

**As Reported by the House Healthcare Access and Affordability
Committee**

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Sub. H. B. No. 190

Representative Fende

**Cosponsors: Representatives McGregor, Williams, S., Moran, Huffman,
Yuko, Phillips, Oelslager, Garland, Jordan, Murray, Gerberry, Brown, Bolon,
Slesnick, Okey, Pillich, Letson, Hagan, Luckie, Mecklenborg, Blessing,
Harwood, Williams, B., Hackett, Lehner, Patten, Harris**

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A B I L L

To amend sections 4715.14, 4715.141, 4715.21, 1
4715.22, 4715.24, and 4715.25 and to enact 2
sections 4715.241, 4715.242, 4715.36, 4715.361, 3
4715.362, 4715.363, 4715.364, 4715.365, 4715.366, 4
4715.367, 4715.368, 4715.369, 4715.37, 4715.371, 5
4715.372, 4715.373, 4715.374, and 4715.375 of the 6
Revised Code to modify certain licensing 7
procedures for dentists and dental hygienists and 8
to establish the Public Oral Health Supervision 9
Program for the provision of dental hygiene 10
services. 11

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

Section 1. That sections 4715.14, 4715.141, 4715.21, 4715.22, 12
4715.24, and 4715.25 be amended and sections 4715.241, 4715.242, 13
4715.36, 4715.361, 4715.362, 4715.363, 4715.364, 4715.365, 14
4715.366, 4715.367, 4715.368, 4715.369, 4715.37, 4715.371, 15
4715.372, 4715.373, 4715.374, and 4715.375 of the Revised Code be 16

enacted to read as follows:

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Sec. 4715.14. (A) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of two hundred forty-five dollars. Except as provided in division ~~(D)~~(E) of this section, this fee shall be paid to the treasurer of state. All such registrations shall be in effect for the two-year period beginning on the first day of January of the even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. ~~The failure of~~ If a licensee fails to renew the licensee's registration in accordance with this section ~~shall result in an automatic suspension of the licensee's license to practice dentistry, the board may take any of the disciplinary actions described in division (C) of section 4715.30 of the Revised Code with respect to the licensee or licensee's license.~~

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(B) ~~Any~~ The license of any dentist whose license has been suspended under this section may be reinstated ~~by~~ on the payment of the biennial registration fee and ~~in addition thereto~~ eighty-one dollars to cover costs of the reinstatement; ~~excepting that to any.~~

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(C) The board shall grant temporary retirement to any licensed dentist who desires to temporarily retire from practice, and ~~who~~ has given the board notice in writing to that effect, ~~the board shall grant such a retirement,~~ provided only that at the

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~~time~~ that ~~time~~ the board grants the temporary retirement all 48
previous registration fees and additional costs of reinstatement 49
have been paid. 50

~~(C)~~(D) Each dentist licensed to practice, whether a resident 51
or not, shall notify the secretary in writing or electronically of 52
any change in the dentist's office address or employment within 53
ten days after such change has taken place. On the first day of 54
July of every even-numbered year, the secretary shall issue a 55
printed roster of the names and addresses so registered. 56

~~(D)~~(E) Twenty dollars of each biennial registration fee shall 57
be paid to the dentist loan repayment fund created under section 58
3702.95 of the Revised Code. 59

Sec. 4715.141. (A) Each licensed dentist shall complete 60
biennially not less than forty hours of continuing dental 61
education, which may include, but is not limited to, attendance at 62
lectures, study clubs, college and postgraduate courses, or 63
scientific sessions of conventions, research, graduate study, 64
teaching, service as a clinician, or correspondence courses. 65
Continuing dental education programs include, but are not limited 66
to, programs that address any of the following: 67

(1) ~~Competency~~ Competency in treating patients who are 68
medically compromised or who experience medical emergencies during 69
the course of dental treatment; 70

(2) Knowledge of pharmaceutical products and the protocol of 71
the proper use of medications; 72

(3) Competency to diagnose oral pathology; 73

(4) Awareness of currently accepted methods of infection 74
control; 75

(5) Basic medical and scientific subjects including, but not 76
limited to, biology, physiology, pathology, biochemistry, and 77

pharmacology;	78
(6) Clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;	79 80 81
(7) Subjects pertinent to health and safety.	82
Dentists shall earn continuing education credits at the rate of one-half credit for each twenty-five to thirty contact minutes of instruction and one credit hour for each fifty to sixty contact minutes of instruction.	83 84 85 86
(B) Programs meeting the general requirements of division (A) of this section may be developed and offered to dentists by any of the following agencies or organizations:	87 88 89
(1) National, state, district, or local dental associations affiliated with the American dental association or national dental association;	90 91 92
(2) Accredited dental colleges or schools;	93
(3) Other organizations, schools, or agencies approved by the state dental board.	94 95
(C) Each licensed dentist shall submit to the board at the time of biennial registration pursuant to section 4715.14 of the Revised Code a sworn affidavit, on a form acceptable to the state dental board, attesting that he <u>the dentist</u> has completed continuing education programs in compliance with this section and listing the date, location, sponsor, subject matter, and hours completed of the programs.	96 97 98 99 100 101 102
A licensed dentist shall retain in his <u>the dentist's</u> records for a period of at least three 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 dentists, and the board may	103 104 105 106 107

request such documentation from licensed dentists selected at 108
random without cause. 109

