hygienist~~ individual 2317  
who enters treatment to agree to a treatment contract 2318  
establishing the terms of treatment and aftercare, including any 2319  
required supervision or restrictions of practice during 2320  
treatment or aftercare; 2321

(D) Require a ~~dentist or dental hygienist~~ an individual to 2322

suspend practice on entering any required inpatient treatment; 2323

(E) Report to the board any failure by an impaired ~~dentist~~ 2324  
~~or dental hygienist~~ individual to comply with the terms of the 2325  
treatment contract during inpatient or outpatient treatment or 2326  
aftercare; 2327

(F) Report to the board the resumption of practice of any 2328  
impaired ~~dentist or dental hygienist~~ individual before the 2329  
treatment provider has made a clear determination that the 2330  
individual is capable of practicing according to accepted 2331  
standards of the profession; 2332

(G) Require a ~~dentist or dental hygienist~~ an individual 2333  
who resumes practice after completion of treatment to comply 2334  
with an aftercare contract that meets the requirements of rules 2335  
adopted by the board for approval of treatment providers; 2336

(H) Report to the board any ~~dentist or dental hygienist~~ 2337  
individual who suffers a relapse at any time during or following 2338  
aftercare. 2339

Any ~~dentist or dental hygienist~~ individual who enters into 2340  
treatment by an approved treatment provider shall be deemed to 2341  
have waived any confidentiality requirements that would 2342  
otherwise prevent the treatment provider from making reports 2343  
required under this section. 2344

In the absence of fraud or bad faith, no professional 2345  
association of dentists ~~or~~ , dental hygienists, or dental 2346  
therapists licensed under this chapter that sponsors a committee 2347  
or program to provide peer assistance to ~~dentists or dental~~ 2348  
~~hygienists~~ individuals with substance abuse problems, no 2349  
representative or agent of such a committee or program, and no 2350  
member of the state dental board shall be liable to any person 2351

for damages in a civil action by reason of actions taken to 2352  
refer ~~a dentist or dental hygienist~~ an individual to a treatment 2353  
provider designated by the board or actions or omissions of the 2354  
provider in treating ~~a dentist or dental hygienist~~ the 2355  
individual. 2356

In the absence of fraud or bad faith, no person who 2357  
reports to the board a dentist ~~or~~ , dental hygienist, or dental 2358  
therapist with a suspected substance abuse problem shall be 2359  
liable to any person for damages in a civil action as a result 2360  
of making the report. 2361

**Sec. 4715.33.** Sections 4715.01 to 4715.35 of the Revised 2362  
Code do not apply to a bona fide student of dentistry when ~~he~~ 2363  
the student is participating in any of the educational programs 2364  
of an accredited dental college. Sections 4715.23 to 4715.30 of 2365  
the Revised Code do not apply to a bona fide dental hygiene 2366  
student when ~~he~~ the student is participating in any of the 2367  
educational programs of an accredited dental hygiene school. ~~A~~ 2368  
~~licensed~~ Sections 4715.70 to 4715.79 of the Revised Code do not 2369  
apply to a bona fide dental therapy student when the student is 2370  
participating in a dental therapy education program accredited 2371  
by the commission on dental accreditation. 2372

A dentist or a dentist holding a license or a limited 2373  
teaching ~~certificate~~ license shall be physically present in the 2374  
facility whenever students of dentistry ~~or~~ , dental hygiene, or 2375  
dental therapy are performing clinical dental procedures on 2376  
patients. 2377

**Sec. 4715.39.** (A) The state dental board may define the 2378  
duties that may be performed by dental assistants and other 2379  
individuals designated by the board as qualified personnel. If 2380  
defined, the duties shall be defined in rules adopted in 2381

accordance with Chapter 119. of the Revised Code. The rules may 2382  
include training and practice standards for dental assistants 2383  
and other qualified personnel. The standards may include 2384  
examination and issuance of a certificate. If the board issues a 2385  
certificate, the recipient shall display the certificate in a 2386  
conspicuous location in any office in which the recipient is 2387  
employed to perform the duties authorized by the certificate. 2388

(B) A dental assistant may polish the clinical crowns of 2389  
teeth if all of the following requirements are met: 2390

(1) The dental assistant's polishing activities are 2391  
limited to the use of a rubber cup attached to a slow-speed 2392  
rotary dental hand piece to remove soft deposits that build up 2393  
over time on the crowns of teeth. 2394

(2) The polishing is performed only after a dentist or 2395  
dental therapist has evaluated the patient and any calculus 2396  
detected on the teeth to be polished has been removed by a 2397  
dentist or dental hygienist. 2398

(3) The dentist supervising the assistant supervises not 2399  
more than two dental assistants engaging in polishing activities 2400  
at any given time. 2401

(4) The dental assistant is certified by the dental 2402  
assisting national board or the Ohio commission on dental 2403  
assistant certification. 2404

(5) The dental assistant receives a certificate from the 2405  
board authorizing the assistant to engage in the polishing 2406  
activities. The board shall issue the certificate if the 2407  
individual has successfully completed training in the polishing 2408  
of clinical crowns through a program accredited by the ~~American-~~ 2409  
~~dental association~~-commission on dental accreditation or 2410

equivalent training approved by the board. The training shall 2411  
include courses in basic dental anatomy and infection control, 2412  
followed by a course in coronal polishing that includes 2413  
didactic, preclinical, and clinical training; any other training 2414  
required by the board; and a skills assessment that includes 2415  
successful completion of standardized testing. The board shall 2416  
adopt rules pursuant to division (A) of this section 2417  
establishing standards for approval of this training. 2418

(C) A dental assistant may apply pit and fissure sealants 2419  
if all of the following requirements are met: 2420

(1) A dentist or dental therapist evaluates the patient 2421  
and designates the teeth and surfaces that will benefit from the 2422  
application of sealant on the day the application is to be 2423  
performed. 2424

(2) The dental assistant is certified by the dental 2425  
assisting national board or the Ohio commission on dental 2426  
assistant certification. 2427

(3) The dental assistant has successfully completed a 2428  
course in the application of sealants consisting of at least two 2429  
hours of didactic instruction and six hours of clinical 2430  
instruction through a program provided by an institution 2431  
accredited by the ~~American dental association~~ commission on 2432  
dental accreditation or a program provided by a sponsor of 2433  
continuing education approved by the board. 2434

(4) The dentist supervising the assistant has observed the 2435  
assistant successfully apply at least six sealants. 2436

(5) Except as provided in division (D) or (E) of this 2437  
section, the dentist or dental therapist supervising the 2438  
assistant checks and approves the application of all sealants 2439

placed by the assistant before the patient leaves the location 2440  
where the sealant application procedure is performed. 2441

(D) (1) A dental assistant who is certified by the dental 2442  
assisting national board or the Ohio commission on dental 2443  
assistant certification may provide, for not more than fifteen 2444  
consecutive business days, all of the following services to a 2445  
patient when the supervising dentist, supervising dental 2446  
therapist, or supervising dental hygienist is not physically 2447  
present at the location where the services are provided if the 2448  
conditions specified in division (D) (2) of this section have 2449  
been satisfied: 2450

(a) Recementation of temporary crowns or recementation of 2451  
crowns with temporary cement; 2452

(b) Application of fluoride varnish; 2453

(c) Application of disclosing solutions; 2454

(d) Application of desensitizing agents; 2455

(e) Caries susceptibility testing; 2456

(f) Instruction on oral hygiene home care, including the 2457  
use of toothbrushes and dental floss. 2458

(2) The conditions that must be satisfied before a dental 2459  
assistant may provide the services specified in division (D) (1) 2460  
of this section are all of the following: 2461

(a) The dental assistant has at least two years and a 2462  
minimum of three thousand hours of experience practicing as a 2463  
dental assistant. 2464

(b) The dental assistant has successfully completed a 2465  
course approved by the state dental board in the identification 2466

and prevention of potential medical emergencies. 2467

(c) The supervising dentist has evaluated the dental 2468  
assistant's skills. 2469

(d) The supervising dentist examined the patient not more 2470  
than one year prior to the date that the dental assistant 2471  
provides the services to the patient. 2472

(e) The supervising dentist has established written 2473  
protocols or written standing orders for the dental assistant to 2474  
follow during and in the absence of an emergency. 2475

