

Ohio Legislative Service Commission

Final Analysis

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- **Reps.** Fende, McGregor, S. Williams, Moran, Huffman, Yuko, Phillips, Oelslager, Garland, Jordan, Murray, Gerberry, Brown, Bolon, Slesnick, Okey, Pillich, Letson, Hagan, Luckie, Mecklenborg, Blessing, Harwood, B. Williams, Hackett, Lehner, Patten, Harris, J. Adams, R. Adams, 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
- **Sens.** Gillmor, Morano, Buehrer, Coughlin, Faber, Gibbs, Harris, Hughes, D. Miller, R. Miller, Niehaus, Sawyer, Schaffer, Schuring, Seitz, Strahorn, Wilson, Schiavoni, Smith, Carey, Widener

Effective date: August 31, 2010

ACT SUMMARY

ORAL HEALTH ACCESS SUPERVISION PROGRAM

- Creates the Oral Health Access Supervision Program under which a qualified dentist may authorize a qualified dental hygienist to provide dental hygiene services in certain facilities when no dentist is present.
- Prohibits an authorizing dentist from having more than three dental hygienists working under the dentist's authorization at any one time.
- Requires that a patient's medical and dental history be reviewed and evaluated by an authorizing dentist before the patient receives services under the Program.
- Requires a dental hygienist, after providing services under the Program, to refer the patient to the authorizing dentist for a clinical evaluation and schedule the evaluation.
- Prohibits a dental hygienist from providing services under the Program to the same patient on a subsequent occasion without the patient having had a clinical

evaluation by the authorizing dentist in the interim, unless one or more procedures cannot be completed during a single visit.

• Requires a dental hygienist under the Program to comply with written protocols and standing orders of the authorizing dentist and prohibits the dental hygienist from diagnosing a patient's oral health care status.

LICENSING AND ADMINISTRATIVE PROVISIONS FOR DENTISTS AND DENTAL HYGIENISTS

- Repeals a provision specifying that a dentist's failure to renew registration results in automatic license suspension, and replaces it with a provision that permits the State Dental Board to take disciplinary action when a dentist fails to renew registration.
- Repeals a provision specifying that a dentist's noncompliance with continuing education requirements constitutes failure to renew registration.
- Increases to 24 hours (from 12) the biennial continuing dental hygiene education requirement.
- Specifies courses the Board must apply toward the satisfaction of the continuing education requirements for a dental hygienist.
- Permits a dental hygienist to temporarily retire from practice if the biennial registration fee has been paid, unless the hygienist is the subject of a disciplinary action initiated by the Board.
- Permits a temporarily retired dental hygienist to apply for licensure reinstatement on completion of 24 hours of continuing education and payment of the biennial registration fee for the preceding registration period.

LOCAL ANESTHESIA--DENTAL HYGIENISTS AUTHORIZED TO ADMINISTER BY OTHER STATES

• Permits a dental hygienist licensed by the State Dental Board who is authorized to administer local anesthesia in another state to administer it in Ohio.

SCHOOL-BASED FLUORIDE MOUTH RINSE PROGRAM

• Permits the Director of Health to establish a school-based fluoride mouth rinse program for students in public and nonpublic schools.

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CONTENT AND OPERATION

OVERVIEW

The act does the following: (1) creates the Oral Health Access Supervision Program and specifies conditions governing Program participation and the provision of

dental hygiene services pursuant to the Program, (2) modifies licensing and administrative provisions governing dentists and dental hygienists, including requirements regarding continuing education for dental hygienists, (3) permits a dental hygienist licensed by the State Dental Board who is authorized to administer local anesthesia in another state to administer it in Ohio if certain conditions exist, and (4) permits the Director of Health to establish a school-based fluoride mouth rinse program for students in public and non-public schools and specifies requirements for the program if it is established.

ORAL HEALTH ACCESS SUPERVISION PROGRAM

Program creation

(R.C. 4715.22 and 4715.361)

The act creates the Oral Health Access Supervision Program, to begin six months after the act's effective date. Under the Program, a dentist may authorize a dental hygienist to perform dental hygiene services at certain facilities when no dentist is present.