(D) The board may excuse licensed dentists, as a group or as 110
individuals, from all or any part of the requirements of this 111
section because of an unusual circumstance, emergency, or special 112
hardship. 113

~~(E) Failure to comply with the requirements of this section 114
constitutes a failure to renew registration pursuant to section 115
4715.14 of the Revised Code. 116~~

Sec. 4715.21. Each person who desires to practice as a dental 117
hygienist shall file with the secretary of the state dental board 118
a written application for a license, under oath, upon the form 119
prescribed. Such applicant shall furnish satisfactory proof of 120
being at least eighteen years of age and of good moral character. 121
An applicant shall present a diploma or certificate of graduation 122
from an accredited dental hygiene school and shall pay the 123
examination fee of ninety-six dollars if the license is issued in 124
an odd-numbered year or one hundred forty-seven dollars if issued 125
in an even-numbered year. Those passing such examination as the 126
board prescribes relating to dental hygiene shall receive a 127
certificate of registration entitling them to practice. If an 128
applicant fails to pass the first examination the applicant may 129
apply for a re-examination at the next regular or special 130
examination meeting of the board. 131

No applicant shall be admitted to more than two examinations 132
without first presenting satisfactory proof that the applicant has 133
successfully completed such refresher courses in an accredited 134
dental hygiene school as the state dental board may prescribe. 135

An accredited dental hygiene school shall be one accredited 136
by the ~~council on dental education of the~~ American dental 137
association commission on dental accreditation or whose 138

educational standards are recognized by the ~~council on dental~~ 139
~~education of the~~ American dental association commission on dental 140
accreditation and approved by the state dental board. 141

Sec. 4715.22. (A) ~~As~~ (1) This section applies only when a 142
licensed dental hygienist is not practicing under a permit issued 143
pursuant to section 4715.363 of the Revised Code authorizing 144
practice under the public oral health supervision of a dentist. 145

(2) As used in this section, "health care facility" means 146
either of the following: 147

~~(1)(a)~~ A hospital registered under section 3701.07 of the 148
Revised Code; 149

~~(2)(b)~~ A "home" as defined in section 3721.01 of the Revised 150
Code. 151

(B) A licensed dental hygienist shall practice under the 152
supervision, order, control, and full responsibility of a dentist 153
licensed under this chapter. A dental hygienist may practice in a 154
dental office, public or private school, health care facility, 155
dispensary, or public institution. Except as provided in division 156
(C) or (D) of this section, a dental hygienist may not provide 157
dental hygiene services to a patient when the supervising dentist 158
is not physically present at the location where the dental 159
hygienist is practicing. 160

(C) A dental hygienist may provide, for not more than fifteen 161
consecutive business days, dental hygiene services to a patient 162
when the supervising dentist is not physically present at the 163
location at which the services are provided if all of the 164
following requirements are met: 165

(1) The dental hygienist has at least two years and a minimum 166
of three thousand hours of experience in the practice of dental 167
hygiene. 168

- (2) The dental hygienist has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. 169
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- (3) The dental hygienist complies with written protocols for emergencies the supervising dentist establishes. 172
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- (4) The dental hygienist does not perform, while the supervising dentist is absent from the location, procedures while the patient is anesthetized, definitive root planing, definitive subgingival curettage, or other procedures identified in rules the state dental board adopts. 174
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- (5) The supervising dentist has evaluated the dental hygienist's skills. 179
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- (6) The supervising dentist examined the patient not more than seven months prior to the date the dental hygienist provides the dental hygiene services to the patient. 181
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- (7) The dental hygienist complies with written protocols or written standing orders that the supervising dentist establishes. 184
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- (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. 186
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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. 192
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- (10) In advance of the appointment for dental hygiene 198