(f) The supervising dentist completed and evaluated a 2476  
medical and dental history of the patient not more than one year 2477  
prior to the date that the dental assistant provides services to 2478  
the patient, and the supervising dentist determines that the 2479  
patient is in a medically stable condition. 2480

(g) The patient is notified, in advance of the appointment 2481  
for services, that the supervising dentist will be absent from 2482  
the location and that the dental assistant cannot diagnose the 2483  
patient's dental health care status. 2484

(h) The dental assistant is employed by, or under contract 2485  
with, the supervising dentist, a dentist licensed under this 2486  
chapter who meets one of the criteria specified in division (C) 2487  
(11) (b) of section 4715.22 of the Revised Code, or a government 2488  
entity that employs the dental assistant to provide services in 2489  
a public school or in connection with other programs the 2490  
government entity administers. 2491

(3) A dental assistant who is certified by the dental 2492  
assisting national board or the Ohio commission on dental 2493  
assistant certification may apply, for not more than fifteen 2494  
business days, pit and fissure sealants when the supervising 2495

dentist, supervising dental therapist, or supervising dental 2496  
hygienist is not physically present at the location where the 2497  
sealants are to be applied if the dental assistant meets the 2498  
requirements in divisions (C) (3) and (4) of this section and all 2499  
of the conditions specified in division (D) (2) of this section 2500  
have been satisfied. 2501

(E) A dental assistant who is certified by the dental 2502  
assisting national board or the Ohio commission on dental 2503  
assistant certification may apply pit and fissure sealants prior 2504  
to a dentist examining the patient and rendering a diagnosis, 2505  
and when ~~a~~ the supervising dentist, supervising dental 2506  
therapist, or supervising dental hygienist is not physically 2507  
present at the location where the service is provided, if all of 2508  
the following are the case: 2509

(1) The dental assistant meets the requirements in 2510  
divisions (C) (3) and (4) of this section. 2511

(2) All of the conditions specified in division (D) (2) of 2512  
this section have been satisfied. 2513

(3) The dental assistant is providing the service as part 2514  
of a program operated through any of the following: a school 2515  
district board of education or the governing board of an 2516  
educational service center; the board of health of a city or 2517  
general health district or the authority having the duties of a 2518  
board of health under section 3709.05 of the Revised Code; a 2519  
national, state, district, or local dental association; or any 2520  
other public or private entity recognized by the state dental 2521  
board. 2522

(4) A supervising dentist for the program described in 2523  
division (E) (3) of this section meets both of the following 2524

conditions: 2525

(a) Is employed by or a volunteer for, and the patients 2526  
are referred by, the entity through which the program is 2527  
operated; 2528

(b) Is available for consultation by telephone, 2529  
videoconferencing, or other means of electronic communication. 2530

(5) The application of pit and fissure sealants is limited 2531  
to erupted permanent posterior teeth without suspicion of 2532  
dentinal cavitation. 2533

(6) If the patient is a minor, a parent, guardian, or 2534  
other person responsible for the patient has been notified that 2535  
a dentist will not be present at the location and that the 2536  
dental assistant is not trained to diagnose or treat other 2537  
serious dental concerns that could exist. 2538

(F) (1) Subject to this section and the applicable rules of 2539  
the board, licensed dentists may assign to dental assistants and 2540  
other qualified personnel dental procedures that do not require 2541  
the professional competence or skill of the licensed dentist, a 2542  
dental hygienist, or an expanded function dental auxiliary as 2543  
this section or the board by rule authorizes dental assistants 2544  
and other qualified personnel to perform. Except as provided in 2545  
division (D) ~~or~~, (E), or (F) (2) of this section, the 2546  
performance of dental procedures by dental assistants and other 2547  
qualified personnel shall be under direct supervision and full 2548  
responsibility of the licensed dentist. 2549

(2) Dental assistants or other qualified personnel may 2550  
perform dental procedures under the direct supervision of either 2551  
of the following: 2552

(a) A licensed dental hygienist authorized under this 2553

|  |      |
|--|------|
| <u>chapter or rules adopted under it to perform the procedure;</u> | 2554 |
| <u>(b) A licensed dental therapist authorized under this</u>       | 2555 |
| <u>chapter or rules adopted under it to perform the procedure.</u> | 2556 |
| (G) Nothing in this section shall be construed by rule of          | 2557 |
| the state dental board or otherwise to do the following:           | 2558 |
| (1) Authorize dental assistants or other qualified                 | 2559 |
| personnel to engage in the practice of dental hygiene as defined   | 2560 |
| by sections 4715.22 and 4715.23 of the Revised Code or to          | 2561 |
| perform the duties of a dental hygienist, including the removal    | 2562 |
| of calcarious deposits, dental cement, or accretions on the        | 2563 |
| crowns and roots of teeth other than as authorized pursuant to     | 2564 |
| this section;  | 2565 |
| (2) Authorize dental assistants or other qualified                 | 2566 |
| personnel to engage in the practice of an expanded function        | 2567 |
| dental auxiliary as specified in section 4715.64 of the Revised    | 2568 |
| Code or to perform the duties of an expanded function dental       | 2569 |
| auxiliary other than as authorized pursuant to this section.       | 2570 |
| (3) Authorize the assignment of any of the following:              | 2571 |
| (a) Diagnosis;   | 2572 |
| (b) Treatment planning and prescription, including                 | 2573 |
| prescription for drugs and medicaments or authorization for        | 2574 |
| restorative, prosthodontic, or orthodontic appliances;             | 2575 |
| (c) Surgical procedures on hard or soft tissue of the oral         | 2576 |
| cavity, or any other intraoral procedure that contributes to or    | 2577 |
| results in an irremediable alteration of the oral anatomy;         | 2578 |
| (d) The making of final impressions from which casts are           | 2579 |
| made to construct any dental restoration.                          | 2580 |

(H) (1) No dentist, dental hygienist, or dental therapist 2581  
shall assign to any dental assistant or other individual acting 2582  
in the capacity of qualified personnel ~~to perform~~ any dental 2583  
procedure that the assistant or other individual is not 2584  
authorized by this section or by board rule to perform. No 2585  
dental assistant or other individual acting in the capacity of 2586  
qualified personnel shall perform any dental procedure other 2587  
than in accordance with this section and any applicable board 2588  
rule or any dental procedure that the assistant or other 2589  
individual is not authorized by this section or by board rule to 2590  
perform. 2591

(2) No person shall negligently violate division (H) (1) of 2592  
this section. 2593

**Sec. 4715.42.** (A) (1) As used in this section: 2594

(a) "Free clinic" has the same meaning as in section 2595  
3701.071 of the Revised Code. 2596

(b) "Indigent and uninsured person" and "operation" have 2597  
the same meanings as in section 2305.234 of the Revised Code. 2598

(2) For the purposes of this section, a person shall be 2599  
considered retired from practice if the person's license has 2600  
been surrendered or allowed to expire with the intention of 2601  
ceasing to practice as a dentist ~~or,~~ dental hygienist, or 2602  
dental therapist for remuneration. 2603

(B) Within thirty days after receiving an application for 2604  
a volunteer's certificate that includes all of the items listed 2605  
in divisions (C) (1), (2), and (3) of this section, the state 2606  
dental board shall issue, without examination, a volunteer's 2607  
certificate to a person who is retired from practice so that the 2608  
person may provide dental services to indigent and uninsured 2609

persons at any location, including a free clinic. 2610

(C) An application for a volunteer's certificate shall 2611  
include all of the following: 2612

(1) A copy of the applicant's degree from dental college 2613  
or dental hygiene school or certificate of graduation from a 2614  
dental therapy program. 2615

(2) One of the following, as applicable: 2616

(a) A copy of the applicant's most recent license to 2617  
practice dentistry ~~or~~, dental hygiene, or dental therapy issued 2618  
by a jurisdiction in the United States that licenses persons to 2619  
practice dentistry ~~or~~, dental hygiene, or dental therapy. 2620

(b) A copy of the applicant's most recent license 2621  
equivalent to a license to practice dentistry ~~or~~, dental 2622  
hygiene, or dental therapy in one or more branches of the United 2623  
States armed services that the United States government issued. 2624

