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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, Wachtmann, Sprague

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A B I L L

To amend sections 3333.61, 4715.031, 4715.037, 1
4715.10, 4715.13, 4715.22, 4715.23, 4715.24, 2
4715.363, 4715.366, 4715.371, 4715.373, 4715.39, 3
4715.56, 4715.64, and 4715.66 and to enact 4
sections 3702.96, 3702.961, 3702.962, 3702.963, 5
3702.964, 3702.965, 3702.966, 3702.967, 3702.968, 6
3702.969, and 4715.421 of the Revised Code to make 7
changes to the laws governing dental 8
professionals. 9

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

Section 1. That sections 3333.61, 4715.031, 4715.037, 10
4715.10, 4715.13, 4715.22, 4715.23, 4715.24, 4715.363, 4715.366, 11
4715.371, 4715.373, 4715.39, 4715.56, 4715.64, and 4715.66 be 12
amended and sections 3702.96, 3702.961, 3702.962, 3702.963, 13
3702.964, 3702.965, 3702.966, 3702.967, 3702.968, 3702.969, and 14
4715.421 of the Revised Code be enacted to read as follows: 15

Sec. 3333.61. The chancellor of the Ohio board of regents 16
shall establish and administer the Ohio innovation partnership, 17
which shall consist of the choose Ohio first scholarship program 18
and the Ohio research scholars program. Under the programs, the 19
chancellor, subject to approval by the controlling board, shall 20
make awards to state universities or colleges for programs and 21
initiatives that recruit students and scientists in the fields of 22
science, technology, engineering, mathematics, ~~and~~ medicine, and 23
dentistry to state universities or colleges, in order to enhance 24
regional educational and economic strengths and meet the needs of 25
the state's regional economies. Awards may be granted for programs 26
and initiatives to be implemented by a state university or college 27
alone or in collaboration with other state institutions of higher 28
education, nonpublic Ohio universities and colleges, or other 29
public or private Ohio entities. If the chancellor makes an award 30
to a program or initiative that is intended to be implemented by a 31
state university or college in collaboration with other state 32
institutions of higher education or nonpublic Ohio universities or 33
colleges, the chancellor may provide that some portion of the 34
award be received directly by the collaborating universities or 35
colleges consistent with all terms of the Ohio innovation 36
partnership. 37

The choose Ohio first scholarship program shall assign a 38
number of scholarships to state universities and colleges to 39
recruit Ohio residents as undergraduate, or as provided in section 40
3333.66 of the Revised Code graduate, students in the fields of 41
science, technology, engineering, mathematics, ~~and~~ medicine, and 42
dentistry, or in science, technology, engineering, mathematics, ~~or~~ 43
medical, or dental education. Choose Ohio first scholarships shall 44
be awarded to each participating eligible student as a grant to 45
the state university or college the student is attending and shall 46
be reflected on the student's tuition bill. Choose Ohio first 47

scholarships are student-centered grants from the state to 48
students to use to attend a university or college and are not 49
grants from the state to universities or colleges. 50

Notwithstanding any other provision of this section or 51
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 52
four-year Ohio institution of higher education may submit a 53
proposal for choose Ohio first scholarships or Ohio research 54
scholars grants. If the chancellor awards a nonpublic institution 55
scholarships or grants, the nonpublic institution shall comply 56
with all requirements of this section, sections 3333.62 to 3333.69 57
of the Revised Code, and the rules adopted under this section that 58
apply to state universities or colleges awarded choose Ohio first 59
scholarships or Ohio research scholars grants. 60

The Ohio research scholars program shall award grants to use 61
in recruiting scientists to the faculties of state universities or 62
colleges. 63

The chancellor shall adopt rules in accordance with Chapter 64
119. of the Revised Code to administer the programs. 65

Sec. 3702.96. There is hereby created the dental hygienist 66
loan repayment program, which shall be administered by the 67
department of health in cooperation with the dental hygienist loan 68
repayment advisory board. The program shall provide loan repayment 69
on behalf of individuals who agree to provide dental hygiene 70
services in areas designated as dental health resource shortage 71
areas by the director of health pursuant to section 3702.87 of the 72
Revised Code. 73