services, the patient is notified that the supervising dentist	199
will be absent from the location and that the dental hygienist	200
cannot diagnose the patient's dental health care status.	201
(11) The dental hygienist is employed by, or under contract	202
with, one of the following:	203
(a) The supervising dentist;	204
(b) A dentist licensed under this chapter who is one of the	205
following:	206
(i) The employer of the supervising dentist;	207
(ii) A shareholder in a professional association formed under	208
Chapter 1785. of the Revised Code of which the supervising dentist	209
is a shareholder;	210
(iii) A member or manager of a limited liability company	211
formed under Chapter 1705. of the Revised Code of which the	212
supervising dentist is a member or manager;	213
(iv) A shareholder in a corporation formed under division (B)	214
of section 1701.03 of the Revised Code of which the supervising	215
dentist is a shareholder;	216
(v) A partner or employee of a partnership or a limited	217
liability partnership formed under Chapter 1775. or 1776. of the	218
Revised Code of which the supervising dentist is a partner or	219
employee.	220
(c) A government entity that employs the dental hygienist to	221
provide dental hygiene services in a public school or in	222
connection with other programs the government entity administers.	223
(D) A dental hygienist may provide dental hygiene services to	224
a patient when the supervising dentist is not physically present	225
at the location at which the services are provided if the services	226
are provided as part of a dental hygiene program that is approved	227
by the state dental board and all of the following requirements	228

are met:	229
(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.	230 231 232 233 234 235 236
(2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated.	237 238 239
(3) The services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan.	240 241 242
(E) No person shall do either of the following:	243
(1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist;	244 245 246
(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.	247 248
(F) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence of the supervising dentist pursuant to division (C) or (D) of this section.	249 250 251 252 253
Sec. 4715.24. (A) Each person who is licensed to practice as a dental hygienist in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board, <u>unless the person is temporarily retired pursuant to section 4715.241 of the Revised Code.</u> The registration shall be	254 255 256 257 258

made on a form prescribed by the board and furnished by the 259
secretary, shall include the licensee's name, address, license 260
number, and such other reasonable information as the board may 261
consider necessary, and shall include payment of a biennial 262
registration fee of one hundred five dollars. This fee shall be 263
paid to the treasurer of state. All such registrations shall be in 264
effect for the two-year period beginning on the first day of 265
January of each even-numbered year and ending on the last day of 266
December of the following odd-numbered year, and shall be renewed 267
in accordance with the standard renewal procedure of sections 268
4745.01 to 4745.03 of the Revised Code. The failure of a licensee 269
to renew registration in accordance with this section shall result 270
in the automatic suspension of the licensee's license to practice 271
as a dental hygienist, unless the licensee is temporarily retired 272
pursuant to section 4715.241 of the Revised Code. 273

(B) Any dental hygienist whose license has been automatically 274
suspended under this section may be reinstated ~~by the~~ on 275
application to the board on a form prescribed by the board for 276
licensure reinstatement and payment of the biennial registration 277
fee and in addition thereto thirty-one dollars to cover the costs 278
of reinstatement. 279

(C) The license of a dental hygienist shall be exhibited in a 280
conspicuous place in the room in which the dental hygienist 281
practices. Each dental hygienist licensed to practice, whether a 282
resident or not, shall notify the secretary in writing or 283
electronically of any change in the dental hygienist's office 284
address or employment within ten days after the change takes 285
place. 286

Sec. 4715.241. (A) As used in this section and sections 287
4715.242 and 4715.25 of the Revised Code, "registration period" 288
means the two-year period during which a dental hygienist's 289

registration is in effect under section 4715.24 of the Revised Code. 290
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(B) A dental hygienist seeking to retire temporarily from the practice of dental hygiene shall provide written notice of that intent to the state dental board. Except as provided in division (C) of this section, the board shall grant temporary retirement if the dental hygienist has paid the registration fee required by section 4715.24 of the Revised Code for the registration period that includes the day immediately before the day that the temporary retirement is to begin. The license of a dental hygienist who is granted temporary retirement shall be inactive. 292
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(C) The board may deny temporary retirement to a dental hygienist who is, at the time that the board denies the temporary retirement, the subject of a disciplinary action initiated by the board under section 4715.30 of the Revised Code. 301
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Sec. 4715.242. (A) A dental hygienist who is temporarily retired pursuant to section 4715.241 of the Revised Code may submit a written request to the state dental board at any time for reinstatement of the dental hygienist's license. The board shall reinstate the license if the dental hygienist does both of the following: 305
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(1) Pays the biennial registration fee established under section 4715.24 of the Revised Code for the period that includes the day on which the temporary retirement is to cease; 311
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(2) Provides the board satisfactory evidence that the dental hygienist, during the two-year period immediately preceding the date that the dental hygienist submitted the written request for license reinstatement, completed a minimum of twenty-four hours of continuing dental hygiene education in accordance with division (B) of this section. 314
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(B) The completion of continuing dental hygiene education 320
required under division (A)(2) of this section is subject to 321
division (D) of section 4715.25 of the Revised Code. The 322
continuing education programs may be developed and offered to 323
dental hygienists by any of the agencies or organizations 324
described in division (C) of section 4715.25 of the Revised Code. 325
The board may excuse dental hygienists, as a group or as 326
individuals, from all or any part of the requirements of division 327
(A)(2) of this section because of an unusual circumstance, 328
emergency, or special hardship. 329