(3) Evidence of one of the following, as applicable: 2625

(a) The applicant has maintained for at least ten years 2626  
prior to retirement full licensure in good standing in any 2627  
jurisdiction in the United States that licenses persons to 2628  
practice dentistry ~~or~~, dental hygiene, or dental therapy. 2629

(b) The applicant has practiced as a dentist ~~or~~, dental 2630  
hygienist, or dental therapist in good standing for at least ten 2631  
years prior to retirement in one or more branches of the United 2632  
States armed services. 2633

(D) The holder of a volunteer's certificate may provide 2634  
dental services only to indigent and uninsured persons, but may 2635  
do so at any location, including a free clinic. The holder shall 2636  
not accept any form of remuneration for providing dental 2637

services while in possession of the certificate. Except in a 2638  
dental emergency, the holder shall not perform any operation. 2639  
The board may revoke a volunteer's certificate on receiving 2640  
proof satisfactory to the board that the holder has engaged in 2641  
practice in this state outside the scope of the holder's 2642  
certificate or that there are grounds for action against the 2643  
person under section 4715.30 of the Revised Code. 2644

(E) (1) A volunteer's certificate shall be valid for a 2645  
period of three years, and may be renewed upon the application 2646  
of the holder, unless the certificate was previously revoked 2647  
under division (D) of this section. The board shall maintain a 2648  
register of all persons who hold volunteer's certificates. The 2649  
board shall not charge a fee for issuing or renewing a 2650  
certificate pursuant to this section. 2651

(2) To be eligible for renewal of a volunteer's 2652  
certificate, the holder of the certificate shall certify to the 2653  
board completion of sixty hours of continuing dental education 2654  
that meets the requirements of section 4715.141 of the Revised 2655  
Code and the rules adopted under that section, or completion of 2656  
eighteen hours of continuing ~~dental hygiene~~ education that meets 2657  
the requirements of section 4715.25 or 4715.76 of the Revised 2658  
Code and the rules adopted under ~~that section~~ either of those 2659  
sections, as the case may be. The board may not renew a 2660  
certificate if the holder has not complied with the appropriate 2661  
continuing education requirements. Any entity for which the 2662  
holder provides dental services may pay for or reimburse the 2663  
holder for any costs incurred in obtaining the required 2664  
continuing education credits. 2665

(3) The board shall issue to each person who qualifies 2666  
under this section for a volunteer's certificate a wallet 2667

certificate and a wall certificate that state that the 2668  
certificate holder is authorized to provide dental services 2669  
pursuant to the laws of this state. The holder shall keep the 2670  
wallet certificate on the holder's person while providing dental 2671  
services and shall display the wall certificate prominently at 2672  
the location where the holder primarily practices. 2673

(4) The holder of a volunteer's certificate issued 2674  
pursuant to this section is subject to the immunity provisions 2675  
regarding the provision of services to indigent and uninsured 2676  
persons in section 2305.234 of the Revised Code. 2677

(F) The board shall adopt rules in accordance with Chapter 2678  
119. of the Revised Code to administer and enforce this section. 2679

(G) The state dental board shall make available through 2680  
the board's web site the application form for a volunteer's 2681  
certificate under this section, a description of the application 2682  
process, and a list of all items that are required by division 2683  
(C) of this section to be submitted with the application. 2684

**Sec. 4715.421.** (A) As used in this section: 2685

(1) "Accredited dental college" has the same meaning as in 2686  
section 4715.10 of the Revised Code. 2687

(2) "Accredited dental hygiene school" ~~has the same~~ 2688  
~~meaning as in section 4715.36 of the Revised Code~~ means a dental 2689  
hygiene school accredited by the commission on dental 2690  
accreditation or a dental hygiene school with educational 2691  
standards that are recognized by the commission on dental 2692  
accreditation that is approved by the state dental board. 2693

(3) "Operation" has the same meaning as in section 2694  
2305.234 of the Revised Code. 2695

(B) Within thirty days after receiving an application for a temporary volunteer's certificate that includes all of the items listed in divisions (C) (1) and (2) of this section, the state dental board shall issue, without examination, a temporary volunteer's certificate to a person not licensed under this chapter so that the person may provide dental services in this state as a volunteer.

(C) An application for a temporary volunteer's certificate shall include both of the following:

(1) A copy of the applicant's degree from an accredited dental college or accredited dental hygiene school;

(2) One of the following, as applicable:

(a) Evidence satisfactory to the board that the applicant holds a valid, unrestricted license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene;

(b) Evidence satisfactory to the board that the applicant is practicing dentistry or dental hygiene in one or more branches of the United States armed services.

(D) The holder of a temporary volunteer's certificate shall not accept any form of remuneration for providing dental services pursuant to the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a temporary volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code.

(E) (1) A temporary volunteer's certificate shall be valid

for a period of seven days, and may be renewed upon the 2725  
application of the holder, unless the certificate was previously 2726  
revoked under division (D) of this section. The board shall 2727  
maintain a register of all persons who hold a temporary 2728  
volunteer's certificate. The board may charge a fee not to 2729  
exceed twenty-five dollars for issuing or renewing a certificate 2730  
pursuant to this section. 2731

(2) The board shall issue to each person who qualifies 2732  
under this section for a temporary volunteer's certificate a 2733  
wallet certificate that states that the certificate holder is 2734  
authorized to provide dental services pursuant to the laws of 2735  
this state. The holder shall keep the wallet certificate on the 2736  
holder's person while providing dental services. 2737

(3) The holder of a temporary volunteer's certificate 2738  
issued pursuant to this section is subject to the immunity 2739  
provisions in section 2305.234 of the Revised Code. 2740

(F) The board shall adopt rules in accordance with Chapter 2741  
119. of the Revised Code to administer and enforce this section. 2742

(G) Not later than ninety days after ~~the effective date of~~ 2743  
~~this section~~ March 23, 2015, the state dental board shall make 2744  
available through the board's internet web site the application 2745  
form for a temporary volunteer's certificate under this section, 2746  
a description of the application process, and a list of all 2747  
items that are required by division (C) of this section to be 2748  
submitted with the application. 2749

**Sec. 4715.52.** (A) Except as provided in division (B) of 2750  
this section, no person shall practice or hold that person out 2751  
as a dental x-ray machine operator without a valid certificate 2752  
issued under section 4715.53 of the Revised Code. 2753

(B) Division (A) of this section does not apply to any of 2754  
the following: 2755

(1) ~~Dentists~~or, dental hygienists, or dental therapists 2756  
licensed under this chapter; 2757

(2) As specified in 42 C.F.R. 75, radiologic personnel 2758  
employed by the federal government or serving in a branch of the 2759  
armed forces of the United States; 2760

(3) Students engaging in any of the activities performed 2761  
by dental x-ray machine operators as an integral part of a 2762  
program of study leading to receipt of a license or certificate 2763  
issued under this chapter, a license issued under Chapter 4734. 2764  
or Chapter 4773. of the Revised Code, or a certificate issued 2765  
under Chapter 4731. of the Revised Code. 2766

**Sec. 4715.56.** (A) Except as provided in division (B) of 2767  
this section, a dental x-ray machine operator may perform 2768  
radiologic procedures only if a dentistor dental therapist is 2769  
providing direct supervision. Direct supervision does not 2770  
require the ~~dentist-supervisor~~ to observe each radiologic 2771  
procedure performed by the operator, but does require that the 2772  
~~dentist-supervisor~~ be present at the location where the operator 2773  
is performing radiologic procedures for purposes of consulting 2774  
with and directing the operator while performing the procedures. 2775

(B) A dental x-ray machine operator may perform radiologic 2776  
procedures for a patient when the supervising dentistor dental 2777  
therapist is not physically present at the location where the 2778  
radiologic procedures are performed if the supervising dentist 2779  
or dental therapist examined the patient not more than one year 2780  
prior to the date the dental x-ray machine operator performs the 2781  
radiologic procedures and the supervising dentistor dental 2782

therapist has ordered the radiologic procedures. 2783

**Sec. 4715.61.** (A) Except as provided in division (B) of 2784  
this section, no person shall practice as an expanded function 2785  
dental auxiliary without being registered under this chapter as 2786  
an expanded function dental auxiliary. 2787

