

As Introduced

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Representative Johnson

**Cosponsors: Representatives Duffey, Roegner, Scherer, Milkovich,
Blessing, Schuring, Bishoff, Young, Hackett, Stinziano, Smith, Stebelton,
Rosenberger, Adams, R., Grossman, Celebrezze, Sears, Barnes, Hill,
Amstutz, Perales, Terhar, Thompson, Retherford, Lundy, Barborak**

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A B I L L

To amend sections 3333.61, 4715.10, 4715.13, 4715.22, 1
4715.23, 4715.363, 4715.366, 4715.371, 4715.39, 2
4715.64, and 4715.66 and to enact section 4715.421 3
of the Revised Code to make changes to the laws 4
governing dental professionals. 5

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

Section 1. That sections 3333.61, 4715.10, 4715.13, 4715.22, 6
4715.23, 4715.363, 4715.366, 4715.371, 4715.39, 4715.64, and 7
4715.66 be amended and section 4715.421 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3333.61. The chancellor of the Ohio board of regents 10
shall establish and administer the Ohio innovation partnership, 11
which shall consist of the choose Ohio first scholarship program 12
and the Ohio research scholars program. Under the programs, the 13
chancellor, subject to approval by the controlling board, shall 14
make awards to state universities or colleges for programs and 15
initiatives that recruit students and scientists in the fields of 16

science, technology, engineering, mathematics, ~~and~~ medicine, and 17
dentistry to state universities or colleges, in order to enhance 18
regional educational and economic strengths and meet the needs of 19
the state's regional economies. Awards may be granted for programs 20
and initiatives to be implemented by a state university or college 21
alone or in collaboration with other state institutions of higher 22
education, nonpublic Ohio universities and colleges, or other 23
public or private Ohio entities. If the chancellor makes an award 24
to a program or initiative that is intended to be implemented by a 25
state university or college in collaboration with other state 26
institutions of higher education or nonpublic Ohio universities or 27
colleges, the chancellor may provide that some portion of the 28
award be received directly by the collaborating universities or 29
colleges consistent with all terms of the Ohio innovation 30
partnership. 31

The choose Ohio first scholarship program shall assign a 32
number of scholarships to state universities and colleges to 33
recruit Ohio residents as undergraduate, or as provided in section 34
3333.66 of the Revised Code graduate, students in the fields of 35
science, technology, engineering, mathematics, ~~and~~ medicine, and 36
dentistry, or in science, technology, engineering, mathematics, ~~or~~ 37
medical, or dental education. Choose Ohio first scholarships shall 38
be awarded to each participating eligible student as a grant to 39
the state university or college the student is attending and shall 40
be reflected on the student's tuition bill. Choose Ohio first 41
scholarships are student-centered grants from the state to 42
students to use to attend a university or college and are not 43
grants from the state to universities or colleges. 44

Notwithstanding any other provision of this section or 45
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 46
four-year Ohio institution of higher education may submit a 47
proposal for choose Ohio first scholarships or Ohio research 48

scholars grants. If the chancellor awards a nonpublic institution 49
scholarships or grants, the nonpublic institution shall comply 50
with all requirements of this section, sections 3333.62 to 3333.69 51
of the Revised Code, and the rules adopted under this section that 52
apply to state universities or colleges awarded choose Ohio first 53
scholarships or Ohio research scholars grants. 54

The Ohio research scholars program shall award grants to use 55
in recruiting scientists to the faculties of state universities or 56
colleges. 57

The chancellor shall adopt rules in accordance with Chapter 58
119. of the Revised Code to administer the programs. 59

Sec. 4715.10. (A) As used in this section, "accredited dental 60
college" means a dental college accredited by the commission on 61
dental accreditation or a dental college that has educational 62
standards recognized by the commission on dental accreditation and 63
is approved by the state dental board. 64

(B) Each person who desires to practice dentistry in this 65
state shall file a written application for a license with the 66
secretary of the state dental board. The application shall be on a 67
form prescribed by the board and verified by oath. Each applicant 68
shall furnish satisfactory proof to the board that the applicant 69
has met the requirements of divisions (C) and (D) of this section, 70
and if the applicant is a graduate of an unaccredited dental 71
college located outside the United States, division (E) of this 72
section. 73

(C) To be granted a license to practice dentistry, an 74
applicant must meet all of the following requirements: 75