(C) The state dental board shall register each dental 330
hygienist whose license is reinstated under this section. The 331
registration expires at the end of the registration period during 332
which the license is reinstated. 333

Sec. 4715.25. (A) Every person licensed to practice as a 334
dental hygienist and required to register with the state dental 335
board shall certify to the board at the time of applying for a 336
renewal of registration that in the two-year period preceding ~~two~~ 337
~~years~~ the registration period for which renewal is sought the 338
registrant ~~has~~ completed a minimum of ~~twelve~~ twenty-four hours of 339
continuing dental hygiene education. Certification shall be made 340
upon the application for registration prescribed by the board 341
pursuant to section 4715.24 of the Revised Code. 342

(B)(1) The board shall apply toward the satisfaction of a 343
registrant's continuing dental hygiene education requirement any 344
of the following courses that the registrant completed: 345

(a) The basic life-support training course required by 346
section 4715.251 of the Revised Code; 347

(b) Any course required by statute or rule of the board for 348
registration; 349

<u>(c) Any course required by statute or rule of the board as a</u>	350
<u>condition of performing a particular function;</u>	351
<u>(d) Any other course that the board determines acceptable.</u>	352
<u>(2) In the case of a registrant whose license was reinstated</u>	353
<u>under section 4715.242 of the Revised Code, the board shall apply</u>	354
<u>toward the satisfaction of the registrant's continuing dental</u>	355
<u>hygiene education requirement any course that the board applied</u>	356
<u>toward the continuing dental hygiene education requirement for</u>	357
<u>reinstatement of the license if the course was completed during</u>	358
<u>the two-year period immediately preceding the registration period</u>	359
<u>for which renewal is sought.</u>	360
<u>(C) Continuing education programs may be developed and</u>	361
offered to dental hygienists by any of the following agencies or	362
organizations:	363
(1) National, state, district, or local dental hygienists'	364
associations affiliated with the American dental hygienists'	365
association;	366
(2) National, state, district, or local dental associations	367
affiliated with the American dental association or national dental	368
association;	369
(3) Accredited dental hygiene colleges or schools;	370
(4) Accredited dental colleges or schools;	371
(5) Other organizations, schools, paraprofessional programs,	372
or agencies approved by the state dental board.	373
(B) <u>(D)</u> A licensed dental hygienist shall retain in his <u>the</u>	374
<u>dental hygienist's</u> records for a period of at least three <u>four</u>	375
years such receipts, vouchers, or certificates as may be necessary	376
to document completion of continuing education programs. With	377
cause, the board may request such documentation from licensed	378
dental hygienists, and the board may request such documentation	379

from licensed dental hygienists at random without cause. 380

~~(C)~~(E) The board may excuse licensed dental hygienists, as a 381
group or as individuals, from all or any part of the requirements 382
of this section because of an unusual circumstance, emergency, or 383
special hardship. 384

~~(D)~~(F) Failure to comply with the requirements of this 385
section constitutes a failure to renew registration pursuant to 386
section 4715.24 of the Revised Code. 387

Sec. 4715.36. As used in this section and sections 4715.361 388
to 4715.374 of the Revised Code: 389

(A) "Accredited dental hygiene school" means a dental hygiene 390
school accredited by the American dental association commission on 391
dental accreditation or a dental hygiene school whose educational 392
standards are recognized by the American dental association 393
commission on dental accreditation and approved by the state 394
dental board. 395

(B) "Authorizing dentist" means a dentist who authorizes a 396
dental hygienist to perform dental hygiene services under section 397
4715.365 of the Revised Code. 398

(C) "Clinical evaluation" means a diagnosis and treatment 399
plan formulated for an individual patient by a dentist. 400

(D) "Dentist" means an individual licensed under this chapter 401
to practice dentistry. 402

(E) "Dental hygienist" means an individual licensed under 403
this chapter to practice as a dental hygienist. 404

(F) "Dental hygiene services" means the prophylactic, 405
preventive, and other procedures that dentists are authorized by 406
this chapter and rules of the state dental board to assign to 407
dental hygienists, except for procedures while a patient is 408
anesthetized, definitive root planing, definitive subgingival 409

curettage, the administration of local anesthesia, and the 410
procedures specified in rules adopted by the board as described in 411
division (C)(4) of section 4715.22 of the Revised Code. 412

(G) "Facility" means any of the following: 413

(1) A health care facility, as defined in section 4715.22 of 414
the Revised Code; 415

(2) A state correctional institution, as defined in section 416
2967.01 of the Revised Code; 417

(3) A comprehensive child development program that receives 418
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 419
42 U.S.C. 9831, as amended, and is licensed as a child day-care 420
center; 421

(4) A residential facility licensed under section 5123.19 of 422
the Revised Code; 423

(5) A public school, as defined in section 3701.93 of the 424
Revised Code, located in an area designated as a dental health 425
resource shortage area pursuant to section 3702.87 of the Revised 426
Code; 427