(B) Division (A) of this section does not apply to any of 2788  
the following: 2789

(1) A dentist or dental therapist licensed under this 2790  
chapter; 2791

(2) A dental student who engages in any activities 2792  
performed by expanded function dental auxiliaries as an integral 2793  
part of a program of study leading to the receipt of a license 2794  
to practice as a dentist under this chapter; 2795

(3) An expanded function dental auxiliary student when the 2796  
student participates in an educational or training activity of 2797  
an accredited educational institution or a training program that 2798  
does both of the following: 2799

(a) Provides the education or training necessary to 2800  
practice as an expanded function dental auxiliary; 2801

(b) Ensures that a dentist licensed under this chapter, ~~or~~ 2802  
a dentist who holds a limited teaching license issued under this 2803  
chapter, a dental therapist licensed under this chapter, or a 2804  
dental therapist who holds a limited teaching license issued 2805  
under this chapter is physically present in the facility where 2806  
the expanded function dental auxiliary performs clinical dental 2807  
procedures on patients. 2808

**Sec. 4715.64.** (A) Subject to divisions (B), (C), and (D) 2809  
of this section, the practice of an expanded function dental 2810

|   |                                      |
|---|--------------------------------------|
| auxiliary shall consist of the following:   | 2811                                 |
| (1) Procedures involved in the placement of restorative materials limited to amalgam restorative materials and nonmetallic restorative materials, including direct-bonded restorative materials;  | 2812<br>2813<br>2814<br>2815         |
| (2) Application of pit and fissure sealants;  | 2816                                 |
| (3) Recementation of temporary crowns or recementation of crowns with temporary cement;   | 2817<br>2818                         |
| (4) Application of topical fluoride;  | 2819                                 |
| (5) Application of fluoride varnish;  | 2820                                 |
| (6) Application of disclosing solutions;  | 2821                                 |
| (7) Application of desensitizing agents;  | 2822                                 |
| (8) Caries susceptibility testing;  | 2823                                 |
| (9) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss;  | 2824<br>2825                         |
| (10) Any additional procedures authorized by the state dental board in rules adopted under section 4715.66 of the Revised Code.   | 2826<br>2827<br>2828                 |
| (B) <del>An</del> <u>(1) Except as provided in division (B) (2) of this section, an expanded function dental auxiliary shall perform the services specified in <del>divisions</del> <u>division</u> (A) <del>(1) and (11)</del> of this section only under the supervision, order, control, and full responsibility of a dentist licensed under this chapter. <del>At</del></u> | 2829<br>2830<br>2831<br>2832<br>2833 |
| <u>(2) An expanded function dental auxiliary may perform a service specified in division (A) of this section under the supervision of either of the following:</u>  | 2834<br>2835<br>2836                 |

(a) A licensed dental hygienist authorized under this 2837  
chapter or rules adopted under it to perform the service; 2838

(b) A licensed dental therapist authorized under this 2839  
chapter or rules adopted under it to perform the service. 2840

(3) At no time shall one dentist use more than two 2841  
expanded function dental auxiliaries ~~be practicing as expanded~~ 2842  
~~function dental auxiliaries under the~~, regardless of whether 2843  
supervision of is provided by the same dentist, a dental 2844  
hygienist, or a dental therapist. Except as provided in 2845  
divisions (C) and (D) of this section, an expanded function 2846  
dental auxiliary shall not practice as an expanded function 2847  
dental auxiliary when the supervising dentist, supervising 2848  
dental hygienist, or supervising dental therapist is not 2849  
physically present at the location where the expanded function 2850  
dental auxiliary is practicing. 2851

(C) An expanded function dental auxiliary may perform, for 2852  
not more than fifteen consecutive business days, the services 2853  
specified in divisions (A) (2) to (10) of this section when the 2854  
supervising dentist, supervising dental hygienist, or 2855  
supervising dental therapist is not physically present at the 2856  
location where the expanded function dental auxiliary is 2857  
practicing if all of the following conditions have been 2858  
satisfied: 2859

(1) The expanded function dental auxiliary has at least 2860  
two years and a minimum of three thousand hours of experience 2861  
practicing as an expanded function dental auxiliary. 2862

(2) The expanded function dental auxiliary has 2863  
successfully completed a course approved by the board in the 2864  
identification and prevention of potential medical emergencies. 2865

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| (3) The supervising dentist has evaluated the expanded           | 2866 |
| function dental auxiliary's skills.                              | 2867 |
| (4) The supervising dentist examined the patient not more        | 2868 |
| than one year prior to the date that the expanded function       | 2869 |
| dental auxiliary provides services to the patient.               | 2870 |
| (5) The supervising dentist has established written              | 2871 |
| protocols or written standing orders for the expanded function   | 2872 |
| dental auxiliary to follow during and in the absence of an       | 2873 |
| emergency.   | 2874 |
| (6) The supervising dentist completed and evaluated a            | 2875 |
| medical and dental history of the patient not more than one year | 2876 |
| prior to the date that the expanded function dental auxiliary    | 2877 |
| provides services to the patient, and the supervising dentist    | 2878 |
| determines that the patient is in a medically stable condition.  | 2879 |
| (7) In advance of the appointment for services, the              | 2880 |
| patient is notified that the supervising dentist will be absent  | 2881 |
| from the location and that the expanded function dental          | 2882 |
| auxiliary cannot diagnose the patient's dental health care       | 2883 |
| status.  | 2884 |
| (8) The expanded function dental auxiliary is employed by,       | 2885 |
| or under contract with, the supervising dentist, a dentist       | 2886 |
| licensed under this chapter who meets one of the criteria        | 2887 |
| specified in division (C) (11) (b) of section 4715.22 of the     | 2888 |
| Revised Code, or a government entity that employs the expanded   | 2889 |
| function dental auxiliary to provide services in a public school | 2890 |
| or in connection with other programs the government entity       | 2891 |
| administers.   | 2892 |
| (D) An expanded function dental auxiliary may apply pit          | 2893 |
| and fissure sealants prior to a dentist examining the patient    | 2894 |

and rendering a diagnosis, and when ~~a~~ the supervising dentist, 2895  
supervising dental hygienist, or supervising dental therapist is 2896  
not physically present at the location where the service is 2897  
provided, if all of the following are the case: 2898

(1) All of the conditions specified in division (C) of 2899  
this section have been satisfied. 2900

(2) The expanded function dental auxiliary is providing 2901  
the service as part of a program operated through any of the 2902  
following: a school district board of education or the governing 2903  
board of an educational service center; the board of health of a 2904  
city or general health district or the authority having the 2905  
duties of a board of health under section 3709.05 of the Revised 2906  
Code; a national, state, district, or local dental association; 2907  
or any other public or private entity recognized by the state 2908  
dental board. 2909

(3) A supervising dentist for the program described in 2910  
division (D) (2) of this section meets both of the following 2911  
conditions: 2912

(a) Is employed by or a volunteer for, and the patients 2913  
are referred by, the entity through which the program is 2914  
operated; 2915

(b) Is available for consultation by telephone, 2916  
videoconferencing, or other means of electronic communication. 2917

(4) The application of pit and fissure sealants is limited 2918  
to erupted permanent posterior teeth without suspicion of 2919  
cavitation. 2920

(5) If the patient is a minor, a parent, guardian, or 2921  
other person responsible for the patient has been notified that 2922  
a dentist will not be present at the location and that the 2923

expanded function dental auxiliary is not trained to diagnose or 2924  
treat other serious dental concerns that could exist. 2925

(E) Nothing in this section shall be construed by rule of 2926  
the board or otherwise to authorize an expanded function dental 2927  
auxiliary to engage in the practice of dental hygiene as defined 2928  
by sections 4715.22 and 4715.23 of the Revised Code. 2929

**Sec. 4715.66.** (A) The state dental board shall adopt rules 2930  
as the board considers necessary to implement and administer 2931  
sections 4715.61 to 4715.64 of the Revised Code. The rules shall 2932  
be adopted in accordance with Chapter 119. of the Revised Code. 2933

(B) In adopting rules under this section, all of the 2934  
following apply: 2935

(1) The board shall adopt rules specifying the education 2936  
or training necessary for an individual to register as an 2937  
expanded function dental auxiliary under this chapter. 2938

