

**As Passed by the House**

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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, Adams, J., Adams, R., Amstutz, Batchelder, Belcher, Blair, Boyd, Bubp, Carney, Chandler, Combs, Daniels, DeBose, Domenick, Driehaus, Dyer, Evans, Foley, Gardner, Garrison, Goyal, Grossman, Heard, Hottinger, Jones, Koziura, Lundy, Maag, Mallory, Mandel, Newcomb, Otterman, Pryor, Schneider, Sears, Snitchler, Stewart, Szollosi, Uecker, Wachtmann, Winburn, Zehringer**

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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: 17

**Sec. 4715.14.** (A) Each person who is licensed to practice 18  
dentistry in Ohio shall, on or before the first day of January of 19  
each even-numbered year, register with the state dental board. The 20  
registration shall be made on a form prescribed by the board and 21  
furnished by the secretary, shall include the licensee's name, 22  
address, license number, and such other reasonable information as 23  
the board may consider necessary, and shall include payment of a 24  
biennial registration fee of two hundred forty-five dollars. 25  
Except as provided in division ~~(D)~~(E) of this section, this fee 26  
shall be paid to the treasurer of state. All such registrations 27  
shall be in effect for the two-year period beginning on the first 28  
day of January of the even-numbered year and ending on the last 29  
day of December of the following odd-numbered year, and shall be 30  
renewed in accordance with the standard renewal procedure of 31  
sections 4745.01 to 4745.03 of the Revised Code. ~~The failure of~~ If 32  
a licensee fails to renew the licensee's registration in 33  
accordance with this section ~~shall result in an automatic~~ 34  
~~suspension of the licensee's license to practice dentistry, the~~ 35  
board may take any of the disciplinary actions described in 36  
division (C) of section 4715.30 of the Revised Code with respect 37  
to the licensee or licensee's license. 38

(B) ~~Any~~ The license of any dentist whose license has been 39  
suspended under this section may be reinstated ~~by~~ on the payment 40  
of the biennial registration fee and ~~in addition thereto~~ 41  
eighty-one dollars to cover costs of the reinstatement; ~~excepting~~ 42  
~~that to any.~~ 43

(C) The board shall grant temporary retirement to any 44  
licensed dentist who desires to temporarily retire from practice, 45  
and ~~who~~ has given the board notice in writing to that effect, ~~the~~ 46  
~~board shall grant such a retirement,~~ provided only that at the 47  
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 control;	74 75
(5) Basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, and pharmacology;	76 77 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 <del>he</del> <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 <del>his</del> <u>the dentist's</u> records	103

for a period of at least three years such receipts, vouchers, or 104  
certificates as may be necessary to document completion of 105  
continuing education programs. With cause, the board may request 106  
such documentation from licensed dentists, and the board may 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	169
approved by the state dental board in the identification and	170
prevention of potential medical emergencies.	171
(3) The dental hygienist complies with written protocols for	172
emergencies the supervising dentist establishes.	173
(4) The dental hygienist does not perform, while the	174
supervising dentist is absent from the location, procedures while	175
the patient is anesthetized, definitive root planing, definitive	176
subgingival curettage, or other procedures identified in rules the	177
state dental board adopts.	178
(5) The supervising dentist has evaluated the dental	179
hygienist's skills.	180
(6) The supervising dentist examined the patient not more	181
than seven months prior to the date the dental hygienist provides	182
the dental hygiene services to the patient.	183
(7) The dental hygienist complies with written protocols or	184
written standing orders that the supervising dentist establishes.	185
(8) The supervising dentist completed and evaluated a medical	186
and dental history of the patient not more than one year prior to	187
the date the dental hygienist provides dental hygiene services to	188
the patient and, except when the dental hygiene services are	189
provided in a health care facility, the supervising dentist	190
determines that the patient is in a medically stable condition.	191
(9) If the dental hygiene services are provided in a health	192
care facility, a doctor of medicine and surgery or osteopathic	193
medicine and surgery who holds a current certificate issued under	194