(6) A nonpublic school, as defined in section 3701.93 of the 428
Revised Code, located in an area designated as a dental health 429
resource shortage area pursuant to section 3702.87 of the Revised 430
Code; 431

(7) A federally qualified health center or federally 432
qualified health center look-alike, as defined in section 3701.047 433
of the Revised Code; 434

(8) A shelter for victims of domestic violence, as defined in 435
section 3113.33 of the Revised Code; 436

(9) A facility operated by the department of youth services 437
under Chapter 5139. of the Revised Code; 438

(10) A shelter for runaways, as defined in section 5119.64 of 439

<u>the Revised Code;</u>	440
<u>(11) A foster home, as defined in section 5103.02 of the Revised Code;</u>	441
<u>(12) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;</u>	442
<u>(13) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 5101.61 of the Revised Code;</u>	443
<u>(14) A dispensary;</u>	444
<u>(15) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;</u>	445
<u>(16) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5111.851 of the Revised Code;</u>	446
<u>(17) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;</u>	447
<u>(18) A women, infants, and children clinic;</u>	448
<u>(19) A mobile dental unit located at any location listed in divisions (G)(1) to (18) of this section;</u>	449
<u>(20) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are recipients of medical assistance under the medicaid program established pursuant to Chapter 5111. of the Revised Code and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.</u>	450
<u>Sec. 4715.361. The public health oral supervision program is</u>	451
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hereby created. The program shall begin six months after the 469
effective date of this section. 470

Sec. 4715.362. A dentist who desires to participate in the 471
public oral health supervision program shall apply to the state 472
dental board for a public oral health supervision permit. The 473
application shall be under oath, on a form prescribed by the board 474
in rules adopted under section 4715.372 of the Revised Code, and 475
accompanied by an application fee of twenty dollars. To be 476
eligible to receive the permit, an applicant shall meet the 477
requirements established by the board in rules adopted under 478
section 4715.372 of the Revised Code. 479

The state dental board shall issue a public oral health 480
supervision permit to a dentist who is in good standing with the 481
board and satisfies all of the requirements of this section. 482

Sec. 4715.363. (A) A dental hygienist who desires to 483
participate in the public oral health supervision program shall 484
apply to the state dental board for a permit to practice under the 485
public oral health supervision of a dentist. The application shall 486
be under oath, on a form prescribed by the board in rules adopted 487
under section 4715.372 of the Revised Code, and accompanied by an 488
application fee of twenty dollars. 489

(B) The applicant shall provide evidence satisfactory to the 490
board that the applicant has done all of the following: 491

(1) Completed at least two years and attained a minimum of 492
three thousand hours of experience in the practice of dental 493
hygiene; 494

(2) Completed at least twenty-four hours of continuing dental 495
hygiene education during the two years prior to submission of the 496
application; 497

(3) Completed a course pertaining to the practice of dental hygiene under the public oral health supervision of a dentist that meets standards established in rules adopted under section 4715.372 of the Revised Code; 498
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(4) Completed, during the two years prior to submission of the application, a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course described in division (C)(2) of section 4715.22 of the Revised Code. 502
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(C) The state dental board shall issue a permit to practice under the public oral health supervision of a dentist to a dental hygienist who is in good standing with the board and meets all of the requirements of divisions (A) and (B) of this section. 507
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Sec. 4715.364. (A) No person shall authorize a dental hygienist to provide dental hygiene services under section 4715.365 of the Revised Code unless the person holds a current, valid public oral health supervision permit issued under section 4715.362 of the Revised Code. 511
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(B) No person shall provide dental hygiene services under section 4715.365 of the Revised Code unless the person holds a current, valid permit issued under section 4715.363 of the Revised Code to practice under the public oral health supervision of a dentist. 516
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Sec. 4715.365. (A) A dentist who holds a current, valid public oral health supervision permit issued under section 4715.362 of the Revised Code may authorize a dental hygienist who holds a current, valid permit issued under section 4715.363 of the Revised Code to perform dental hygiene services at a facility when no dentist is physically present if all of the following conditions are met: 521
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<u>(1) The authorizing dentist's authorization is in writing and</u>	528
<u>includes, at a minimum, all of the following:</u>	529
<u>(a) The authorizing dentist's name and permit number;</u>	530
<u>(b) The dental hygienist's name and permit number;</u>	531
<u>(c) The patient's name;</u>	532
<u>(d) The name and address of the location where the dental</u>	533
<u>hygiene services are to be provided;</u>	534
<u>(e) The date of authorization;</u>	535
<u>(f) A statement, signed by the dental hygienist, that the</u>	536
<u>hygienist agrees to comply with section 4715.366 of the Revised</u>	537
<u>Code.</u>	538
<u>(2) The authorizing dentist has personally evaluated the</u>	539
<u>dental hygienist's skills prior to authorizing the dental</u>	540
<u>hygienist to provide the dental hygiene services.</u>	541
<u>(3) Prior to authorizing the dental hygienist to perform the</u>	542
<u>dental hygiene services, the patient's medical and dental history</u>	543
<u>is made available to the authorizing dentist and the authorizing</u>	544
<u>dentist reviews and evaluates the history and determines that the</u>	545
<u>patient may safely receive dental hygiene services.</u>	546
<u>(4) Immediately prior to the provision of dental hygiene</u>	547
<u>services, the patient or patient's representative verifies, by the</u>	548
<u>signature or mark of the patient or representative, that no</u>	549
<u>medically significant changes to the patient's medical or dental</u>	550
<u>history have occurred since the authorizing dentist most recently</u>	551
<u>reviewed and evaluated the history and determined that the patient</u>	552
<u>could safely receive dental hygiene services. The signature or</u>	553
<u>mark may be provided through reasonable accommodation, including</u>	554
<u>the use of assistive technology or augmentative devices.</u>	555
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<u>(5) Prior to receiving dental hygiene services, the patient</u>	557