(2) The board shall adopt rules specifying the standards 2939  
that must be met for an examination to be accepted by the board 2940  
as an examination of competency to practice as an expanded 2941  
function dental auxiliary. In specifying the standards, the 2942  
board shall provide that an examination will be accepted only if 2943  
the entity that administered the examination required an 2944  
individual to be one of the following as a condition of 2945  
admission to the examination: 2946

(a) An unlicensed dentist who has graduated from an 2947  
accredited dental college, as specified in section 4715.10 of 2948  
the Revised Code, and does not have a dental license under 2949  
suspension or revocation by the board; 2950

(b) A dental student who is enrolled in an accredited 2951  
dental college, as specified in section 4715.10 of the Revised 2952

Code, and is considered by the dean of the college to be in good standing as a dental student;

(c) A graduate of a dental college located outside of the United States;

(d) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification;

(e) A dental hygienist licensed under this chapter whose license is in good standing;

(f) An unlicensed dental hygienist who has graduated from an accredited dental hygiene school, as specified in section 4715.21 of the Revised Code, and does not have a dental hygienist license under suspension or revocation by the board;

(g) A dental therapist licensed under this chapter whose license is in good standing;

(h) An unlicensed dental therapist who has graduated from a dental therapy education program accredited by the commission on dental accreditation and does not have a license to practice as a dental therapist under suspension or revocation by the board.

(3) The board may adopt rules specifying procedures an expanded function dental auxiliary may perform that are in addition to the procedures specified in divisions (A) (1) to (10) of section 4715.64 of the Revised Code.

Sec. 4715.70. No person shall purposely practice as a dental therapist except an individual who has obtained a license from the state dental board to practice as a dental therapist.

Sec. 4715.71. (A) An individual seeking to practice as a

dental therapist shall file with the secretary of the state 2981  
dental board a written application for a license. The 2982  
application shall be submitted on a form prescribed by the board 2983  
and shall be verified by oath. 2984

To be granted a license to practice as a dental therapist, 2985  
an applicant must do all of the following: 2986

(1) Furnish proof satisfactory to the board of being at 2987  
least eighteen years of age and of good moral character; 2988

(2) Present a diploma or certificate of graduation from a 2989  
dental therapy education program accredited by the commission on 2990  
dental accreditation; 2991

(3) Pass an examination prescribed by the board relating 2992  
to dental therapy; 2993

(4) Pay an application fee of ninety-six dollars if the 2994  
license is to be issued in an odd-numbered year or one hundred 2995  
forty-seven dollars if issued in an even-numbered year. 2996

(B) If an applicant fails to pass the first examination 2997  
required by division (A) (3) of this section, the applicant may 2998  
apply for a reexamination at the next regular or special 2999  
examination meeting of the board. An applicant shall not be 3000  
admitted to more than two examinations without first presenting 3001  
satisfactory proof that the applicant has successfully completed 3002  
a refresher course from a dental therapy education program 3003  
accredited by the commission on dental accreditation. 3004

(C) An applicant who submits a complete application and 3005  
satisfies the requirements of division (A) of this section shall 3006  
be issued a license to practice as a dental therapist. 3007

**Sec. 4715.72. (A) A licensed dental therapist shall** 3008

practice only under the supervision, control, and full 3009  
responsibility of a dentist licensed under this chapter. A 3010  
licensed dentist shall not supervise more than four dental 3011  
therapists at the same time. 3012

Except as provided in section 4715.74 of the Revised Code, 3013  
a dental therapist may not provide dental therapy services to a 3014  
patient when the supervising dentist is not physically present 3015  
at the location where the dental therapist is practicing. 3016

(B) A dental therapist may practice only in the following 3017  
areas: 3018

(1) An area designated as a dental health resource 3019  
shortage area pursuant to section 3702.87 of the Revised Code; 3020

(2) An area designated as a dental care health 3021  
professional shortage area by the United States health resources 3022  
and services administration; 3023

(3) Any area if at least twenty per cent of the 3024  
supervising dentist's patients are medicaid recipients. 3025

(C) No person shall purposely practice as a dental 3026  
therapist in a manner that is independent from the dental 3027  
practice of a supervising dentist or another licensed dentist 3028  
authorized by the supervising dentist. 3029

**Sec. 4715.73.** (A) A dentist may authorize a dental 3030  
therapist to provide any of the following services that the 3031  
dental therapist is educated to provide: 3032

(1) Oral health instruction and disease prevention 3033  
education, including nutritional counseling and dietary 3034  
analysis; 3035

(2) Dental charting, including the performance of 3036

|  |      |
|--|------|
| <u>periodontal screening examinations;</u>                           | 3037 |
| <u>(3) Making radiographs;</u>                                       | 3038 |
| <u>(4) Dental prophylaxis, including removal of supra</u>            | 3039 |
| <u>gingival visible calculus and subgingival scaling and root</u>    | 3040 |
| <u>planning;</u>   | 3041 |
| <u>(5) Mechanical polishing;</u>                                     | 3042 |
| <u>(6) Prescription, administration, and dispensing of</u>           | 3043 |
| <u>topical or prophylactic agents, including fluoride varnishes,</u> | 3044 |
| <u>antimicrobial solutions for mouth rinsing, and other</u>          | 3045 |
| <u>antimicrobial agents;</u>   | 3046 |
| <u>(7) Application of fluoride and pit and fissure sealants;</u>     | 3047 |
| <u>(8) Pulp vitality testing;</u>                                    | 3048 |
| <u>(9) Application of desensitizing medication or resin;</u>         | 3049 |
| <u>(10) Fabrication of athletic mouth guards;</u>                    | 3050 |
| <u>(11) Placement of temporary restorations;</u>                     | 3051 |
| <u>(12) Fabrication of soft occlusal guards;</u>                     | 3052 |
| <u>(13) Denture-related procedures known as tissue</u>               | 3053 |
| <u>conditioning or soft relines;</u>                                 | 3054 |
| <u>(14) Interim therapeutic restorations;</u>                        | 3055 |
| <u>(15) Periodontal dressing changes;</u>                            | 3056 |
| <u>(16) Emergent and interim tooth reimplantation and</u>            | 3057 |
| <u>stabilization of permanent teeth;</u>                             | 3058 |
| <u>(17) Subject to division (B) of this section,</u>                 | 3059 |
| <u>administration of local anesthetic;</u>                           | 3060 |
| <u>(18) Administration of nitrous oxide, if provided in</u>          | 3061 |

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| <u>accordance with rules adopted by the state dental board;</u>        | 3062 |
| <u>(19) Diagnosis of dental disease and the formulation of an</u>      | 3063 |
| <u>individualized treatment plan for services that may be provided</u> | 3064 |
| <u>by the dental therapist and referrals for services that may not</u> | 3065 |
| <u>be provided by the dental therapist;</u>                            | 3066 |
| <u>(20) Serial extractions of primary teeth, except</u>                | 3067 |
| <u>facilitative or surgical extractions;</u>                           | 3068 |
| <u>(21) Nonsurgical extractions of primary and permanent</u>           | 3069 |
| <u>teeth, except when a tooth is unerupted, impacted, or fractured</u> | 3070 |
| <u>or must be sectioned for removal;</u>                               | 3071 |
| <u>(22) Emergency palliative treatment of dental pain;</u>             | 3072 |
| <u>(23) Placement and removal of space maintainers;</u>                | 3073 |
| <u>(24) Cavity preparation;</u>  | 3074 |
| <u>(25) Restoration of primary and permanent teeth, excluding</u>      | 3075 |
| <u>any procedures involving permanent tooth crowns, bridges, or</u>    | 3076 |
| <u>denture fabrication;</u>  | 3077 |
| <u>(26) Placement of temporary crowns;</u>                             | 3078 |
| <u>(27) Preparation and placement of preformed crowns;</u>             | 3079 |
| <u>(28) Pulpotomies on primary teeth;</u>                              | 3080 |
| <u>(29) Indirect and direct pulp capping on primary and</u>            | 3081 |
| <u>permanent teeth;</u>  | 3082 |
| <u>(30) Suture removal;</u>  | 3083 |
| <u>(31) Brush biopsies;</u>  | 3084 |
| <u>(32) Repair of defective prosthetic devices;</u>                    | 3085 |
| <u>(33) Recementing of permanent crowns;</u>                           | 3086 |