In addition to creating the Program, the act provides that law governing the practice of dental hygienists that was in place before its enactment and not substantively changed by the act continues to govern a dental hygienist when the hygienist is not practicing pursuant to the Program. Thus, there are now two sets of laws governing the practice of dental hygienists in Ohio. One set of laws applies when the hygienist provides dental hygiene services¹ pursuant to the Program. The other applies when the hygienist is not practicing pursuant to the Program, which will generally--although not always--be when a dentist is physically present to supervise the hygienist's work.²

¹ The act defines "dental hygiene services" as the prophylactic, preventive, and other procedures that dentists are authorized by Ohio's laws governing dentists and dental hygienists (and rules of the State Dental Board) to assign to dental hygienists, except for procedures performed while the patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, or other procedures identified in Board rules that have been adopted pursuant to continuing law (R.C. 4715.36(F)).

² Continuing law that governs the practice of a dental hygienist when the hygienist is not practicing pursuant to participation in the Program specifies two exceptions to the general prohibition against providing dental hygiene services when a supervising dentist is not physically present: (1) when the supervising dentist has completed a medical and dental history of the patient not more than one year before the hygienist provides services to the patient and has determined that the patient is in a medically stable condition (except where services are provided in a health care facility), and (2) when the dental hygiene services are provided as part of a dental hygiene program that meets certain program and

Conditions governing Program participation

(R.C. 4715.364 and 4715.365)

The act specifies several conditions that must be met for an authorizing dentist to legally authorize a dental hygienist to participate in the Program. These conditions include the following:

(1) Both the dentist and the dental hygienist must obtain a permit from the Board authorizing Program participation.³

(2) The authorizing dentist must issue a written authorization for the performance of dental hygiene services by the participating dental hygienist. The written authorization must include at least the authorizing dentist's name and permit number, the participating dental hygienist's name and permit number, the patient's name, the name and address of the location where services are to be provided, and the date of the authorization. It must also include a statement, signed by the dental hygienist that the hygienist agrees to comply with statutory requirements concerning practice protocols and evaluation of the patient by the dentist (see "**Participating hygienist's duties**").

(3) Before issuing the authorization, the authorizing dentist must personally evaluate the participating dental hygienist's skills, review and evaluate the patient's medical and dental history, and determine that the patient may safely receive dental hygiene services.

(4) Immediately before the provision of dental hygiene services, the patient or patient's representative must verify, by the signature or mark of the patient or representative (which may be provided through reasonable accommodation), that no medically significant changes to the patient's medical or dental history have occurred since the most recent review and evaluation by the authorizing dentist.

(5) Before the provision of dental hygiene services, the patient and the operator of the facility where the dental hygiene services are to be provided must be notified that no dentist will be present and that the participating dental hygienist is prohibited from (a) diagnosing the patient's oral health status and (b) in general, providing dental

service requirements and is approved by the State Dental Board. In situations covered by first exception, the hygienist is limited to providing dental hygiene services to a patient for not more than 15 consecutive business days without a dentist being physically present (R.C. 4715.22).

³ An authorizing dentist must obtain an "oral health access supervision permit." A dental hygienist must obtain a "permit to practice under the oral health access supervision of a dentist." The act establishes prohibitions against supervising or practicing without the required permits.

hygiene services to the same patient on a subsequent occasion until the authorizing dentist has given the patient a clinical evaluation. The only exception to the second prohibition is in cases in which the patient requires multiple visits to complete a procedure that could not be completed during the visit in which services were commenced (see "Services provided to the same patient on a subsequent occasion," below).

(6) The participating dental hygienist must be employed by or under contract with the authorizing dentist, another dentist who employs the authorizing dentist, a government entity employing the participating dental hygienist, or a dentist other than the authorizing dentist who is in one of certain types of business associations with the authorizing dentist (where both dentists have comparable positions in the association).⁴

(7) If the patient to whom the services are to be provided previously received dental hygiene services pursuant to the Program, there is written evidence that the patient received a clinical evaluation after the most recent provision of those services.

Participating dental hygienist's duties

(R.C. 4715.366)

The act establishes two duties a participating dental hygienist must fulfill when providing dental hygiene services pursuant to the Program:

(1) The hygienist must comply with written protocols and standing orders established by the authorizing dentist, including protocols and standing orders regarding emergencies and 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, the hygienist must 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. The hygienist is to make every attempt to schedule the appointment not later than 90 days after the services are completed. The hygienist is also to provide the patient with a written notice of the appointment that includes at least the authorizing dentist's name, address, and telephone number; the date and time of the appointment; and a statement of the dental hygiene services performed by the hygienist. The notice

⁴ The dentist employing or contracting with the dental hygienist may be (1) a shareholder in a professional association or corporation if the authorizing dentist is also a shareholder, (2) a member or manager of a limited liability company if the authorizing dentist is also a member or manager, or (3) a partner or employee of a partnership or limited liability company if the authorizing dentist is also a partner or employee.

must be given to the patient or the patient's representative and a copy must be given to the authorizing dentist.