and the operator of the facility where the dental hygiene services 558
are to be provided are notified that no dentist will be present at 559
the location and that the dental hygienist is prohibited from 560
doing either of the following: 561

(a) Diagnosing the patient's oral health care status; 562

(b) Providing dental hygiene services to the same patient on 563
a subsequent occasion until the patient has received a clinical 564
evaluation performed by a dentist, except in instances described 565
in division (D)(2) of this section. 566

(6) The dental hygienist is employed by, or under contract 567
with, one of the following: 568

(a) The authorizing dentist; 569

(b) A dentist who is any of the following: 570

(i) The authorizing dentist's employer; 571

(ii) A shareholder in a professional association, formed 572
under Chapter 1785. of the Revised Code, of which the authorizing 573
dentist is a shareholder; 574

(iii) A member or manager of a limited liability company, 575
formed under Chapter 1705. of the Revised Code, of which the 576
authorizing dentist is a member or manager; 577

(iv) A shareholder in a corporation, formed under division 578
(B) of section 1701.03 of the Revised Code, of which the 579
authorizing dentist is a shareholder; 580

(v) A partner or employee of a partnership, formed under 581
Chapter 1775. of the Revised Code, of which the authorizing 582
dentist is a partner or employee; 583

(vi) A partner or employee of a limited liability 584
partnership, formed under Chapter 1775. of the Revised Code, of 585
which the authorizing dentist is a partner or employee. 586

(c) A government entity that employs the dental hygienist to provide dental hygiene services. 587
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(7) If the patient to whom the services are to be provided previously received dental hygiene services under this section, there is written evidence that the patient received a clinical evaluation after the most recent provision of those services. 589
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(B) No dentist shall authorize a dental hygienist to perform, and no dental hygienist shall perform, dental hygiene services on a patient under this section unless all of the conditions in division (A) of this section are met. 593
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(C) If a patient or patient's representative indicates, under division (A)(4) of this section, that a medically significant change has occurred in the patient's medical or dental history since the authorizing dentist's most recent review and evaluation of the medical and dental history required by division (A)(3) of this section, no dental hygiene services shall be provided under this section until the authorizing dentist completes another review and evaluation of the patient's medical and dental history. The authorizing dentist may complete the subsequent review and evaluation of the patient's medical and dental history by telephone, facsimile, electronic mail, video, or any other means of electronic communication. 597
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(D)(1) Except as provided in division (D)(2) of this section, no dentist shall authorize a dental hygienist to provide, and no dental hygienist shall provide, dental hygiene services under this section to the same patient on a subsequent occasion until the patient has received a clinical evaluation performed by a dentist. 609
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(2) Division (D)(1) of this section does not apply if the patient requires multiple visits to complete a procedure that could not be completed during the visit in which dental hygiene services were commenced. If the patient requires multiple visits 614
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to complete the procedure that could not be completed during the 618
visit in which dental hygiene services were commenced, the 619
procedure shall be completed not later than eight weeks after the 620
visit in which the services were commenced. 621

(E) No authorizing dentist shall authorize a dental hygienist 622
to diagnose a patient's oral health care status. No dental 623
hygienist practicing under a permit issued under section 4715.363 624
of the Revised Code to practice under the public oral health 625
supervision of a dentist shall diagnose a patient's oral health 626
care status. 627

Sec. 4715.366. (A) A dental hygienist providing dental 628
hygiene services under a permit issued under section 4715.363 of 629
the Revised Code to practice under the public oral health 630
supervision of a dentist shall do both of the following: 631

(1) Comply with written protocols established by the 632
authorizing dentist who authorizes the dental hygienist's 633
provision of services and standing orders established by the 634
authorizing dentist, including protocols and standing orders 635
regarding emergencies and, for the purpose of section 4715.365 of 636
the Revised Code, protocols regarding what constitutes a medically 637
significant change to a patient's medical or dental history; 638