Chapter 4731. of the Revised Code or a registered nurse licensed	195
under Chapter 4723. of the Revised Code is present in the health	196
care facility when the services are provided.	197
(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 230  
of education or the governing board of an educational service 231  
center; the board of health of a city or general health district 232  
or the authority having the duties of a board of health under 233  
section 3709.05 of the Revised Code; a national, state, district, 234  
or local dental association; or any other public or private entity 235  
recognized by the state dental board. 236

(2) The supervising dentist is employed by or a volunteer 237  
for, and the patients are referred by, the entity through which 238  
the program is operated. 239

(3) The services are performed after examination and 240  
diagnosis by the dentist and in accordance with the dentist's 241  
written treatment plan. 242

(E) No person shall do either of the following: 243

(1) Practice dental hygiene in a manner that is separate or 244  
otherwise independent from the dental practice of a supervising 245  
dentist; 246

(2) Establish or maintain an office or practice that is 247  
primarily devoted to the provision of dental hygiene services. 248

(F) The state dental board shall adopt rules under division 249  
(C) of section 4715.03 of the Revised Code identifying procedures 250  
a dental hygienist may not perform when practicing in the absence 251  
of the supervising dentist pursuant to division (C) or (D) of this 252  
section. 253

**Sec. 4715.24.** (A) Each person who is licensed to practice as 254

a dental hygienist in Ohio shall, on or before the first day of 255  
January of each even-numbered year, register with the state dental 256  
board, unless the person is temporarily retired pursuant to 257  
section 4715.241 of the Revised Code. The registration shall be 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 290  
Code. 291

(B) A dental hygienist seeking to retire temporarily from the 292  
practice of dental hygiene shall provide written notice of that 293  
intent to the state dental board. Except as provided in division 294  
(C) of this section, the board shall grant temporary retirement if 295  
the dental hygienist has paid the registration fee required by 296  
section 4715.24 of the Revised Code for the registration period 297  
that includes the day immediately before the day that the 298  
temporary retirement is to begin. The license of a dental 299  
hygienist who is granted temporary retirement shall be inactive. 300

(C) The board may deny temporary retirement to a dental 301  
hygienist who is, at the time that the board denies the temporary 302  
retirement, the subject of a disciplinary action initiated by the 303  
board under section 4715.30 of the Revised Code. 304

Sec. 4715.242. (A) A dental hygienist who is temporarily 305  
retired pursuant to section 4715.241 of the Revised Code may 306  
submit a written request to the state dental board at any time for 307  
reinstatement of the dental hygienist's license. The board shall 308  
reinstate the license if the dental hygienist does both of the 309  
following: 310

(1) Pays the biennial registration fee established under 311  
section 4715.24 of the Revised Code for the period that includes 312  
the day on which the temporary retirement is to cease; 313

(2) Provides the board satisfactory evidence that the dental 314  
hygienist, during the two-year period immediately preceding the 315  
date that the dental hygienist submitted the written request for 316

license reinstatement, completed a minimum of twenty-four hours of 317  
continuing dental hygiene education in accordance with division 318  
(B) of this section. 319

(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

<u>(b) Any course required by statute or rule of the board for registration;</u>	348
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<u>(c) Any course required by statute or rule of the board as a condition of performing a particular function;</u>	350
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<u>(d) Any other course that the board determines acceptable.</u>	352
<u>(2) In the case of a registrant whose license was reinstated under section 4715.242 of the Revised Code, the board shall apply toward the satisfaction of the registrant's continuing dental hygiene education requirement any course that the board applied toward the continuing dental hygiene education requirement for reinstatement of the license if the course was completed during the two-year period immediately preceding the registration period for which renewal is sought.</u>	353
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<u>(C) Continuing education programs may be developed and offered to dental hygienists by any of the following agencies or organizations:</u>	361
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<u>(1) National, state, district, or local dental hygienists' associations affiliated with the American dental hygienists' association;</u>	364
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<u>(2) National, state, district, or local dental associations affiliated with the American dental association or national dental association;</u>	367
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<u>(3) Accredited dental hygiene colleges or schools;</u>	370
<u>(4) Accredited dental colleges or schools;</u>	371
<u>(5) Other organizations, schools, paraprofessional programs, or agencies approved by the state dental board.</u>	372
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<u><del>(B)</del>(D) A licensed dental hygienist shall retain in <del>his</del> <u>the</u> dental hygienist's records for a period of at least <del>three</del> <u>four</u> years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With</u>	374
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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