Where services may be provided

(R.C. 4715.36 and 4715.368)

The act specifies that services may be provided under the Program at any of the following:

(1) A "health care facility," defined as either (a) a hospital, (b) an institution, residence, or facility that provides, for a period of more than 24 hours, whether for consideration or not, accommodations to three or more unrelated individuals who are dependent on the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home, (c) a facility proposed for certification as a skilled nursing facility or nursing facility under the federal Medicare or Medicaid law, and for which a certificate of need, other than a certificate to recategorize hospital beds, has been granted after August 5, 1989, or (d) a county home or district home that is or has been licensed as a residential care facility;

(2) A state correctional institution;

(3) A comprehensive child development program that receives funds under the federal Head Start Act and is licensed as a child day-care center;

(4) A residential facility licensed for care of persons with mental retardation or a developmental disability;

(5) A public or nonpublic school located in an area designated as a dental health resource shortage area by the Director of Health;

(6) A federally qualified health center or federally qualified health center lookalike;

(7) A shelter for victims of domestic violence;

(8) A facility operated by the Department of Youth Services;

(9) A shelter for runaways;

(10) A foster home;

(11) A nonprofit clinic;

(12) The residence of one or more individuals receiving services provided by a home health agency;

(13) A dispensary;

(14) A health care facility, such as a clinic or hospital, of the United States Department of Veterans Affairs;

(15) The residence of one or more individuals enrolled in a home and community-based services Medicaid waiver component;

(16) 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;

(17) A women, infants, and children clinic;

(18) A mobile dental unit located at any facility where services may be provided under the Program;

(19) Any other location, as specified in rules the act requires the Board to adopt, as long as the facility is in a dental health resource shortage area and provides health care services to individuals who are Medicaid recipients and to indigent and uninsured persons, which generally includes persons without medical insurance whose incomes are less than 200% of the federal poverty line but who are not eligible to receive assistance under any governmental health care program.

The act requires an authorizing dentist and a dental hygienist who has been authorized to perform services under the Program to give the Board, on request, a list of all locations where services have been provided under the Program, the locations where the hygienist plans to provide services in the future, or both, as specified in the Board's request.

Application to participate in the Program

(R.C. 4715.362, 4715.363, and 4715.372)

A dentist or dental hygienist desiring to participate in the Program must submit an application, under oath, to the Board on a form prescribed by the Board and include an application fee of \$20. Dentists must meet requirements specified in Board rules.

Dental hygienists must provide evidence satisfactory to the Board of all of the following:

(1) Completion of two years and attainment of at least 3,000 hours of experience in the practice of dental hygiene;

(2) Completion of at least 24 hours of continuing dental hygiene education during the two years before submitting the application;

(3) Completion, during the two years before submitting the application, of a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course required under continuing law for a dental hygienist to provide services outside of the program to a patient for not more than 15 consecutive business days, when a supervising dentist is not physically present;

(4) Completion of a course, meeting Board standards, pertaining to the practice of dental hygiene under the oral health access supervision of a dentist. The act requires that this course meet all of the following conditions:

(a) Be eight hours in length;

(b) Include, at a minimum, instruction in recordkeeping practices and the treatment of geriatric patients, medically compromised patients, developmentally disabled patients, and pediatric patients;

(c) Be developed and offered by an institution accredited by the American Dental Association Commission on Dental Accreditation or a program provided by a sponsor of continuing education approved by the Board;

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

The act requires the Board to issue the appropriate permit to each qualifying dentist and dental hygienist.

Permit renewal

(R.C. 4715.369 and 4715.37)

Dentists

A Program permit issued to a dentist expires on December 31 of the oddnumbered year after the permit's issuance. To renew the permit, a dentist must apply, under oath, to the Board on a form prescribed by the Board. The Board must renew the permit for a two-year period if the dentist submitted a complete application, paid the \$20 renewal fee, is in good standing with the Board, and verified with the Board both of the following:

(1) The locations at which dental hygienists have, under the dentist's authorization, provided services during the prior two-year period;

(2) The number of patients treated during the prior two-year period by each dental hygienist under the dentist's authorization, along with the number of those patients whom the dentist clinically evaluated following the provision of dental hygiene services.