(1) Be at least eighteen years of age; 76

(2) Be of good moral character; 77

(3) Be a graduate of an accredited dental college or of a 78

dental college located outside the United States who meets the	79
standards adopted under section 4715.11 of the Revised Code;	80
(4) Have passed parts I and II of the examination given by	81
the national board of dental examiners;	82
(5) Have passed a written jurisprudence examination	83
administered by the state dental board under division (E)(2) of	84
section 4715.03 of the Revised Code;	85
(6) Pay the fee required by division (A)(1) of section	86
4715.13 of the Revised Code.	87
(D) To be granted a license to practice dentistry, an	88
applicant must meet any one of the following requirements:	89
(1) Have taken an examination administered by any of the	90
following regional testing agencies and received on each component	91
of the examination a passing score as specified in division (A) of	92
section 4715.11 of the Revised Code: the central regional dental	93
testing service, inc., northeast regional board of dental	94
examiners, inc., the southern regional dental testing agency,	95
inc., or the western regional examining board;	96
(2) Have taken an examination administered by the state	97
dental board and received a passing score as established by the	98
board;	99
(3) Possess a license in good standing from another state and	100
have actively engaged in the legal and reputable practice of	101
dentistry in another state or in the armed forces of the United	102
States, the United States public health service, or the United	103
States department of veterans' affairs for five years immediately	104
preceding application;	105
<u>(4) Have completed a dental residency program accredited or</u>	106
<u>approved by the commission on dental accreditation and</u>	107
<u>administered by an accredited dental college or hospital.</u>	108

(E) To be granted a license to practice dentistry, a graduate of an unaccredited dental college located outside the United States must meet both of the following requirements:

(1) Have taken a basic science and laboratory examination consistent with rules adopted under section 4715.11 of the Revised Code and received a passing score as established by the board;

(2) Have had sufficient clinical training in an accredited institution to reasonably assure a level of competency equal to that of graduates of accredited dental colleges, as determined by the board.

Sec. 4715.13. (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:

(1) For license to practice dentistry, two hundred dollars if issued in an odd-numbered year or three hundred thirty-seven dollars if issued in an even-numbered year;

(2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars;

(3) For a general anesthesia permit, one hundred twenty-seven dollars;

(4) For a conscious intravenous sedation permit, one hundred twenty-seven dollars.

(B) ~~Twenty~~ Forty dollars of each fee collected under division (A)(1) of this section for a license issued in an even-numbered year and ~~ten~~ twenty dollars of each fee collected under division (A)(1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code.

(C) In the case of a person who applies for a license to

practice dentistry by taking an examination administered by the 139
state dental board, both of the following apply: 140

(1) The fee in division (A)(1) of this section may be 141
refunded to an applicant who is unavoidably prevented from 142
attending the examination, or the applicant may be examined at the 143
next regular or special meeting of the board without an additional 144
fee. 145

(2) An applicant who fails the first examination may be 146
re-examined at the next regular or special meeting of the board 147
without an additional fee. 148

Sec. 4715.22. (A)(1) This section applies only when a 149
licensed dental hygienist is not practicing under a permit issued 150
pursuant to section 4715.363 of the Revised Code authorizing 151
practice under the oral health access supervision of a dentist. 152

(2) As used in this section, "health care facility" means 153
either of the following: 154

(a) A hospital registered under section 3701.07 of the 155
Revised Code; 156

(b) A "home" as defined in section 3721.01 of the Revised 157
Code. 158

(B) A licensed dental hygienist shall practice under the 159
supervision, order, control, and full responsibility of a dentist 160
licensed under this chapter. A dental hygienist may practice in a 161
dental office, public or private school, health care facility, 162
dispensary, or public institution. Except as provided in division 163
(C) or (D) of this section, a dental hygienist may not provide 164
dental hygiene services to a patient when the supervising dentist 165
is not physically present at the location where the dental 166
hygienist is practicing. 167

(C) A dental hygienist may provide, for not more than fifteen 168

consecutive business days, dental hygiene services to a patient 169
when the supervising dentist is not physically present at the 170
location at which the services are provided if all of the 171
following requirements are met: 172

(1) The dental hygienist has at least two years and a minimum 173
of three thousand hours of experience in the practice of dental 174
hygiene. 175

(2) The dental hygienist has successfully completed a course 176
approved by the state dental board in the identification and 177
prevention of potential medical emergencies. 178

(3) The dental hygienist complies with written protocols ~~for~~ 179
~~emergencies~~ the supervising dentist establishes for emergencies. 180

(4) The dental hygienist does not perform, while the 181
supervising dentist is absent from the location, procedures while 182
the patient is anesthetized, definitive root planing, definitive 183
subgingival curettage, or other procedures identified in rules the 184
state dental board adopts. 185