<u>under Chapter 5139. of the Revised Code;</u>	438
<u>(10) A shelter for runaways, as defined in section 5119.64 of</u>	439
<u>the Revised Code;</u>	440
<u>(11) A foster home, as defined in section 5103.02 of the</u>	441
<u>Revised Code;</u>	442
<u>(12) A nonprofit clinic, as defined in section 3715.87 of the</u>	443
<u>Revised Code;</u>	444
<u>(13) The residence of one or more individuals receiving</u>	445
<u>services provided by a home health agency, as defined in section</u>	446
<u>5101.61 of the Revised Code;</u>	447
<u>(14) A dispensary;</u>	448
<u>(15) A health care facility, such as a clinic or hospital, of</u>	449
<u>the United States department of veterans affairs;</u>	450
<u>(16) The residence of one or more individuals enrolled in a</u>	451
<u>home and community-based services medicaid waiver component, as</u>	452
<u>defined in section 5111.851 of the Revised Code;</u>	453
<u>(17) A facility operated by the board of health of a city or</u>	454
<u>general health district or the authority having the duties of a</u>	455
<u>board of health under section 3709.05 of the Revised Code;</u>	456
<u>(18) A women, infants, and children clinic;</u>	457
<u>(19) A mobile dental unit located at any location listed in</u>	458
<u>divisions (G)(1) to (18) of this section;</u>	459
<u>(20) Any other location, as specified by the state dental</u>	460
<u>board in rules adopted under section 4715.372 of the Revised Code,</u>	461
<u>that is in an area designated as a dental health resource shortage</u>	462
<u>area pursuant to section 3702.87 of the Revised Code and provides</u>	463
<u>health care services to individuals who are recipients of medical</u>	464
<u>assistance under the medicaid program established pursuant to</u>	465
<u>Chapter 5111. of the Revised Code and to indigent and uninsured</u>	466
<u>persons, as defined in section 2305.234 of the Revised Code.</u>	467

Sec. 4715.361. The public health oral supervision program is 468  
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 498  
hygiene under the public oral health supervision of a dentist that 499  
meets standards established in rules adopted under section 500  
4715.372 of the Revised Code; 501

(4) Completed, during the two years prior to submission of 502  
the application, a course pertaining to the identification and 503  
prevention of potential medical emergencies that is the same as 504  
the course described in division (C)(2) of section 4715.22 of the 505  
Revised Code. 506

(C) The state dental board shall issue a permit to practice 507  
under the public oral health supervision of a dentist to a dental 508  
hygienist who is in good standing with the board and meets all of 509  
the requirements of divisions (A) and (B) of this section. 510

**Sec. 4715.364.** (A) No person shall authorize a dental 511  
hygienist to provide dental hygiene services under section 512  
4715.365 of the Revised Code unless the person holds a current, 513  
valid public oral health supervision permit issued under section 514  
4715.362 of the Revised Code. 515

(B) No person shall provide dental hygiene services under 516  
section 4715.365 of the Revised Code unless the person holds a 517  
current, valid permit issued under section 4715.363 of the Revised 518  
Code to practice under the public oral health supervision of a 519  
dentist. 520

**Sec. 4715.365.** (A) A dentist who holds a current, valid 521  
public oral health supervision permit issued under section 522  
4715.362 of the Revised Code may authorize a dental hygienist who 523  
holds a current, valid permit issued under section 4715.363 of the 524  
Revised Code to perform dental hygiene services at a facility when 525  
no dentist is physically present if all of the following 526