Under the program, the department, by means of a contract 74
entered into under section 3702.965 of the Revised Code, may agree 75
to repay all or part of the principal and interest of a government 76
or other educational loan taken by an individual for the following 77
expenses incurred while the individual was enrolled in an 78

accredited dental hygiene school that meets the standards 79
described in section 4715.21 of the Revised Code: 80

(A) Tuition; 81

(B) Other educational expenses, such as fees, books, and 82
laboratory expenses that are for purposes and in amounts 83
determined reasonable by the director; 84

(C) Room and board, in an amount determined reasonable by the 85
director. 86

Sec. 3702.961. The director of health, in accordance with 87
Chapter 119. of the Revised Code, shall adopt rules as necessary 88
to implement and administer sections 3702.96 to 3702.969 of the 89
Revised Code. In preparing rules, the director shall consult with 90
the dental hygienist loan repayment advisory board. 91

Sec. 3702.962. The director of health, by rule, shall 92
establish priorities among dental health resource shortage areas 93
for use in recruiting dental hygienists to sites within particular 94
areas under the dental hygienist loan repayment program. In 95
establishing priorities, the director shall consider the ratio of 96
dental hygienists to the population in the dental health resource 97
shortage area, the distance to dental hygienists outside the area, 98
dental health status indicators of the target population in the 99
area, presence of dental health care provider sites in the area 100
with vacancies for dental hygienists, availability of an eligible 101
candidate interested in being recruited to a particular site 102
within an area, and the distribution of dental health care 103
provider sites in urban and rural regions. The director shall give 104
greatest priority to dental health resource shortage areas having 105
a high ratio of population to dental hygienists. 106

The director, by rule, shall establish priorities for use in 107
determining eligibility among applicants for participation in the 108

dental hygienist loan repayment program. The priorities may 109
include consideration of an applicant's background and career 110
goals, the length of time the applicant is willing to provide 111
dental hygiene services in a dental health care resource shortage 112
area, and the amount of the educational expenses for which 113
reimbursement is being sought through the program. 114

Sec. 3702.963. (A) An individual who will not have an 115
outstanding obligation for dental hygiene service to the federal 116
government, a state, or other entity at the time of participation 117
in the dental hygienist loan repayment program and meets either of 118
the following requirements may apply for participation in the 119
dental hygienist loan repayment program: 120

(1) The applicant is a dental hygiene student enrolled in the 121
final year of dental hygiene school. 122

(2) The applicant holds a valid license to practice dental 123
hygiene issued under Chapter 4715. of the Revised Code. 124

(B) An application for participation in the dental hygienist 125
loan repayment program shall be submitted to the director of 126
health on a form the director shall prescribe. The following 127
information shall be included or supplied: 128

(1) The applicant's name, permanent address or address at 129
which the applicant is currently residing if different from the 130
permanent address, and telephone number; 131

(2) The dental hygiene school the applicant attended or is 132
attending, dates of attendance, and verification of attendance; 133

(3) A summary and verification of the educational expenses 134
for which the applicant seeks reimbursement under the program; 135

(4) If the applicant is a licensed dental hygienist, 136
verification of the applicant's license issued under Chapter 4715. 137
of the Revised Code to practice dental hygiene and proof of good 138

standing; 139

(5) Verification of the applicant's United States citizenship 140
or status as a legal alien. 141

Sec. 3702.964. If funds are available in the dental hygienist 142
loan repayment fund created under section 3702.969 of the Revised 143
Code and the general assembly has appropriated the funds for the 144
program, the director of health shall approve an applicant for 145
participation in the program on finding in accordance with the 146
priorities established under section 3702.962 of the Revised Code 147
that the applicant is eligible for participation and is needed in 148
a dental health resource shortage area. 149

On approving an application, the director shall notify and 151
enter into discussions with the applicant. The object of the 152
discussions is to facilitate recruitment of the applicant to a 153
site within a dental health resource shortage area where, 154
according to the priorities established under section 3702.962 of 155
the Revised Code, the applicant is needed. 156

If the director and applicant agree on the applicant's 157
placement at a particular site within a dental health resource 158
shortage area, the applicant shall sign and deliver to the 159
director a letter of intent agreeing to that placement. 160