(5) The supervising dentist has evaluated the dental 186
hygienist's skills. 187

(6) The supervising dentist examined the patient not more 188
than ~~seven months~~ one year prior to the date the dental hygienist 189
provides the dental hygiene services to the patient. 190

(7) The dental hygienist complies with written protocols or 191
written standing orders that the supervising dentist establishes. 192

(8) The supervising dentist completed and evaluated a medical 193
and dental history of the patient not more than one year prior to 194
the date the dental hygienist provides dental hygiene services to 195
the patient and, except when the dental hygiene services are 196
provided in a health care facility, the supervising dentist 197
determines that the patient is in a medically stable condition. 198

(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.	199 200 201 202 203 204
(10) In advance of the appointment for dental hygiene services, the patient is notified that the supervising dentist will be absent from the location and that the dental hygienist cannot diagnose the patient's dental health care status.	205 206 207 208
(11) The dental hygienist is employed by, or under contract with, one of the following:	209 210
(a) The supervising dentist;	211
(b) A dentist licensed under this chapter who is one of the following:	212 213
(i) The employer of the supervising dentist;	214
(ii) A shareholder in a professional association formed under Chapter 1785. of the Revised Code of which the supervising dentist is a shareholder;	215 216 217
(iii) A member or manager of a limited liability company formed under Chapter 1705. of the Revised Code of which the supervising dentist is a member or manager;	218 219 220
(iv) A shareholder in a corporation formed under division (B) of section 1701.03 of the Revised Code of which the supervising dentist is a shareholder;	221 222 223
(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee.	224 225 226 227
(c) A government entity that employs the dental hygienist to	228

provide dental hygiene services in a public school or in 229
connection with other programs the government entity administers. 230

(D) A dental hygienist may provide dental hygiene services to 231
a patient when the supervising dentist is not physically present 232
at the location at which the services are provided if the services 233
are provided as part of a dental hygiene program that is approved 234
by the state dental board and all of the following requirements 235
are met: 236

(1) The program is operated through a school district board 237
of education or the governing board of an educational service 238
center; the board of health of a city or general health district 239
or the authority having the duties of a board of health under 240
section 3709.05 of the Revised Code; a national, state, district, 241
or local dental association; or any other public or private entity 242
recognized by the state dental board. 243

(2) The supervising dentist is employed by or a volunteer 244
for, and the patients are referred by, the entity through which 245
the program is operated. 246

(3)(a) Except as provided in division (D)(3)(b) of this 247
section, the services are performed after examination and 248
diagnosis by the dentist and in accordance with the dentist's 249
written treatment plan. 250

(b) The requirement in division (D)(3)(a) of this section 251
does not apply when the only service to be provided by the dental 252
hygienist is the placement of pit and fissure sealants. 253

(E) No person shall do either of the following: 254

(1) Practice dental hygiene in a manner that is separate or 255
otherwise independent from the dental practice of a supervising 256
dentist; 257

(2) Establish or maintain an office or practice that is 258

primarily devoted to the provision of dental hygiene services. 259

(F) The state dental board shall adopt rules under division 260
(C) of section 4715.03 of the Revised Code identifying procedures 261
a dental hygienist may not perform when practicing in the absence 262
of the supervising dentist pursuant to division (C) or (D) of this 263
section. The board shall not identify the re-cementation of 264
temporary crowns as one of those procedures. 265

Sec. 4715.23. The practice of a dental hygienist shall 266
consist of those prophylactic, preventive, and other procedures 267
that licensed dentists are authorized by this chapter and rules of 268
the dental board to assign only to licensed dental hygienists or 269
to qualified personnel under section 4715.39 of the Revised Code. 270

Licensed dentists may assign to dental hygienists intraoral 271
tasks that do not require the professional competence or skill of 272
the licensed dentist and that are authorized by board rule. Such 273
performance of intraoral tasks by dental hygienists shall be under 274
supervision and full responsibility of the licensed dentist, and 275
at no time shall more than ~~three~~ four dental hygienists be 276
practicing clinical hygiene under the supervision of the same 277
dentist. The foregoing shall not be construed as authorizing the 278
assignment of diagnosis, treatment planning and prescription 279
(including prescriptions for drugs and medicaments or 280
authorizations for restorative, prosthodontic, or orthodontic 281
appliances); or, except when done in conjunction with the removal 282
of calcarious deposits, dental cement, or accretions on the crowns 283
and roots of teeth, surgical procedures on hard and soft tissues 284
within the oral cavity or any other intraoral procedure that 285
contributes to or results in an irremediable alteration of the 286
oral anatomy; or the making of final impressions from which casts 287
are made to construct any dental restoration. 288