<u>conditions are met:</u>	527
<u>(1) The authorizing dentist's authorization is in writing and includes, at a minimum, all of the following:</u>	528
<u>(a) The authorizing dentist's name and permit number;</u>	529
<u>(b) The dental hygienist's name and permit number;</u>	530
<u>(c) The patient's name;</u>	531
<u>(d) The name and address of the location where the dental hygiene services are to be provided;</u>	532
<u>(e) The date of authorization;</u>	533
<u>(f) A statement, signed by the dental hygienist, that the hygienist agrees to comply with section 4715.366 of the Revised Code.</u>	534
<u>(2) The authorizing dentist has personally evaluated the dental hygienist's skills prior to authorizing the dental hygienist to provide the dental hygiene services.</u>	535
<u>(3) Prior to authorizing the dental hygienist to perform the dental hygiene services, the patient's medical and dental history is made available to the authorizing dentist and the authorizing dentist reviews and evaluates the history and determines that the patient may safely receive dental hygiene services.</u>	536
<u>(4) Immediately prior to the provision of dental hygiene services, the patient or patient's representative verifies, by the signature or mark of the patient or representative, that no medically significant changes to the patient's medical or dental history have occurred since the authorizing dentist most recently reviewed and evaluated the history and determined that the patient could safely receive dental hygiene services. The signature or mark may be provided through reasonable accommodation, including the use of assistive technology or augmentative devices.</u>	537
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(5) Prior to receiving dental hygiene services, the patient 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 587  
provide dental hygiene services. 588

(7) If the patient to whom the services are to be provided 589  
previously received dental hygiene services under this section, 590  
there is written evidence that the patient received a clinical 591  
evaluation after the most recent provision of those services. 592

(B) No dentist shall authorize a dental hygienist to perform, 593  
and no dental hygienist shall perform, dental hygiene services on 594  
a patient under this section unless all of the conditions in 595  
division (A) of this section are met. 596

(C) If a patient or patient's representative indicates, under 597  
division (A)(4) of this section, that a medically significant 598  
change has occurred in the patient's medical or dental history 599  
since the authorizing dentist's most recent review and evaluation 600  
of the medical and dental history required by division (A)(3) of 601  
this section, no dental hygiene services shall be provided under 602  
this section until the authorizing dentist completes another 603  
review and evaluation of the patient's medical and dental history. 604  
The authorizing dentist may complete the subsequent review and 605  
evaluation of the patient's medical and dental history by 606  
telephone, facsimile, electronic mail, video, or any other means 607  
of electronic communication. 608

(D)(1) Except as provided in division (D)(2) of this section, 609  
no dentist shall authorize a dental hygienist to provide, and no 610  
dental hygienist shall provide, dental hygiene services under this 611  
section to the same patient on a subsequent occasion until the 612  
patient has received a clinical evaluation performed by a dentist. 613

(2) Division (D)(1) of this section does not apply if the 614  
patient requires multiple visits to complete a procedure that 615

could not be completed during the visit in which dental hygiene services were commenced. If the patient requires multiple visits to complete the procedure that could not be completed during the visit in which dental hygiene services were commenced, the procedure shall be completed not later than eight weeks after the visit in which the services were commenced.

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

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

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

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

(B) For purposes of division (A)(2) of this section, the dental hygienist shall make every attempt to schedule the patient's appointment with the authorizing dentist not later than

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 application, paid the renewal fee, is in good standing with the board, and verified with the board all of the following: 677  
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(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 705  
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health supervision of a dentist; 707

(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 permit; 736  
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(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 Chapter 119. of the Revised Code, suspend or revoke a permit issued under section 4715.362 or 4715.363 of the Revised Code if the permit holder fails to comply with sections 4715.361 to 4715.373 of the Revised Code.

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

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

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

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

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

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

(F) The number of patients who received dental hygiene

services from dental hygienists providing services under permits 796  
to practice under the public oral health supervision of a dentist; 797

(G) The number of patients who received a clinical evaluation 798  
from a dentist following the provision of dental hygiene services 799  
under section 4715.365 of the Revised Code. 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