

AN ACT

To enact section 4715.42 of the Revised Code and to repeal Sections 2 and 3 of Am. Sub. H.B. 218 of the 121st General Assembly, as subsequently amended, to repeal the scheduled repeal of the laws that establish qualified immunity from civil liability for health care providers that provide free health care services to indigent and uninsured persons and to extend that immunity to retired dentists and dental hygienists who provide free dental services to such persons.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4715.42 of the Revised Code be enacted to read as follows:

Sec. 4715.42. (A)(1) As used in this section, "indigent and uninsured person," "nonprofit shelter or health care facility," and "operation" have the same meanings as in section 2305.234 of the Revised Code.

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

(B) The state dental board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide dental services to indigent and uninsured persons at nonprofit shelters or health care facilities.

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

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

(2) One of the following, as applicable:

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

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

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

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

(4) A notarized statement from the applicant, on a form prescribed by the board, that the applicant will not accept any form of remuneration for any dental services rendered while in possession of a volunteer's certificate.

(D) The holder of a volunteer's certificate may provide dental services only on the premises of a nonprofit shelter or health care facility and only to indigent and uninsured persons. The holder shall not accept any form of remuneration for providing dental services while in possession of the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a 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 volunteer's certificate shall be valid for a period of three years, and may be renewed upon the application of the holder, unless the certificate was previously revoked under division (D) of this section. The board shall maintain a register of all persons who hold volunteer's certificates. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.

(2) To be eligible for renewal of a volunteer's certificate, the holder of the certificate shall certify to the board completion of sixty hours of continuing dental education that meets the requirements of section 4715.141 of the Revised Code and the rules adopted under that section, or completion of eighteen hours of continuing dental hygiene education that meets the requirements of section 4715.25 of the Revised Code and the rules adopted under that section, as the case may be. The board may not renew a certificate if the holder has not complied with the appropriate continuing education requirements. The nonprofit shelter or health care facility in which the holder provides dental services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing education credits.

(3) The board shall issue to each person who qualifies under this section for a volunteer's certificate a wallet certificate and a wall certificate that state that the certificate holder is authorized to provide dental services pursuant to the laws of this state. The holder shall keep the wallet certificate on the holder's person while providing dental services and shall display the wall certificate prominently in the nonprofit shelter or health care facility where the holder primarily practices.

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

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

SECTION 2. That Section 2 of Am. Sub. H.B. 218 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 612 of the 122nd General Assembly, which section contains a repeal of sections 2305.234, 3701.071, and 4731.295 of the Revised Code effective November 15, 2000, is hereby repealed. The intent of this section is to remove the limitation imposed by such repeal upon the continued existence of sections 2305.234, 3701.071, and 4731.295 of the Revised Code, which intent is not affected by the rule of construction contained in section 1.57 of the Revised Code.

SECTION 3. That Section 3 of Am. Sub. H.B. 218 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 612 of the 122nd General Assembly, is hereby repealed.

SECTION 4. As used in this section, "indigent and uninsured person" and "nonprofit shelter or health care facility" have the same meanings as in section 2305.234 of the Revised Code.

Division (E)(4) of section 4715.42 of the Revised Code, as enacted by this act, shall apply only to causes of action against holders of a volunteer's certificate issued pursuant to that section for injury, death, or loss to person or property that allegedly arise from an action or omission occurring on or after the effective date of this act in the provision of dental services to an indigent and uninsured person at a nonprofit shelter or health care facility. With respect to causes of action against those individuals occurring prior to the effective date of this act that have not been barred by a statute of limitations, the liability or immunity from liability of those individuals, and the defenses available to them, shall be determined as if section 4715.42 of the Revised Code had not been enacted.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 261

5

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____