

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 98

**Senators Lehner, Thomas
Cosponsor: Senator Brown**

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;

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

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.	161 162 163
(G) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.	164 165 166
(H) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.	167 168 169
(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.	170 171 172 173 174 175 176
(J) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation.	177 178 179
(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.	180 181 182 183
(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.	184 185 186 187 188

(M) "Health care services" means basic, supplemental, and specialty health care services.	189 190
(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.	191 192 193 194
(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.	195 196 197 198 199 200 201 202 203 204
"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	205 206 207 208 209 210 211 212 213 214 215 216 217 218

(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

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, dental 303
therapists, 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

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code. 337
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(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
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(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code. 344
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(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
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(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment: 354
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(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 357
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(b) Advanced practice registered nurses, registered nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code; 360
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(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code; 363
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(d) Dentists and , <u>dental hygienists, 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

the Revised Code;	392
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	393 394
(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.	395 396 397 398 399 400 401 402
(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.	403 404 405 406 407 408 409
(7) "Indigent and uninsured person" means a person who meets both of the following requirements:	410 411
(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.	412 413 414 415 416 417 418 419
(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 dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

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

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

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

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

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

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

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

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

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.	773 774 775 776
(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.	777 778 779 780 781 782
(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.	783 784 785
(N) "Juvenile" means a person under eighteen years of age.	786
(O) "Counterfeit controlled substance" means any of the following:	787 788
(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;	789 790 791 792
(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;	793 794 795 796
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	797 798 799

(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

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

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 <u>dentist's general anesthesia permit</u> , a <u>dentist's</u>	893
conscious intravenous sedation permit, a <u>dental resident's</u>	894
limited resident's license, a <u>dentist's limited teaching</u>	895
license, a <u>dental therapist license</u> , a <u>dental therapist's</u>	896
<u>limited teaching license</u> , a dental hygienist's <u>hygienist</u>	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

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

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

(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

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

(d) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	1226 1227
(e) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	1228 1229 1230
(f) A psychologist licensed under Chapter 4732. of the Revised Code;	1231 1232
(g) A veterinarian licensed under Chapter 4741. of the Revised Code;	1233 1234
(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1235 1236
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	1237 1238 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 1241 1242
(k) A dietitian licensed under Chapter 4759. of the Revised Code.	1243 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 1246 1247 1248 1249 1250 1251 1252 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

Revised Code;	1395
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	1396 1397
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	1398 1399
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	1400 1401
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	1402 1403
(14) A licensed professional counselor or licensed professional clinical counselor licensed under Chapter 4757. of the Revised Code;	1404 1405 1406
(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.	1407 1408 1409
(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	1410 1411 1412 1413 1414 1415 1416 1417
(N) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated.	1418 1419 1420
(O) "Training and competency evaluation program" means a program of nurse aide training and evaluation of competency to	1421 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
and , <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
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- (7) The dental hygienist complies with written protocols
or written standing orders that the supervising dentist
establishes. 1721
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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
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- (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.

(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.

(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:

- (1) Theory of pain control;
- (2) Selection of pain control modalities;
- (3) Anatomy;
- (4) Neurophysiology;
- (5) Pharmacology of local anesthetics;

(6) Pharmacology of vasoconstrictors;	1946
(7) Psychological aspects of pain control;	1947
(8) Systemic complications;	1948
(9) Techniques of maxillary and mandibular anesthesia taught by a dentist or other qualified instructor;	1949 1950
(10) Infection control;	1951
(11) Local anesthesia medical emergencies.	1952
(D) A dental hygienist may administer local anesthesia only if the dental hygienist has obtained current certification to perform basic cardiac life-support procedures as required by section 4715.251 of the Revised Code.	1953 1954 1955 1956
<u>Sec. 4715.232. A licensed dentist may assign to a dental hygienist the following intraoral tasks:</u>	1957 1958
<u>(A) Performance of oral cancer screenings;</u>	1959
<u>(B) Prescription, administration, and dispensing of topical or prophylactic agents, including fluoride varnishes, antimicrobial solutions for mouth rinsing, and other antimicrobial agents;</u>	1960 1961 1962 1963
<u>(C) Application of fluoride and pit and fissure sealants, regardless of whether the dentist has examined the patient.</u>	1964 1965
Sec. 4715.25. (A) Every person licensed to practice as a dental hygienist and required to register with the state dental board shall certify to the board at the time of applying for a renewal of registration that in the two-year period preceding the registration period for which renewal is sought the registrant completed a minimum of twenty-four hours of continuing dental hygiene education. Certification shall be made	1966 1967 1968 1969 1970 1971 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
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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
2025
2026