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| <u>(34) Providing, dispensing, and administering</u>                    | 3087 |
| <u>nonprescription analgesic drugs;</u>                                 | 3088 |
| <u>(35) Performing oral cancer screenings;</u>                          | 3089 |
| <u>(36) Any other service authorized by the state dental</u>            | 3090 |
| <u>board.</u>   | 3091 |
| <u>(B) A dental therapist may administer intraoral block and</u>        | 3092 |
| <u>infiltration local anesthesia to a patient only if the therapist</u> | 3093 |
| <u>is currently certified to perform basic cardiac life-support</u>     | 3094 |
| <u>procedures as required by section 4715.761 of the Revised Code</u>   | 3095 |
| <u>and either of the following is the case:</u>                         | 3096 |
| <u>(1) The dental therapist has met both of the following</u>           | 3097 |
| <u>requirements:</u>  | 3098 |
| <u>(a) Successfully completed a course in the administration</u>        | 3099 |
| <u>of local anesthesia that is approved by the state dental board</u>   | 3100 |
| <u>and is offered by a dental, dental hygiene, or dental therapy</u>    | 3101 |
| <u>program accredited by the commission on dental accreditation;</u>    | 3102 |
| <u>(b) Within eighteen months of completion of the anesthesia</u>       | 3103 |
| <u>course, successfully passed a state or regional written</u>          | 3104 |
| <u>examination on local anesthesia approved by the board.</u>           | 3105 |
| <u>(2) The dental therapist is authorized to administer local</u>       | 3106 |
| <u>anesthesia by another state's licensing authority with</u>           | 3107 |
| <u>jurisdiction over the practice of dental therapy and both of the</u> | 3108 |
| <u>following conditions are met:</u>                                    | 3109 |
| <u>(a) The dental therapist was required by the licensing</u>           | 3110 |
| <u>authority of the other state to complete, and the therapist</u>      | 3111 |
| <u>successfully completed, a course or instruction as a requirement</u> | 3112 |
| <u>to be authorized to administer local anesthesia.</u>                 | 3113 |
| <u>(b) Either of the following applies:</u>                             | 3114 |

(i) The required hours and content of the course or instruction described in division (B) (2) (a) of this section are substantially equivalent, as determined by the board, to the required hours and content of the course described in division (C) of this section; 3115  
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(ii) The board determines that the required hours and content of the course or instruction described in division (B) (2) (a) of this section are not substantially equivalent to the required hours and content of the course described in division (C) of this section, but the dental therapist submits evidence satisfactory to the board that the therapist obtained, within the forty-eight months immediately preceding the date that the therapist applied under this chapter for a license to practice as a dental therapist, twenty-four consecutive months of experience in the administration of local anesthesia in the other state where the therapist is authorized to administer local anesthesia. 3120  
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(C) (1) To be approved by the board, the local anesthesia administration course described in division (B) (1) (a) of this section must contain not less than fifteen hours of didactic instruction and not less than fourteen hours of clinical experience and include instruction on each of the following subjects: 3132  
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(a) Theory of pain control; 3138

(b) Selection of pain control modalities; 3139

(c) Anatomy; 3140

(d) Neurophysiology; 3141

(e) Pharmacology of local anesthetics; 3142

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| <u>(f) Pharmacology of vasoconstrictors;</u>   | 3143   |
| <u>(g) Psychological aspects of pain control;</u>  | 3144   |
| <u>(h) Systemic complications;</u>   | 3145   |
| <u>(i) Techniques of maxillary and mandibular anesthesia<br/>taught by a dentist or other qualified instructor;</u>  | 3146<br>3147   |
| <u>(j) Infection control;</u>  | 3148   |
| <u>(k) Local anesthesia medical emergencies.</u>   | 3149   |
| <u>(2) For purposes of division (B)(1)(a) of this section,<br/>the board shall approve a local anesthesia administration course<br/>if the course satisfies the requirements of division (C)(1) of<br/>this section.</u>   | 3150<br>3151<br>3152<br>3153                                 |
| <u><b>Sec. 4715.74.</b> (A) As used in this section, "general<br/>supervision" means a form of supervision in which the individual<br/>providing supervision is reasonably available for consultation<br/>and direction through some form of communication, regardless of<br/>whether the individual providing supervision is physically<br/>present at the location where the individual being supervised is<br/>providing services.</u>  | 3154<br>3155<br>3156<br>3157<br>3158<br>3159<br>3160         |
| <u>(B) Notwithstanding the requirement of division (A) of<br/>section 4715.72 of the Revised Code that the supervising dentist<br/>be physically present at the location where the dental therapist<br/>is practicing, a dental therapist may perform any of the<br/>services described in section 4715.73 of the Revised Code under<br/>a dentist's general supervision, without a dentist having<br/>examined, diagnosed, or provided treatment planning for the<br/>patient if all of the following requirements are met:</u> | 3161<br>3162<br>3163<br>3164<br>3165<br>3166<br>3167<br>3168 |
| <u>(1) The dental therapist and the supervising dentist have<br/>entered into a supervision agreement that satisfies the</u>   | 3169<br>3170   |

requirements of division (C) of this section. 3171

(2) The dental therapist is authorized in the supervision 3172  
agreement to practice under a dentist's general supervision. 3173

(3) The dental therapist complies with the supervision 3174  
agreement. 3175

(4) After receiving a license under section 4715.71 of the 3176  
Revised Code, the dental therapist successfully completes four 3177  
hundred hours of clinical practice under the direct supervision 3178  
of a dentist. 3179

(5) The dental therapist demonstrates to the supervising 3180  
dentist proficiency in each service authorized under the 3181  
supervision agreement. 3182

(C) The supervision agreement described in division (B) (1) 3183  
of this section must include all of the following: 3184

(1) Any exclusions, limitations, or conditions on the 3185  
services the dental therapist is authorized to provide; 3186

(2) A statement from the dental therapist agreeing to 3187  
comply with any written protocols or standing orders the 3188  
supervising dentist establishes; 3189

(3) A description of circumstances under which the dental 3190  
therapist is required to refer patients to the supervising 3191  
dentist or another dentist or health care professional. 3192

**Sec. 4715.75.** (A) Each person who is licensed to practice 3193  
as a dental therapist in this state shall, on or before the 3194  
first day of January of each even-numbered year, register with 3195  
the state dental board, unless the person is temporarily retired 3196  
pursuant to section 4715.751 of the Revised Code. The 3197  
registration shall be made on a form prescribed by the board and 3198

furnished by the secretary, shall include the licensee's name, 3199  
address, license number, office location, name of the 3200  
supervising dentist, and such other reasonable information as 3201  
the board may consider necessary, and shall include payment of a 3202  
biennial registration fee of one hundred five dollars. The fee 3203  
shall be paid to the treasurer of state. Each registration shall 3204  
be in effect for the two-year period beginning on the first day 3205  
of January of each even-numbered year and ending on the last day 3206  
of December of the following odd-numbered year, and shall be 3207  
renewed in accordance with the standard renewal procedure 3208  
specified in sections 4745.01 to 4745.03 of the Revised Code. 3209  
The failure of a licensee to renew registration in accordance 3210  
with this section shall result in the automatic suspension of 3211  
the licensee's license to practice as a dental therapist, unless 3212  
the licensee is temporarily retired pursuant to section 4715.751 3213  
of the Revised Code. 3214

(B) Any dental therapist whose license has been 3215  
automatically suspended under this section may be reinstated on 3216  
application to the board on a form prescribed by the board for 3217  
licensure reinstatement and payment of the biennial registration 3218  
fee plus thirty-one dollars to cover the costs of reinstatement. 3219

(C) The license of a dental therapist shall be exhibited 3220  
in a conspicuous place in the room in which the dental therapist 3221  
practices. Each dental therapist licensed to practice, whether a 3222  
resident or not, shall notify the secretary in writing or 3223  
electronically of any change in the dental therapist's office 3224  
address or employment within ten days after the change takes 3225  
place. 3226

Sec. 4715.751. (A) As used in this section and sections 3227  
4715.752 and 4715.76 of the Revised Code, "registration period" 3228

means the two-year period during which a dental therapist's 3229  
registration is in effect under section 4715.75 of the Revised 3230  
Code. 3231