Dental hygienists

A Program permit issued to a dental hygienist also expires on December 31 of the odd-numbered year after the permit's issuance. To renew the permit, the hygienist must apply, under oath, to the Board on a form prescribed by the Board. The Board must renew the permit for a two-year period if the dental hygienist submitted a complete application, paid the \$20 renewal fee, is in good standing with the Board, and verified with the Board both of the following:

(1) The locations at which the hygienist has provided dental hygiene services under the permit;

(2) The number of patients the hygienist treated under the permit during the prior two-year period.

Restrictions

Changes to a patient's medical or dental history

(R.C. 4715.365(C))

If a patient indicates that a medically significant change in medical or dental history has occurred since the authorizing dentist's most recent review and evaluation of the history, no dental hygiene services may be provided until the dentist completes another review and evaluation. The act permits the subsequent review and evaluation to be completed by telephone or other means of electronic communication.

Services provided to the same patient on a subsequent occasion

(R.C. 4715.365(D))

The act prohibits a dentist from authorizing the provision of services, and a dental hygienist from providing services to the same patient on a subsequent occasion until the patient has received a clinical evaluation by a dentist. But if the patient requires multiple visits to complete one or more procedures that could not be completed during the visit in which dental hygiene services were commenced, the procedure may be completed within eight weeks of the visit in which the services were commenced.

Limitations on the scope of services that may be provided

(R.C. 4715.365(E) and 4715.373)

The act prohibits a dentist from authorizing a dental hygienist to diagnose, and a dental hygienist from diagnosing, a patient's oral health care status. The act also specifies that nothing in its provisions that pertain to the Program authorizes any activity prohibited or explicitly not authorized by Ohio law governing dentists and dental hygienists or any activity prohibited by a rule adopted by the Board.

Sanctions for failure to comply with Program requirements

(R.C. 4715.374)

The act permits the Board to suspend or revoke, in accordance with the Administrative Procedure Act (R.C. Chapter 119.), a permit issued under the Program if the permit holder fails to comply with the laws governing the Program.

Web site directory

(R.C. 4715.371)

The act requires the Board to develop and publish on its web site a directory containing the names and contact information of dentists and dental hygienists who hold current, valid permits to participate in the Program.

Rulemaking

(R.C. 4715.372)

The Board is required to adopt rules in accordance with the Administrative Procedure Act as necessary to implement the Program, including rules that do all of the following:

(1) Designate additional facilities at which services may be provided under the Program;

(2) Prescribe the application form and requirements for obtaining Program permits;

(3) Establish standards for the course in the practice of dental hygiene under the Program;

(4) Prescribe the forms for renewal of Program permits.

Annual report

(R.C. 4715.375)

The act requires the Board to annually report the status of the Program to the Governor and the General Assembly. The report is to specify, for the year covered by the report, at least all of the following:

(1) The number of dentists and dental hygienists who applied for and were issued permits;

(2) The number of dentists and dental hygienists who applied for and were granted renewal of permits;

(3) The number and geographic locations of facilities at which dental hygienists provided services under the Program;

(4) The number of patients who received dental hygiene services under the Program;

(5) The number of patients who received a clinical evaluation from a dentist following the provision of services under the Program.

LICENSING AND ADMINISTRATIVE PROVISIONS FOR DENTISTS AND DENTAL HYGIENISTS

Dentists

Suspension for failure to renew registration

(R.C. 4715.14)

Law unchanged by the act requires that each licensed dentist register with the Board by January 1 of each even-numbered year and pay a biennial registration fee of \$245. The registration is then in effect for two years. Under prior law if a dentist failed to renew registration in accordance with this law, the dentist's license to practice dentistry was automatically suspended. The license could be reinstated by payment of the biennial registration fee plus a fee of \$81.

The act repeals the provision specifying that failure to renew registration results in an automatic license suspension. Instead, the act permits the Board to take any of the following disciplinary actions in accordance with the Administrative Procedure Act when a dentist fails to renew: (1) censure the dentist's license or the dentist, (2) place the license on probationary status, or (3) suspend or revoke the dentist's license. Under the act, a dentist whose license is suspended may, as under former law, have the license reinstated by the payment of the biennial registration fee plus a fee of \$81.