(2) Immediately following the completion of the dental 639
hygiene services and subject to division (B) of this section, 640
direct the patient to the authorizing dentist for a clinical 641
evaluation and schedule or cause to be scheduled an appointment 642
for the patient with the authorizing dentist. 643

(B) For purposes of division (A)(2) of this section, the 644
dental hygienist shall make every attempt to schedule the 645
patient's appointment with the authorizing dentist not later than 646
ninety days after the completion of the dental hygiene services. 647
The dental hygienist shall provide the patient with a written 648

notice of the appointment that includes, at a minimum, the 649
authorizing dentist's name, address, and telephone number; the 650
date and time of the appointment; and a statement of the dental 651
hygiene services performed by the hygienist. The notice shall be 652
given to the patient or the patient's representative and one copy 653
shall be given to the authorizing dentist. 654

Sec. 4715.367. An authorizing dentist shall not at any one 655
time have more than three dental hygienists who hold permits 656
issued under section 4715.363 of the Revised Code working under 657
the dentist's authorization pursuant to section 4715.365 of the 658
Revised Code. 659

Sec. 4715.368. At the request of the state dental board, an 660
authorizing dentist or the dental hygienist who has been 661
authorized to perform dental hygiene services in accordance with 662
section 4715.365 of the Revised Code shall make available to the 663
board a list of all locations where the dental hygienist provided 664
services, the locations where the hygienist plans to provide 665
services in the future, or both, as specified in the board's 666
request. 667

Sec. 4715.369. (A) A public oral health supervision permit 668
issued under section 4715.362 of the Revised Code expires on the 669
thirty-first day of December of the odd-numbered year that occurs 670
after the permit's issuance. A dentist who desires to renew a 671
permit shall apply, under oath, to the state dental board on a 672
form prescribed by the board in rules adopted under section 673
4715.372 of the Revised Code. At the time of application, the 674
dentist shall pay a renewal fee of twenty dollars. 675

(B) The board shall renew a public oral health supervision 676
permit for a two-year period if the dentist submitted a complete 677
application, paid the renewal fee, is in good standing with the 678

board, and verified with the board all of the following: 679

(1) The locations at which dental hygienists have, under the dentist's authorization, provided services during the two years prior to submission of the renewal application; 680
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(2) The number of patients treated, during the two years prior to submission of the renewal application, by each dental hygienist providing dental hygiene services under the dentist's authorization; 683
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(3) For each number of patients provided under division (B)(2) of this section, the number of patients whom the dentist clinically evaluated following the provision of dental hygiene services by a dental hygienist. 687
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Sec. 4715.37. (A) A permit to practice under the public oral health supervision of a dentist issued under section 4715.363 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance. A dental hygienist who desires to renew a permit to practice under the public oral health supervision of a dentist shall apply, under oath, to the state dental board on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code. At the time of application, the dental hygienist shall pay a renewal fee of twenty dollars. 691
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(B) The state dental board shall renew a permit for a two-year period if the dental hygienist submitted a complete application, paid the renewal fee, is in good standing with the board, and has verified with the board both of the following: 701
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(1) The locations at which the hygienist has provided dental hygiene services under a permit to practice under the public oral health supervision of a dentist; 705
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(2) The number of patients that the hygienist has treated 708

under a permit during the two years prior to submission of the 709
renewal application. 710

Sec. 4715.371. The state dental board shall develop and 711
publish on its web site a directory containing the names and 712
contact information of dentists and dental hygienists who hold 713
current, valid permits issued under sections 4715.362 and 4715.363 714
of the Revised Code. 715

Sec. 4715.372. (A) The state dental board shall adopt rules 716
in accordance with Chapter 119. of the Revised Code as necessary 717
to implement the public oral health supervision program, including 718
rules that do all of the following: 719

(1) For the purpose of division (G)(20) of section 4715.36 of 720
the Revised Code, designate additional facilities at which a 721
dental hygienist may be authorized to perform dental hygiene 722
services under the public oral health supervision program; 723

(2) For the purpose of section 4715.362 of the Revised Code, 724
prescribe the application form and requirements for obtaining a 725
public oral health supervision permit; 726

(3) For the purpose of section 4715.363 of the Revised Code, 727
prescribe the application form for a permit to practice as a 728
dental hygienist under the public oral health supervision of a 729
dentist; 730

(4) For the purpose of division (B)(3) of section 4715.363 of 731
the Revised Code and subject to division (B) of this section, 732
establish standards for the course in the practice of dental 733
hygiene under public oral health supervision; 734

(5) For the purpose of section 4715.369 of the Revised Code, 735
prescribe the form for renewal of a public oral health supervision 736
permit; 737