(B) A dental therapist seeking to retire temporarily from 3232  
the practice of dental therapy shall provide written notice of 3233  
that intent to the state dental board. Except as provided in 3234  
division (C) of this section, the board shall grant temporary 3235  
retirement if the dental therapist has paid the registration fee 3236  
required by section 4715.75 of the Revised Code for the 3237  
registration period that includes the day immediately before the 3238  
day that the temporary retirement is to begin. The license of a 3239  
dental therapist who is granted temporary retirement shall be 3240  
inactive. 3241

(C) The board may deny temporary retirement to a dental 3242  
therapist who is, at the time that the board denies the 3243  
temporary retirement, the subject of a disciplinary action 3244  
initiated by the board under section 4715.30 of the Revised 3245  
Code. 3246

**Sec. 4715.752.** (A) A dental therapist who is temporarily 3247  
retired pursuant to section 4715.751 of the Revised Code may 3248  
submit a written request to the state dental board at any time 3249  
for reinstatement of the dental therapist's license. The board 3250  
shall reinstate the license if the dental therapist does both of 3251  
the following: 3252

(1) Pays the biennial registration fee established under 3253  
section 4715.75 of the Revised Code for the registration period 3254  
that includes the day on which the temporary retirement is to 3255  
cease; 3256

(2) Provides the board satisfactory evidence that the 3257

dental therapist, during the two-year period immediately 3258  
preceding the date that the dental therapist submitted the 3259  
written request for license reinstatement, completed a minimum 3260  
of twenty-four hours of continuing dental therapy education in 3261  
accordance with division (B) of this section. 3262

(B) The completion of continuing dental therapy education 3263  
required under division (A) (2) of this section is subject to 3264  
division (D) of section 4715.76 of the Revised Code. The 3265  
continuing education programs may be developed and offered to 3266  
dental therapists by any of the agencies or organizations 3267  
described in division (C) of section 4715.76 of the Revised 3268  
Code. The board may excuse dental therapists, as a group or as 3269  
individuals, from all or any part of the requirements of 3270  
division (A) (2) of this section because of an unusual 3271  
circumstance, emergency, or special hardship. 3272

(C) The board shall register each dental therapist whose 3273  
license is reinstated under this section. The registration 3274  
expires at the end of the registration period during which the 3275  
license is reinstated. 3276

**Sec. 4715.76.** (A) Each person licensed to practice as a 3277  
dental therapist and required to register with the state dental 3278  
board shall certify to the board at the time of applying for a 3279  
renewal of registration that in the two-year period preceding 3280  
the registration period for which renewal is sought the 3281  
registrant completed a minimum of twenty-four hours of 3282  
continuing dental therapy education. The certification shall be 3283  
made on the application for registration prescribed by the board 3284  
pursuant to section 4715.75 of the Revised Code. 3285

(B) (1) The board shall apply toward the satisfaction of a 3286  
registrant's continuing dental therapy education requirement any 3287

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| <u>of the following courses that the registrant completed:</u>          | 3288 |
| <u>(a) The basic life-support training course required by</u>           | 3289 |
| <u>section 4715.761 of the Revised Code;</u>                            | 3290 |
| <u>(b) Any course required by statute or rule of the board</u>          | 3291 |
| <u>for registration;</u>  | 3292 |
| <u>(c) Any course required by statute or rule of the board as</u>       | 3293 |
| <u>a condition of performing a particular function;</u>                 | 3294 |
| <u>(d) Any other course that the board considers acceptable.</u>        | 3295 |
| <u>(2) In the case of a registrant whose license was</u>                | 3296 |
| <u>reinstated under section 4715.752 of the Revised Code, the board</u> | 3297 |
| <u>shall apply toward the satisfaction of the registrant's</u>          | 3298 |
| <u>continuing dental therapy education requirement any course that</u>  | 3299 |
| <u>the board applied toward the continuing dental therapy education</u> | 3300 |
| <u>requirement for reinstatement of the license if the course was</u>   | 3301 |
| <u>completed during the two-year period immediately preceding the</u>   | 3302 |
| <u>registration period for which renewal is sought.</u>                 | 3303 |
| <u>(3) In the case of a registrant who is a dental hygienist</u>        | 3304 |
| <u>therapist, the board shall apply toward the satisfaction of the</u>  | 3305 |
| <u>registrant's continuing dental therapy education requirement any</u> | 3306 |
| <u>course that must be completed to maintain a license to practice</u>  | 3307 |
| <u>as a dental hygienist under section 4715.25 of the Revised Code.</u> | 3308 |
| <u>(C) Continuing education programs may be developed and</u>           | 3309 |
| <u>offered to dental therapists by any of the following agencies or</u> | 3310 |
| <u>organizations:</u>   | 3311 |
| <u>(1) National or state dental therapy associations or</u>             | 3312 |
| <u>district or local dental therapy associations affiliated with a</u>  | 3313 |
| <u>national or state dental therapy association;</u>                    | 3314 |
| <u>(2) Dental therapy education programs accredited by the</u>          | 3315 |

commission on dental accreditation; 3316

(3) Accredited dental colleges or schools; 3317

(4) Other organizations, schools, paraprofessional 3318  
programs, or agencies approved by the state dental board. 3319

(D) A licensed dental therapist shall retain in the dental 3320  
therapist's records for a period of at least four years such 3321  
receipts, vouchers, or certificates as may be necessary to 3322  
document completion of continuing education programs. The board 3323  
may request such documentation from licensed dental therapists. 3324

(E) The board may excuse licensed dental therapists, as a 3325  
group or as individuals, from all or any part of the 3326  
requirements of this section because of an unusual circumstance, 3327  
emergency, or special hardship. 3328

(F) Failure to comply with the requirements of this 3329  
section constitutes a failure to renew registration pursuant to 3330  
section 4715.75 of the Revised Code. 3331

**Sec. 4715.761.** Each person licensed to practice as a 3332  
dental therapist and required to register with the state dental 3333  
board shall, each time the person applies for renewal of 3334  
registration, be currently certified to perform basic life- 3335  
support procedures by having successfully completed a basic 3336  
life-support training course certified by the American red 3337  
cross, the American heart association, or, if determined 3338  
equivalent by the board, the American safety and health 3339  
institute. An applicant for renewal of registration shall 3340  
certify on the application for renewal of registration 3341  
prescribed by the board under section 4715.75 of the Revised 3342  
Code that the applicant possesses the certification required by 3343  
this section. 3344

The board shall determine whether basic life-support training certified by the American safety and health institute meets national standards. The board shall compare the training certified by the institute with the training certified by the American red cross and the American heart association and the training of instructors certified by the institute to the training of instructors certified by the American red cross and the American heart association. 3345  
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If the board determines that the training certified by the American safety and health institute meets national standards and is equivalent to the training certified by the American red cross and the American heart association, the board shall accept training certified by the American safety and health institute in fulfillment of the requirements of this section. 3353  
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Sec. 4715.77. The secretary of the state dental board shall keep a record of all dental therapists and dental hygienist therapists. The record shall include, for each dental therapist and dental hygiene therapist, the office location and name of the supervising dentist. 3359  
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Sec. 4715.78. (A) The state dental board may issue a license to practice as a dental therapist to an applicant if all of the following apply: 3364  
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(1) The applicant furnishes satisfactory proof of being at least eighteen years of age and of good moral character. 3367  
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(2) The applicant demonstrates, to the satisfaction of the board, knowledge of the laws, regulations, and rules governing the practice of dental therapy. 3369  
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(3) The applicant proves, to the satisfaction of the board, intent to practice as a dental therapist in this state. 3372  
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(4) The applicant is a graduate of an educational program 3374  
that the board determines has standards substantially similar to 3375  
those that must be met to be accredited by the commission on 3376  
dental accreditation. 3377

(5) The applicant meets either of the following 3378  
requirements: 3379

(a) The applicant holds a license or certification by 3380  
examination from a similar licensing agency in another state, a 3381  
federal jurisdiction, or another country. 3382

(b) The applicant passes an examination prescribed by the 3383  
board relating to practice as a dental therapist. 3384