The state dental board shall issue rules defining the 289

procedures that may be performed by licensed dental hygienists 290
engaged in school health activities or employed by public 291
agencies. 292

Sec. 4715.363. (A) A dental hygienist who desires to 293
participate in the oral health access supervision program shall 294
apply to the state dental board for a permit to practice under the 295
oral health access supervision of a dentist. The application shall 296
be under oath, on a form prescribed by the board in rules adopted 297
under section 4715.372 of the Revised Code, and accompanied by an 298
application fee of twenty dollars, which may be paid by personal 299
check. 300

(B) The applicant shall provide evidence satisfactory to the 301
board that the applicant has done all of the following: 302

(1) Completed at least two years and attained a minimum of 303
three thousand hours of experience in the practice of dental 304
hygiene; 305

(2) Completed at least twenty-four hours of continuing dental 306
hygiene education during the two years prior to submission of the 307
application; 308

(3) Completed a course pertaining to the practice of dental 309
hygiene under the oral health access supervision of a dentist that 310
meets standards established in rules adopted under section 311
4715.372 of the Revised Code; 312

(4) Completed, during the two years prior to submission of 313
the application, a course pertaining to the identification and 314
prevention of potential medical emergencies that is the same as 315
the course described in division (C)(2) of section 4715.22 of the 316
Revised Code. 317

(C) The state dental board shall issue a permit to practice 318
under the oral health access supervision of a dentist to a dental 319

hygienist who is in good standing with the board and meets all of 320
the requirements of divisions (A) and (B) of this section. 321

Sec. 4715.366. (A) A dental hygienist providing dental 322
hygiene services under a permit issued under section 4715.363 of 323
the Revised Code to practice under the oral health access 324
supervision of a dentist shall do both of the following: 325

(1) Comply with written protocols established by the 326
authorizing dentist who authorizes the dental hygienist's 327
provision of services and standing orders established by the 328
authorizing dentist, including protocols and standing orders 329
regarding emergencies and, for the purpose of section 4715.365 of 330
the Revised Code, protocols regarding what constitutes a medically 331
significant change to a patient's medical or dental history; 332

(2) Immediately following the completion of the dental 333
hygiene services and subject to division (B) of this section, 334
direct the patient to ~~the authorizing~~ a dentist for a clinical 335
evaluation and schedule or cause to be scheduled an appointment 336
for the patient with the ~~authorizing~~ dentist. 337

(B) For purposes of division (A)(2) of this section, the 338
dental hygienist shall make every attempt to schedule the 339
patient's appointment with the ~~authorizing~~ dentist not later than 340
~~ninety days~~ six months after the completion of the dental hygiene 341
services. The dental hygienist shall provide the patient with a 342
written notice of the appointment that includes, at a minimum, the 343
~~authorizing~~ dentist's name, address, and telephone number; the 344
date and time of the appointment; and a statement of the dental 345
hygiene services performed by the hygienist. The notice shall be 346
given to the patient or the patient's representative and one copy 347
shall be given to the ~~authorizing~~ dentist. 348

Sec. 4715.371. The state dental board shall develop and 349

publish on its internet web site a directory containing the names 350
and contact information, including electronic mail addresses, of 351
dentists and dental hygienists who hold current, valid permits 352
issued under sections 4715.362 and 4715.363 of the Revised Code. 353

Sec. 4715.39. (A) The state dental board may define the 354
duties that may be performed by dental assistants and other 355
individuals designated by the board as qualified personnel. If 356
defined, the duties shall be defined in rules adopted in 357
accordance with Chapter 119. of the Revised Code. The rules may 358
include training and practice standards for dental assistants and 359
other qualified personnel. The standards may include examination 360
and issuance of a certificate. If the board issues a certificate, 361
the recipient shall display the certificate in a conspicuous 362
location in any office in which the recipient is employed to 363
perform the duties authorized by the certificate. 364

(B) A dental assistant may polish the clinical crowns of 365
teeth if all of the following requirements are met: 366

(1) The dental assistant's polishing activities are limited 367
to the use of a rubber cup attached to a slow-speed rotary dental 368
hand piece to remove soft deposits that build up over time on the 369
crowns of teeth. 370

(2) The polishing is performed only after a dentist has 371
evaluated the patient and any calculus detected on the teeth to be 372
polished has been removed by a dentist or dental hygienist. 373

(3) The dentist supervising the assistant supervises not more 374
than two dental assistants engaging in polishing activities at any 375
given time. 376

(4) The dental assistant is certified by the dental assisting 377
national board or the Ohio commission on dental assistant 378
certification. 379

(5) The dental assistant receives a certificate from the board authorizing the assistant to engage in the polishing activities. The board shall issue the certificate if the individual has successfully completed training in the polishing of clinical crowns through a program accredited by the American dental association commission on dental accreditation or equivalent training approved by the board. The training shall include courses in basic dental anatomy and infection control, followed by a course in coronal polishing that includes didactic, preclinical, and clinical training; any other training required by the board; and a skills assessment that includes successful completion of standardized testing. The board shall adopt rules pursuant to division (A) of this section establishing standards for approval of this training.