(6) For the purpose of section 4715.37 of the Revised Code, 738
prescribe the form for renewal of a permit to practice as a dental 739
hygienist under the public oral health supervision of a dentist. 740

(B) The course in the practice of dental hygiene under public 741
oral health supervision for which the board establishes standards 742
under division (A)(4) of this section shall meet all of the 743
following requirements: 744

(1) Be eight hours in length; 745

(2) Include, at a minimum, instruction in both of the 746
following: 747

(a) The treatment of geriatric patients, medically 748
compromised patients, developmentally disabled patients, and 749
pediatric patients; 750

(b) Recordkeeping practices. 751

(3) Be developed and offered by an institution accredited by 752
the American dental association commission on dental accreditation 753
or a program provided by a sponsor of continuing education 754
approved by the board; 755

(4) Include content that is separate and independent from the 756
course content required for the completion of dental hygiene 757
education from an accredited dental hygiene school. 758

Sec. 4715.373. Nothing in sections 4715.36 to 4715.372 of the 759
Revised Code authorizes any activity prohibited by this chapter or 760
prohibited by a rule adopted under this chapter by the state 761
dental board, including the activities prohibited by division (E) 762
of section 4715.22 of the Revised Code and the activities 763
prohibited or not authorized by section 4715.23 of the Revised 764
Code. 765

Sec. 4715.374. The state dental board may, in accordance with 766

Chapter 119. of the Revised Code, suspend or revoke a permit 767
issued under section 4715.362 or 4715.363 of the Revised Code if 768
the permit holder fails to comply with sections 4715.361 to 769
4715.373 of the Revised Code. 770

Sec. 4715.375. The state dental board shall annually report 771
the status of the public oral health supervision program. The 772
report shall be submitted to the governor and, in accordance with 773
section 101.68 of the Revised Code, to the general assembly. The 774
report shall specify, for the year covered by the report, at least 775
all of the following: 776

(A) The number of dentists who applied for and were issued 777
public oral health supervision permits under section 4715.362 of 778
the Revised Code; 779

(B) The number of dental hygienists who applied for and were 780
issued permits to practice under the public oral health 781
supervision of a dentist under section 4715.363 of the Revised 782
Code; 783

(C) The number of dentists who applied for and were granted 784
renewal of public oral health supervision permits under section 785
4715.369 of the Revised Code; 786

(D) The number of dental hygienists who applied for and were 787
granted renewal of permits to practice under the public oral 788
health supervision of a dentist under section 4715.37 of the 789
Revised Code; 790

(E) The number and geographic locations of facilities at 791
which dental hygienists provided dental hygiene services under 792
permits to practice under the public oral health supervision of a 793
dentist; 794

(F) The number of patients who received dental hygiene 795
services from dental hygienists providing services under permits 796

<u>to practice under the public oral health supervision of a dentist;</u>	797
<u>(G) The number of patients who received a clinical evaluation</u>	798
<u>from a dentist following the provision of dental hygiene services</u>	799
<u>under section 4715.365 of the Revised Code.</u>	800
Section 2. That existing sections 4715.14, 4715.141, 4715.21,	801
4715.22, 4715.24, and 4715.25 of the Revised Code are hereby	802
repealed.	803
Section 3. (A) As used in this section, "registration period"	804
has the same meaning as in section 4715.241 of the Revised Code,	805
as enacted by this act.	806
(B) Notwithstanding the provisions of section 4715.25 of the	807
Revised Code, as amended by this act, that increase from twelve to	808
twenty-four the minimum number of hours of continuing education	809
that a dental hygienist must certify to the State Dental Board	810
when applying for a renewal of registration, a dental hygienist	811
whose registration expires on December 31, 2009, remains subject	812
to the requirement to certify completion of a minimum of twelve	813
hours of continuing education when applying for a renewal of	814
registration for the 2010 to 2011 registration period.	815
(C) Notwithstanding the provisions of section 4715.242 of the	816
Revised Code, as enacted by this act, that require the completion	817
of a minimum of twenty-four hours of continuing dental hygiene	818
education for the reinstatement of a dental hygienist's license, a	819
dental hygienist who submits a written request to the Board for	820
reinstatement of the dental hygienist's license on or before	821
December 31, 2009, must provide the Board with satisfactory	822
evidence that the dental hygienist, during the two-year period	823
immediately preceding the date that the dental hygienist submitted	824
the written request, completed a minimum of twelve hours of	825
continuing dental hygiene education. The completion of continuing	826

dental hygiene education required under this division is subject 827
to division (D) of section 4715.25 of the Revised Code, as amended 828
by this act. The continuing education programs may be developed 829
and offered to dental hygienists by any of the agencies or 830
organizations described in division (C) of section 4715.25 of the 831
Revised Code, as amended by this act. The Board may excuse dental 832
hygienists, as a group or as individuals, from all or any part of 833
the requirements of this division because of an unusual 834
circumstance, emergency, or special hardship. 835