(B) On payment of fifty-eight dollars and submission of an 3385  
application endorsed by a dental therapy education program 3386  
accredited by the commission on dental accreditation, the board 3387  
may without examination issue a limited teaching license to a 3388  
dental therapist authorized to practice in another state or 3389  
country. A limited teaching license shall be subject to annual 3390  
renewal in accordance with the standard renewal procedure 3391  
specified in sections 4745.01 to 4745.03 of the Revised Code, 3392  
and shall not be construed as authorizing anything other than 3393  
teaching or demonstrating the skills of a dental therapist in 3394  
the educational program of the school that endorsed the 3395  
application. 3396

Sec. 4715.79. No person shall knowingly employ a dental 3397  
therapist who has not complied with this chapter. 3398

Sec. 4715.80. (A) The practice of a dental hygienist 3399  
therapist shall consist of both the practice of a dental 3400  
hygienist and the practice of a dental therapist. 3401

(B) No person shall hold that person's self out as being 3402

able to function as a dental hygienist therapist, or use any 3403  
words or letters indicating or implying that the person is a 3404  
dental hygienist therapist, without current, valid licenses to 3405  
practice both dental therapy and dental hygiene issued pursuant 3406  
to this chapter. 3407

**Sec. 4715.99.** (A) Whoever violates section 4715.17 of the 3408  
Revised Code is guilty of a minor misdemeanor on a first offense 3409  
and a misdemeanor of the fourth degree on each subsequent 3410  
offense. 3411

(B) Whoever violates section 4715.18 of the Revised Code 3412  
is guilty of a misdemeanor of the fourth degree. 3413

(C) Whoever violates section 4715.09, 4715.19, 4715.20, 3414  
4715.29, 4715.32, 4715.39, 4715.52, ~~or~~ 4715.61, or 4715.70, 3415  
division (C) of section 4715.72, or section 4715.79 of the 3416  
Revised Code is guilty of a misdemeanor of the first degree on a 3417  
first offense and a felony of the fifth degree on each 3418  
subsequent offense. 3419

(D) Whoever violates any provision of this chapter for 3420  
which no specific penalty has been prescribed is guilty of a 3421  
misdemeanor of the fourth degree on a first offense and a 3422  
misdemeanor of the second degree on each subsequent offense. 3423

**Sec. 4769.01.** As used in this chapter: 3424

(A) "Medicare" means the program established by Title 3425  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 3426  
U.S.C.A. 301, as amended. 3427

(B) "Balance billing" means charging or collecting from a 3428  
medicare beneficiary an amount in excess of the medicare 3429  
reimbursement rate for medicare-covered services or supplies 3430  
provided to a medicare beneficiary, except when medicare is the 3431

secondary insurer. When medicare is the secondary insurer, the 3432  
health care practitioner may pursue full reimbursement under the 3433  
terms and conditions of the primary coverage and, if applicable, 3434  
the charge allowed under the terms and conditions of the 3435  
appropriate provider contract, from the primary insurer, but the 3436  
medicare beneficiary cannot be balance billed above the medicare 3437  
reimbursement rate for a medicare-covered service or supply. 3438  
"Balance billing" does not include charging or collecting 3439  
deductibles or coinsurance required by the program. 3440

(C) "Health care practitioner" means all of the following: 3441

(1) A dentist ~~or~~, dental hygienist, or dental therapist 3442  
licensed under Chapter 4715. of the Revised Code; 3443

(2) A registered or licensed practical nurse licensed 3444  
under Chapter 4723. of the Revised Code; 3445

(3) An optometrist licensed under Chapter 4725. of the 3446  
Revised Code; 3447

(4) A dispensing optician, spectacle dispensing optician, 3448  
contact lens dispensing optician, or spectacle-contact lens 3449  
dispensing optician licensed under Chapter 4725. of the Revised 3450  
Code; 3451

(5) A pharmacist licensed under Chapter 4729. of the 3452  
Revised Code; 3453

(6) A physician authorized under Chapter 4731. of the 3454  
Revised Code to practice medicine and surgery, osteopathic 3455  
medicine and surgery, or podiatry; 3456

(7) A physician assistant authorized under Chapter 4730. 3457  
of the Revised Code to practice as a physician assistant; 3458

(8) A practitioner of a limited branch of medicine issued 3459

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| a certificate under Chapter 4731. of the Revised Code;  | 3460                         |
| (9) A psychologist licensed under Chapter 4732. of the Revised Code;  | 3461<br>3462                 |
| (10) A chiropractor licensed under Chapter 4734. of the Revised Code;   | 3463<br>3464                 |
| (11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;   | 3465<br>3466                 |
| (12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;   | 3467<br>3468                 |
| (13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;  | 3469<br>3470                 |
| (14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;   | 3471<br>3472                 |
| (15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code; | 3473<br>3474<br>3475<br>3476 |
| (16) A dietitian licensed under Chapter 4759. of the Revised Code;  | 3477<br>3478                 |
| (17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;  | 3479<br>3480                 |
| (18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.                                     | 3481<br>3482<br>3483<br>3484 |
| <b>Sec. 4773.02.</b> (A) Except as provided in division (B) of this section, no person shall practice or hold <del>himself</del> <u>that</u>  | 3485<br>3486                 |

person's self out as a general x-ray machine operator, 3487  
radiographer, radiation therapy technologist, or nuclear 3488  
medicine technologist without a valid license issued under this 3489  
chapter for ~~his~~ the person's area of practice. 3490

(B) Division (A) of this section does not apply to any of 3491  
the following: 3492

(1) A physician, podiatrist, mechanotherapist, or 3493  
chiropractor; 3494

(2) An individual licensed under Chapter 4715. of the 3495  
Revised Code to practice dentistry, to practice as a dental 3496  
hygienist, to practice as a dental therapist, or to practice as 3497  
a dental x-ray machine operator; 3498

(3) As specified in 42 C.F.R. 75, radiologic personnel 3499  
employed by the federal government or serving in a branch of the 3500  
armed forces of the United States; 3501

(4) Students engaging in any of the activities performed 3502  
by basic x-ray machine operators, radiographers, radiation 3503  
therapy technologists, and nuclear medicine technologists as an 3504  
integral part of a program of study leading to receipt of a 3505  
license issued under this chapter, Chapter 4715. or Chapter 3506  
4734. of the Revised Code; or a certificate issued under Chapter 3507  
4731. of the Revised Code. 3508

**Section 2.** That existing sections 1751.01, 2305.234, 3509  
2925.01, 3701.245, 3701.74, 3709.161, 3715.872, 3721.21, 3510  
4715.01, 4715.02, 4715.03, 4715.05, 4715.22, 4715.23, 4715.231, 3511  
4715.25, 4715.30, 4715.301, 4715.33, 4715.39, 4715.42, 4715.421, 3512  
4715.52, 4715.56, 4715.61, 4715.64, 4715.66, 4715.99, 4769.01, 3513  
and 4773.02 and sections 4715.36, 4715.361, 4715.362, 4715.363, 3514  
4715.364, 4715.365, 4715.366, 4715.367, 4715.368, 4715.369, 3515

4715.37, 4715.371, 4715.372, 4715.373, 4715.374, and 4715.375 of 3516  
the Revised Code are hereby repealed. 3517

**Section 3.** Section 3701.74 of the Revised Code is 3518  
presented in this act as a composite of the section as amended 3519  
by both Sub. H.B. 232 and Am. Sub. H.B. 483 of the 130th General 3520  
Assembly. The General Assembly, applying the principle stated in 3521  
division (B) of section 1.52 of the Revised Code that amendments 3522  
are to be harmonized if reasonably capable of simultaneous 3523  
operation, finds that the composite is the resulting version of 3524  
the section in effect prior to the effective date of the section 3525  
as presented in this act. 3526

**Section 4.** Notwithstanding the amendments by this act of 3527  
section 4715.02 of the Revised Code that require the State 3528  
Dental Board to include two dental therapists who have been 3529  
engaged in practice in this state for at least six months 3530  
preceding appointment, until the Board has implemented this 3531  
act and individuals are available who meet the requirements 3532  
for appointment, the Governor may fill the vacancies by 3533  
appointing individuals who are representatives of national or 3534  
state organizations that represent the interests of persons 3535  
who practice dental therapy. 3536