(C) A dental assistant may apply pit and fissure sealants if all of the following requirements are met:

(1) A dentist evaluates the patient and designates the teeth and surfaces that will benefit from the application of sealant on the day the application is to be performed.

(2) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification.

(3) The dental assistant has successfully completed a course in the application of sealants consisting of at least two hours of didactic instruction and six hours of clinical instruction through a program provided 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.

(4) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants.

(5) The Except as provided in division (D) of this section, 411
the dentist supervising the assistant checks and approves the 412
application of all sealants placed by the assistant before the 413
patient leaves the location where the sealant application 414
procedure is performed. 415

(D)(1) A dental assistant who is certified by the dental 416
assisting national board or the Ohio commission on dental 417
assistant certification may provide, for not more than fifteen 418
consecutive business days, the services specified in division 419
(D)(2) of this section to a patient when the supervising dentist 420
is not physically present at the location where the services are 421
provided if all of the following conditions are met: 422

(a) The dental assistant has at least two years and a minimum 423
of three thousand hours of experience practicing as a dental 424
assistant. 425

(b) The dental assistant has successfully completed a course 426
approved by the state dental board in the identification and 427
prevention of potential medical emergencies. 428

(c) The dental assistant complies with written protocols the 429
supervising dentist establishes for emergencies. 430

(d) The supervising dentist has evaluated the dental 431
assistant's skills. 432

(e) The supervising dentist examined the patient not more 433
than one year prior to the date the dental assistant provides the 434
services to the patient. 435

(f) The dental assistant complies with written protocols or 436
written standing orders that the supervising dentist establishes. 437

(g) The supervising dentist completed and evaluated a medical 438
and dental history of the patient not more than one year prior to 439
the date the dental assistant provides services to the patient 440

and, except when the services are provided in a health care facility, the supervising dentist determines that the patient is in a medically stable condition. 441
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(h) If the 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. 444
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(i) In advance of the appointment for services, the patient is notified that the supervising dentist will be absent from the location and that the dental assistant cannot diagnose the patient's dental health care status. 450
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(j) The dental assistant is employed by, or under contract with, the supervising dentist, a dentist licensed under this chapter who meets one of the criteria specified in division (C)(11)(b) of section 4715.22 of the Revised Code, or a government entity that employs the dental assistant to provide services in a public school or in connection with other programs the government entity administers. 454
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(2) The services that a dental assistant may provide under the conditions specified in division (A)(1) of this section are all of the following: 461
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(a) The re-cementation of temporary crowns; 464

(b) The application of topical fluoride; 465

(c) The application of fluoride varnish; 466

(d) The application of disclosing solutions; 467

(e) The application of desensitizing agents; 468

(f) Carries susceptibility testing; 469

(g) The demonstration of oral hygiene procedures, including 470

the use of toothbrushes and dental floss; 471

(h) The discussion of proper nutrition. 472

(3) A dental assistant who is certified by the dental 473
assisting national board or the Ohio commission on dental 474
assistant certification and meets the conditions specified in 475
divisions (D)(1)(a) and (b) of this section may apply pit and 476
fissure sealants prior to a dentist examining the patient and 477
rendering a diagnosis, and when a dentist is not physically 478
present at the location where the service is provided, subject to 479
all of the following: 480

(a) The dental assistant must be providing the service as 481
part of a program operated through any of the following: a school 482
district board of education or the governing board of an 483
educational service center; the board of health of a city or 484
general health district or the authority having the duties of a 485
board of health under section 3709.05 of the Revised Code; a 486
national, state, district, or local dental association; or any 487
other public or private entity recognized by the state dental 488
board. 489

(b) A supervising dentist for the program described in 490
division (D)(3)(a) of this section must meet both of the following 491
conditions: 492

(i) Be employed by or a volunteer for, and the patients are 493
referred by, the entity through which the program is operated; 494

(ii) Be available for consultation by telephone, 495
videoconferencing, or other means of electronic communication. 496