Sec. 3702.965. (A) An individual who has signed a letter of 161
intent under section 3702.964 of the Revised Code may enter into a 162
contract with the director of health for participation in the 163
dental hygienist loan repayment program. The dental hygienist's 164
employer or other funding source may also be a party to the 165
contract. 166

(B) The contract shall include all of the following 167
obligations: 168

<u>(1) The individual agrees to provide dental hygiene services</u>	169
<u>in the dental health resource shortage area identified in the</u>	170
<u>letter of intent for at least two years.</u>	171
<u>(2) When providing dental hygiene services in the dental</u>	172
<u>hygiene health resource shortage area, the individual agrees to do</u>	173
<u>all of the following:</u>	174
<u>(a) Provide dental hygiene services for a minimum of forty</u>	175
<u>hours per week;</u>	176
<u>(b) Provide dental hygiene services without regard to a</u>	177
<u>patient's ability to pay;</u>	178
<u>(c) Meet the requirements for a medicaid provider agreement</u>	179
<u>and enter into the agreement with the department of medicaid to</u>	180
<u>provide dental hygiene services to medicaid recipients.</u>	181
<u>(3) The department of health agrees, as provided in section</u>	182
<u>3702.96 of the Revised Code, to repay, so long as the individual</u>	183
<u>performs the service obligation agreed to under division (B)(1) of</u>	184
<u>this section, all or part of the principal and interest of a</u>	185
<u>government or other educational loan taken by the individual for</u>	186
<u>expenses described in section 3702.96 of the Revised Code.</u>	187
<u>(4) The individual agrees to pay the department of health an</u>	188
<u>amount established by rules adopted under section 3702.961 of the</u>	189
<u>Revised Code, if the individual fails to complete the service</u>	190
<u>obligation agreed to under division (B)(1) of this section.</u>	191
<u>(C) The contract may include any other terms agreed upon by</u>	192
<u>the parties.</u>	193
<u>(D) Not later than the thirty-first day of January of each</u>	194
<u>year, the department of health shall mail to each individual to</u>	195
<u>whom or on whose behalf repayment is made under the dental</u>	196
<u>hygienist loan repayment program a statement showing the amount of</u>	197
<u>principal and interest repaid by the department pursuant to the</u>	198

contract in the preceding year. The statement shall be sent by 199
ordinary mail with address correction and forwarding requested in 200
the manner prescribed by the United States postal service. 201

Sec. 3702.966. There is hereby created the dental hygienist 202
loan repayment advisory board. The board shall consist of the 203
following members: 204

(A) As ex officio members, the members of the dentist loan 205
repayment advisory board appointed under divisions (A) to (D) of 206
section 3702.92 of the Revised Code; 207

(B) Four representatives of the dental hygiene profession, 208
appointed by the governor from persons nominated by the Ohio 209
dental hygienists' association. 210

Terms of office of the members appointed under division (B) 211
of this section shall be two years. Each member shall hold office 212
from the date of appointment until the end of the term for which 213
the member was appointed. No person shall be appointed to the 214
board for more than two consecutive terms. 215

Vacancies shall be filled in the manner prescribed for the 216
original appointment. A member appointed to fill a vacancy 217
occurring prior to the expiration of the term for which the 218
member's predecessor was appointed shall hold office for the 219
remainder of that term. A member shall continue in office 220
subsequent to the expiration of the member's term until a 221
successor takes office or until sixty days have elapsed, whichever 222
occurs first. 223

The governor may remove a member for whom the governor was 224
the appointing authority, for misfeasance, malfeasance, or willful 225
neglect of duty. 226

The board shall designate a member to serve as chairperson of 227
the board. 228

The board shall meet at least once annually. The chairperson shall call special meetings as needed or upon the request of four members. 229
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Six members of the board constitute a quorum to transact and vote on all business coming before the board. 232
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Members of the board shall serve without compensation. 234