Suspension for noncompliance with continuing education requirements

(R.C. 4715.14 and 4715.141)

Law unchanged by the act requires dentists to complete biennially 40 hours of continuing dental education. Each dentist must submit to the Board at the time of biennial registration an affidavit attesting to completion of the 40 hours and describing the programs that the dentist attended to meet the requirement. Dentists must retain records for three years of receipts and other documentation to demonstrate completion of the continuing education requirements. The Board is authorized to request this documentation at random and without cause.

Former law specified that failure to comply with the continuing education requirements constituted failure to renew registration (which resulted in the automatic suspension of the license). The act repeals this provision; thus, a dentist's license is no longer automatically suspended for failure to comply with the continuing education requirements.

Dental hygienists--reinstatement

(R.C. 4715.24)

Law largely unchanged by the act requires each licensed dental hygienist to register with the Board by January 1 of each even-numbered year and pay a biennial registration fee of \$105. The registration is then in effect for two years. If a hygienist fails to renew registration, the hygienist's license is automatically suspended. The act specifies that a temporarily retired hygienist is not subject to the registration requirement.

Law unchanged by the act provides that an automatically suspended hygienist's license may be reinstated on payment of the biennial registration fee plus \$31. The act adds an additional condition: that the hygienist apply to the Board on a form prescribed by the Board for licensure reinstatement.

Dental hygienists--continuing education

(R.C. 4715.25; Section 3)

Former law required each licensed dental hygienist to certify to the Board at the time of applying for renewal of registration that in the preceding two years the hygienist completed at least 12 hours of continuing dental hygiene education. The act specifies that the continuing education must have been completed "in the two-year period preceding the registration period for which renewal is sought" and raises the minimum requirement from 12 hours to 24 hours. However, the act specifies that a dental hygienist whose registration expired on December 31, 2009, remains subject to only the 12-hour requirement when applying for a renewal of registration for the 2010 to 2011 registration period.

The act also requires the Board to apply toward the satisfaction of the continuing education requirement any of the following courses completed by a hygienist: (1) the basic life-support training course required for licensure, (2) any course required by statute or rule of the Board for registration or as a condition of performing a particular function, and (3) any other course that the Board determines acceptable.

The act requires the Board to apply toward the satisfaction of the continuing education requirement of a hygienist whose license is reinstated after temporary retirement any course that the Board applied toward the continuing education requirement for reinstatement of the license, as long as the course was completed during the registration period preceding the registration period for which renewal is sought.

Former law required dental hygienists to keep records documenting completion of continuing education requirements for at least three years. The act increases this time period to four years.

Dental hygienists--temporary retirement

(R.C. 4715.24, 4715.241, and 4715.242)

The act permits a dental hygienist to temporarily retire from the practice of dental hygiene. A dental hygienist seeking temporary retirement must provide written notice of intent to the Board. The Board is generally required to grant temporary retirement if the hygienist has paid the biennial registration fee for the registration period that includes the day before the temporary retirement is to begin. The Board may, however, deny temporary retirement if the hygienist is the subject of a disciplinary action initiated by the Board. The act specifies that the license of a temporarily retired dental hygienist is to be inactive. The act permits a temporarily retired dental hygienist to request license reinstatement at any time. The act requires the Board to reinstate the hygienist's license if the hygienist (1) pays the biennial registration fee for the registration period that includes the day on which the retirement is to cease, and (2) completed 24 hours of continuing dental hygiene education during the two years preceding the date of the request for reinstatement.

The act also requires the Board to register each dental hygienist whose license is reinstated, with such registration expiring at the end of the registration period during which the reinstatement occurs.

Notification of change of employment

(R.C. 4715.14 and 4715.24)

Law unchanged by the act requires each licensed dentist and licensed dental hygienist, whether or not the dentist or dental hygienist is a resident, to notify the Board Secretary in writing of any change in the dentist's or hygienist's employment or office address within ten days of the change. The act permits the notifications to be made electronically, as well as, in writing.

American Dental Association Commission on Dental Accreditation

(R.C. 4715.21)

The act replaces references to the Council on Dental Education of the American Dental Association (as the accrediting body for dental hygiene schools) with references to the American Dental Association Commission on Dental Accreditation.