(c) The application of pit and fissure sealants must be 497
limited to erupted permanent posterior teeth without suspicion of 498
cavitation. 499

(d) If the patient is a minor, a parent, guardian, or other 500

person responsible for the patient must be notified that a dentist 501
will not be present at the location and that the dental assistant 502
is not trained to diagnose or treat other serious dental concerns 503
that could exist. 504

(E) Subject to this section and the applicable rules of the 505
board, licensed dentists may assign to dental assistants and other 506
qualified personnel dental procedures that do not require the 507
professional competence or skill of the licensed dentist, a dental 508
hygienist, or an expanded function dental auxiliary as this 509
section or the board by rule authorizes dental assistants and 510
other qualified personnel to perform. ~~The~~ Except as provided in 511
division (D) of this section, the performance of dental procedures 512
by dental assistants and other qualified personnel shall be under 513
direct supervision and full responsibility of the licensed 514
dentist. 515

~~(E)~~(F) Nothing in this section shall be construed by rule of 516
the state dental board or otherwise to do the following: 517

(1) Authorize dental assistants or other qualified personnel 518
to engage in the practice of dental hygiene as defined by sections 519
4715.22 and 4715.23 of the Revised Code or to perform the duties 520
of a dental hygienist, including the removal of calcarious 521
deposits, dental cement, or accretions on the crowns and roots of 522
teeth other than as authorized pursuant to this section; 523

(2) Authorize dental assistants or other qualified personnel 524
to engage in the practice of an expanded function dental auxiliary 525
as specified in section 4715.64 of the Revised Code or to perform 526
the duties of an expanded function dental auxiliary other than as 527
authorized pursuant to this section. 528

(3) Authorize the assignment of any of the following: 529

(a) Diagnosis; 530

(b) Treatment planning and prescription, including 531

prescription for drugs and medicaments or authorization for 532
restorative, prosthodontic, or orthodontic appliances; 533

(c) Surgical procedures on hard or soft tissue of the oral 534
cavity, or any other intraoral procedure that contributes to or 535
results in an irremediable alteration of the oral anatomy; 536

(d) The making of final impressions from which casts are made 537
to construct any dental restoration. 538

~~(F)~~(G) No dentist shall assign any dental assistant or other 539
individual acting in the capacity of qualified personnel to 540
perform any dental procedure that the assistant or other 541
individual is not authorized by this section or by board rule to 542
perform. No dental assistant or other individual acting in the 543
capacity of qualified personnel shall perform any dental procedure 544
other than in accordance with this section and any applicable 545
board rule or any dental procedure that the assistant or other 546
individual is not authorized by this section or by board rule to 547
perform. 548

Sec. 4715.421. (A) As used in this section, "operation" has 549
the same meaning as in section 2305.234 of the Revised Code. 550

(B) Within thirty days after receiving an application for a 551
temporary volunteer's certificate that includes all of the items 552
listed in divisions (C)(1) and (2) of this section, the state 553
dental board shall issue, without examination, a temporary 554
volunteer's certificate to a person not licensed under this 555
chapter so that the person may provide dental services in this 556
state as a volunteer. 557

(C) An application for a temporary volunteer's certificate 558
shall include both of the following: 559

(1) A copy of the applicant's degree from a dental college or 560
dental hygiene school; 561

(2) One of the following, as applicable: 562

(a) Evidence satisfactory to the board that the applicant holds a valid, unrestricted license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene; 563
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(b) Evidence satisfactory to the board that the applicant is practicing dentistry or dental hygiene in one or more branches of the United States armed services. 567
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(D) The holder of a temporary volunteer's certificate shall not accept any form of remuneration for providing dental services pursuant to the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a temporary volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code. 570
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(E)(1) A temporary volunteer's certificate shall be valid for a period of seven days, and may be renewed upon the application of the holder, unless the certificate was previously revoked under division (D) of this section. The board shall maintain a register of all persons who hold a temporary volunteer's certificate. The board may charge a fee not to exceed twenty-five dollars for issuing or renewing a certificate pursuant to this section. 579
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(2) The board shall issue to each person who qualifies under this section for a temporary volunteer's certificate a wallet certificate that states that the certificate holder is authorized to provide dental services pursuant to the laws of this state. The holder shall keep the wallet certificate on the holder's person while providing dental services. 586
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(3) The holder of a temporary volunteer's certificate issued 592

pursuant to this section is subject to the immunity provisions in 593
section 2305.234 of the Revised Code. 594

(F) The board shall adopt rules in accordance with Chapter 595
119. of the Revised Code to administer and enforce this section. 596