(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 2813 2814 2815
(2) Application of pit and fissure sealants;	2816
(3) Recementation of temporary crowns or recementation of crowns with temporary cement;	2817 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 2825
(10) Any additional procedures authorized by the state dental board in rules adopted under section 4715.66 of the Revised Code.	2826 2827 2828
(B) An <u>(1) Except as provided in division (B) (2) of this section, an expanded function dental auxiliary shall perform the services specified in divisions <u>division</u> (A) (1) and (11) of this section only under the supervision, order, control, and full responsibility of a dentist licensed under this chapter. At</u>	2829 2830 2831 2832 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 2835 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

(3) The supervising dentist has evaluated the expanded function dental auxiliary's skills. 2866
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(4) The supervising dentist examined the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient. 2868
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(5) The supervising dentist has established written protocols or written standing orders for the expanded function dental auxiliary to follow during and in the absence of an emergency. 2871
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(6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition. 2875
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(7) In advance of the appointment for services, the patient is notified that the supervising dentist will be absent from the location and that the expanded function dental auxiliary cannot diagnose the patient's dental health care status. 2880
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(8) The expanded function dental auxiliary is employed by, or under contract with, the supervising dentist, a dentist licensed under this chapter who meets one of the criteria specified in division (C) (11) (b) of section 4715.22 of the Revised Code, or a government entity that employs the expanded function dental auxiliary to provide services in a public school or in connection with other programs the government entity administers. 2885
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(D) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient 2893
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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;	2953 2954
(c) A graduate of a dental college located outside of the United States;	2955 2956
(d) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification;	2957 2958 2959
(e) A dental hygienist licensed under this chapter whose license is in good standing;	2960 2961
(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;	2962 2963 2964 2965
<u>(g) A dental therapist licensed under this chapter whose license is in good standing;</u>	2966 2967
<u>(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.</u>	2968 2969 2970 2971 2972
(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.	2973 2974 2975 2976
<u>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.</u>	2977 2978 2979
<u>Sec. 4715.71. (A) An individual seeking to practice as a</u>	2980

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

<u>accordance with rules adopted by the state dental board;</u>	3062
<u>(19) Diagnosis of dental disease and the formulation of an individualized treatment plan for services that may be provided by the dental therapist and referrals for services that may not be provided by the dental therapist;</u>	3063 3064 3065 3066
<u>(20) Serial extractions of primary teeth, except facilitative or surgical extractions;</u>	3067 3068
<u>(21) Nonsurgical extractions of primary and permanent teeth, except when a tooth is unerupted, impacted, or fractured or must be sectioned for removal;</u>	3069 3070 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 any procedures involving permanent tooth crowns, bridges, or denture fabrication;</u>	3075 3076 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 permanent teeth;</u>	3081 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

<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

<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 taught by a dentist or other qualified instructor;</u>	3146 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, the board shall approve a local anesthesia administration course if the course satisfies the requirements of division (C)(1) of this section.</u>	3150 3151 3152 3153
<u>Sec. 4715.74. (A) As used in this section, "general supervision" means a form of supervision in which the individual providing supervision is reasonably available for consultation and direction through some form of communication, regardless of whether the individual providing supervision is physically present at the location where the individual being supervised is providing services.</u>	3154 3155 3156 3157 3158 3159 3160
<u>(B) Notwithstanding the requirement of division (A) of section 4715.72 of the Revised Code that the supervising dentist be physically present at the location where the dental therapist is practicing, a dental therapist may perform any of the services described in section 4715.73 of the Revised Code under a dentist's general supervision, without a dentist having examined, diagnosed, or provided treatment planning for the patient if all of the following requirements are met:</u>	3161 3162 3163 3164 3165 3166 3167 3168
<u>(1) The dental therapist and the supervising dentist have entered into a supervision agreement that satisfies the</u>	3169 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

<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

a certificate under Chapter 4731. of the Revised Code;	3460
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	3461 3462
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	3463 3464
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3465 3466
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3467 3468
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3469 3470
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3471 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 3474 3475 3476
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	3477 3478
(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3479 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 3482 3483 3484
Sec. 4773.02. (A) Except as provided in division (B) of this section, no person shall practice or hold himself <u>that</u>	3485 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