LOCAL ANESTHESIA--DENTAL HYGIENISTS AUTHORIZED TO ADMINISTER BY OTHER STATES

(R.C. 4715.231)

Under former law, a dental hygienist licensed by the State Dental Board was permitted to administer intraoral block and infiltration local anesthesia to a patient only if the hygienist met all of the following conditions: (1) was under the direct supervision of a dentist while administering the anesthesia, (2) had obtained current certification to perform basic cardiac life-support procedures, (3) had successfully completed a course in the administration of local anesthesia approved by the Board and offered by an accredited dental hygiene program, and (4) within 18 months of completion of the anesthesia course, successfully passed a state or regional written examination on local anesthesia approved by the Board. The act permits a hygienist licensed by the Board who satisfies the first and second, but not the third and fourth, conditions described above to administer local anesthesia. In the case of a dental hygienist authorized to administer local anesthesia by another state, the hygienist qualifies under this provision if the hygienist was required by the other state to complete (and did successfully complete) a course or instruction as a requirement to be authorized to administer local anesthesia, and either of the following applies:

(a) The required hours and content of the course or instruction completed in the other state are substantially equivalent, as determined by the Board, to the required hours and content of the course in anesthesia administration approved under continuing law by the Board;

(b) The Board determines that the required hours and content of the course or instruction required by the other state was not substantially equivalent to the required hours and content of the course approved by the Board, but the hygienist submits evidence satisfactory to the Board of having obtained, within the 48 months immediately preceding the date the hygienist applied for a license to practice dental hygiene in Ohio, 24 consecutive months of experience in the administration of local anesthesia in the other state where the hygienist is authorized to administer local anesthesia.

SCHOOL-BASED FLUORIDE MOUTH RINSE PROGRAM

Authority to establish program

(R.C. 3701.136(A), (B), (D)(1), and (E))

The act authorizes the Director of Health to establish a school-based fluoride mouth rinse program. If a program is established, the Director must do both of the following:

(1) Conduct a program to educate Department of Health employees and dental hygienists on how to train public and nonpublic school employees and volunteers regarding the proper means of administering fluoride mouth rinse to students;

(2) Prescribe a form that the parent, guardian, or other person having care or charge of a student enrolled in a public or nonpublic school that participates in the program may use to consent to the administration of fluoride mouth rinse to the student for duration of the student's enrollment in that school.

The act permits the Director to adopt rules as necessary to implement and administer the program. The rules must be adopted in accordance with the Administrative Procedure Act.

Content of consent form

(R.C. 3701.136(D)(2))

The program's consent form must include all of the following: (1) spaces for the student's name and address, the name of the student's school, the student's grade level and class, and the signature of the parent, guardian, or other person who authorizes the administration of fluoride mouth rinse to the student, (2) information on the name, dosage, and intervals at which the fluoride mouth rinse is scheduled to be administered during each school year, (3) the dates the administration of fluoride mouth rinse is to begin and cease, which may be the first and last days of a school year, and (4) any other information or spaces the Director considers necessary for the proper administration of the program.

Participating school's duties

(R.C. 3701.136(C))

Public and nonpublic schools that participate in the school-based fluoride mouth rinse program must require their employees or volunteers who intend to administer fluoride to receive training on the proper means of administering fluoride mouth rinse to students. The act requires that this training be done by either of the following: (1) a Department of Health employee or dental hygienist who has been trained through the education program the act requires the Director of Health to conduct, or (2) a school employee or volunteer who has been trained by a Department of Health employee or dental hygienist who has been trained through the education program the act requires the Director of Health to conduct.

Drug administration by school personnel

(R.C. 3313.713)

Law unchanged by the act requires the board of education of each public school district to adopt a policy on whether it will authorize designated persons employed by the board to administer to students drugs prescribed for those students. Before a student can be administered a drug under such a policy, certain conditions must be met.

The act specifies that this law does not affect the ability of (1) a public or nonpublic school to participate in the school-based fluoride mouth rinse program or (2)

a person who is employed by or volunteers for a participating school to administer fluoride mouth rinse to a student in accordance with the program's requirements.

HISTORY

ACTION	DATE
Introduced	05-26-09
Reported, H. Healthcare Access & Affordability	06-18-09
Passed House (97-0)	06-24-09
Reported, S. Health, Human Services & Aging	01-28-10
Passed Senate (32-0)	05-12-10
House concurred in Senate amendments (98-0)	05-19-10

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