(G) Not later than ninety days after the effective date of 597
this section, the state dental board shall make available through 598
the board's internet web site the application form for a temporary 599
volunteer's certificate under this section, a description of the 600
application process, and a list of all items that are required by 601
division (C) of this section to be submitted with the application. 602

Sec. 4715.64. (A) The Subject to divisions (B), (C), and (D) 603
of this section, the practice of an expanded function dental 604
auxiliary shall consist of the following: 605

(1) The procedures involved in the placement of restorative 606
materials limited to amalgam restorative materials and 607
non-metallic nonmetallic restorative materials, including 608
direct-bonded restorative materials; 609

(2) The ~~procedures involved in the placement of~~ application 610
of pit and fissure sealants; 611

(3) The re-cementation of temporary crowns; 612

(4) The application of topical fluoride; 613

(5) The application of fluoride varnish; 614

(6) The application of disclosing solutions; 615

(7) The application of desensitizing agents; 616

(8) Carries susceptibility testing; 617

(9) The demonstration of oral hygiene procedures, including 618
the use of toothbrushes and dental floss; 619

(10) The discussion of proper nutrition; 620

(11) Any additional procedures authorized by the state dental board in rules adopted under section 4715.66 of the Revised Code. 621
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(B) An expanded function dental auxiliary shall ~~practice~~ perform the services specified in divisions (A)(1) and (11) of this section only under the direct supervision, order, control, and full responsibility of a dentist licensed under this chapter. At no time shall more than two expanded function dental auxiliaries be practicing as expanded function dental auxiliaries under the direct supervision of the same dentist. ~~An~~ Except as provided in divisions (C) and (D) of this section, an expanded function dental auxiliary shall not practice as an expanded function dental auxiliary when the supervising dentist is not physically present at the location where the expanded function dental auxiliary is practicing. 623
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(C) An expanded function dental auxiliary may perform, for not more than fifteen consecutive days, the services specified in divisions (A)(3) to (10) of this section when the supervising dentist is not physically present at the location where the expanded function dental auxiliary is practicing if all of the following conditions are met: 635
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(1) The expanded function dental auxiliary has at least two years and a minimum of three thousand hours of experience practicing as an expanded function dental auxiliary. 641
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(2) The expanded function dental auxiliary has successfully completed a course approved by the board in the identification and prevention of potential medical emergencies. 644
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(3) The expanded function dental auxiliary complies with written protocols the supervising dentist establishes for emergencies. 647
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(4) The supervising dentist has evaluated the expanded function dental auxiliary's skills. 650
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(5) The supervising dentist examined the patient not more than one year prior to the date the expanded function dental auxiliary provides services to the patient. 652
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(6) The expanded function dental auxiliary complies with written protocols or written standing orders that the supervising dentist establishes. 655
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(7) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date the expanded function dental auxiliary provides services to the patient and, except when the services are provided in a health care facility, the supervising dentist determines that the patient is in a medically stable condition. 658
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(8) If the 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. 664
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(9) In advance of the appointment for services, the patient is notified that the supervising dentist will be absent from the location and that the expanded function dental auxiliary cannot diagnose the patient's dental health care status. 670
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(10) The expanded function dental auxiliary is employed by, or under contract with, the supervising dentist, a dentist licensed under this chapter who meets one of the criteria specified in division (C)(11)(b) of section 4715.22 of the Revised Code, or a government entity that employs the expanded function dental auxiliary to provide services in a public school or in connection with other programs the government entity administers. 674
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(D) An expanded function dental auxiliary who meets the conditions specified in divisions (C)(1) and (2) of this section 681
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may apply pit and fissure sealants prior to a dentist examining 683
the patient and rendering a diagnosis, and when a dentist is not 684
physically present at the location where the service is provided, 685
subject to all of the following: 686

(1) The expanded function dental auxiliary must be providing 687
the service as part of a program operated through any of the 688
following: a school district board of education or the governing 689
board of an educational service center; the board of health of a 690
city or general health district or the authority having the duties 691
of a board of health under section 3709.05 of the Revised Code; a 692
national, state, district, or local dental association; or any 693
other public or private entity recognized by the state dental 694
board. 695

(2) A supervising dentist for the program described in 696
division (D)(3) of this section must meet both of the following 697
conditions: 698

(a) Be employed by or a volunteer for, and the patients are 699
referred by, the entity through which the program is operated; 700

(b) Be available for consultation by telephone, 701
videoconferencing, or other means of electronic communication. 702

(3) The application of pit and fissure sealants must be 703
limited to erupted permanent posterior teeth without suspicion of 704
cavitation. 705

(4) If the patient is a minor, a parent, guardian, or other 706
person responsible for the patient must be notified that a dentist 707
will not be present at the location and that the expanded function 708
dental auxiliary is not trained to diagnose or treat other serious 709
dental concerns that could exist. 710

(E) Nothing in this section shall be construed by rule of the 711
board or otherwise to authorize an expanded function dental 712
auxiliary to engage in the practice of dental hygiene as defined 713

by sections 4715.22 and 4715.23 of the Revised Code. 714

Sec. 4715.66. (A) The state dental board shall adopt rules as 715
the board considers necessary to implement and administer sections 716
4715.61 to 4715.64 of the Revised Code. The rules shall be adopted 717
in accordance with Chapter 119. of the Revised Code. 718

(B) In adopting rules under this section, all of the 719
following apply: 720

(1) The board shall adopt rules specifying the education or 721
training necessary for an individual to register as an expanded 722
function dental auxiliary under this chapter. 723

(2) The board shall adopt rules specifying the standards that 724
must be met for an examination to be accepted by the board as an 725
examination of competency to practice as an expanded function 726
dental auxiliary. In specifying the standards, the board shall 727
provide that an examination will be accepted only if the entity 728
that administered the examination required an individual to be one 729
of the following as a condition of admission to the examination: 730

(a) An unlicensed dentist who has graduated from an 731
accredited dental college, as specified in section 4715.10 of the 732
Revised Code, and does not have a dental license under suspension 733
or revocation by the board; 734

(b) A dental student who is enrolled in an accredited dental 735
college, as specified in section 4715.10 of the Revised Code, and 736
is considered by the dean of the college to be in good standing as 737
a dental student; 738

(c) A graduate of a dental college located outside of the 739
United States; 740

(d) A dental assistant who is certified by the dental 741
assisting national board or the Ohio commission on dental 742
assistant certification; 743

(e) A dental hygienist licensed under this chapter whose license is in good standing;

(f) An unlicensed dental hygienist who has graduated from an accredited dental hygiene school, as specified in section 4715.21 of the Revised Code, and does not have a dental hygienist license under suspension or revocation by the board.

(3) The board may adopt rules specifying procedures an expanded function dental auxiliary may perform that are in addition to the procedures specified in divisions (A)(1) ~~and (2)~~ to (10) of section 4715.64 of the Revised Code.

Section 2. That existing sections 3333.61, 4715.10, 4715.13, 4715.22, 4715.23, 4715.363, 4715.366, 4715.371, 4715.39, 4715.64, and 4715.66 of the Revised Code are hereby repealed.

Section 3. (A) There is hereby created the Medicaid Payment Rates for Dental Services Workgroup. The Workgroup shall consist of all of the following:

(1) The Medicaid Director or the Director's designee;

(2) The Director of Health or the Director's designee;

(3) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the President of the Senate;

(4) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House of Representatives;

(5) Four dentists who have valid Medicaid provider agreements and practice in different geographic areas of the state, appointed by the executive director of the Ohio Dental Association.

(B) Appointments to the Workgroup shall be made not later than thirty days after the effective date of this section. Except

to the extent that serving on the Workgroup is part of a member's 773
regular employment duties, a member of the Workgroup shall not be 774
paid for the member's service on the Workgroup. Members of the 775
Workgroup shall not be reimbursed for their expenses incurred in 776
serving on the Workgroup. 777

(C) The Medicaid Director or Director's designee shall serve 778
as the Workgroup's chairperson. The Workgroup shall meet at the 779
call of the chairperson. 780

(D) The Department of Medicaid shall provide staff and other 781
support services for the Workgroup. 782

(E) The Workgroup shall study the issue of Medicaid payment 783
rates for dental services. Not later than December 31, 2014, the 784
Workgroup shall submit a report of its study to the Governor and, 785
in accordance with section 101.68 of the Revised Code, the General 786
Assembly. The report shall include recommendations regarding 787
Medicaid payment rates for dental services. The Workgroup shall 788
cease to exist on submission of its report. 789

Section 4. Not later than July 1, 2015, the Development 790
Services Agency shall enter into a contract with JobsOhio. This 791
contract shall specify that JobsOhio shall use \$250,000 in the 792
fiscal year ending June 30, 2016, to provide no-interest loans for 793
the purchase of dental equipment to be used for the treatment of 794
underserved populations in dental health resource shortage areas 795
designated by the Director of Health under section 3702.87 of the 796
Revised Code. The Development Services Agency shall coordinate 797
duties with JobsOhio through this contract. 798