The department of health shall provide the board with staff assistance as requested by the board. 235
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Sec. 3702.967. The dental hygienist loan repayment advisory board shall determine the amounts that will be paid as loan repayments on behalf of participants in the dental hygienist loan repayment program. In the first and second years, no repayment shall exceed twenty-five thousand dollars in each year. In the third and fourth years, no repayment shall exceed thirty-five thousand dollars in each year. If, however, a repayment results in an increase in the participant's federal, state, or local income tax liability, the department of health, at the participant's request and with the approval of the director of health, may reimburse the participant for the increased tax liability, regardless of the amount of the repayment in that year. 237
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Sec. 3702.968. The dental hygienist loan repayment advisory board, annually on or before the first day of March, shall submit a report to the governor and general assembly describing the operations of the dental hygienist loan repayment program during the previous calendar year. The report shall include information about all of the following: 249
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(A) The number of requests received by the director of health that a particular area be designated as a dental health resource shortage area; 255
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(B) The areas that have been designated as dental health 258

<u>resource shortage areas and the priorities that have been assigned</u>	259
<u>to them;</u>	260
<u>(C) The number of applicants for participation in the dental</u>	261
<u>hygienist loan repayment program;</u>	262
<u>(D) The number of dental hygienists assigned to dental health</u>	263
<u>resource shortage areas and the payments made on behalf of those</u>	264
<u>dental hygienists under the dental hygienist loan repayment</u>	265
<u>program;</u>	266
<u>(E) The dental health resource shortage areas that have not</u>	267
<u>been matched with all of the dental hygienists they need;</u>	268
<u>(F) The number of dental hygienists failing to complete their</u>	269
<u>service obligations, the amount of damages owed, and the amount of</u>	270
<u>damages collected.</u>	271
<u>Sec. 3702.969. The director of health may accept gifts of</u>	272
<u>money from any source for the implementation and administration of</u>	273
<u>sections 3702.96 to 3702.967 of the Revised Code.</u>	274
<u>The director shall pay all gifts accepted under this section</u>	275
<u>into the state treasury, to the credit of the dental hygiene</u>	276
<u>resource shortage area fund, which is hereby created, and all</u>	277
<u>damages collected under division (B)(4) of section 3702.965 of the</u>	278
<u>Revised Code, into the state treasury, to the credit of the dental</u>	279
<u>hygienist loan repayment fund, which is hereby created.</u>	280
<u>The director shall use the dental hygiene resource shortage</u>	281
<u>area and dental hygienist loan repayment funds for the</u>	282
<u>implementation and administration of sections 3702.96 to 3702.969</u>	283
<u>of the Revised Code.</u>	284
<u>Sec. 4715.031. (A) The state dental board may develop and</u>	285
<u>implement a quality intervention program. The board may propose</u>	286
<u>that the holder of a license issued by the board participate in</u>	287

the program if the board determines pursuant to an investigation 288
conducted under section 4715.03 of the Revised Code that there are 289
reasonable grounds to believe the license holder has violated a 290
provision of this chapter due to a clinical or communication 291
problem that could be improved through participation in the 292
program and determines that the license holder's participation in 293
the program is appropriate. The board shall refer a license holder 294
who agrees to participate in the program to an educational and 295
assessment service provider selected by the board. 296

(B) If the board develops and implements a quality 297
intervention program, all of the following apply: 298

(1) The board shall select, by a concurrence of a majority of 299
the board's members, educational and assessment service providers, 300
which may include quality intervention program panels of case 301
reviewers. A provider selected by the board to provide services to 302
a license holder shall recommend to the board the educational and 303
assessment services the license holder should receive under the 304
program. The license holder may begin participation in the program 305
if the board approves the services the provider recommends. The 306
license holder shall not be required to participate in the program 307
beyond one hundred eighty days from the date the license holder 308
agrees to participate in the program under this division. The 309
license holder shall pay the amounts charged by the provider for 310
the services. 311

(2) The board shall monitor a license holder's progress in 312
the program and determine whether the license holder has 313
successfully completed the program. If the board determines that 314
the license holder has successfully completed the program, it may 315
continue to monitor the license holder, take other action it 316
considers appropriate, or both. The additional monitoring, other 317
action taken by the board, or both, shall not continue beyond one 318

year from the date the license holder agrees to participate in the 319
program under this division. If the board determines that the 320
license holder has not successfully completed the program, it 321
shall, as soon as possible thereafter, commence disciplinary 322
proceedings against the license holder under section 4715.03 of 323
the Revised Code. 324

(3) The board shall elect, from the board's members who are 325
dentists, a coordinator to administer and provide oversight of the 326
quality intervention program. The coordinator may delegate to the 327
board's members or employees those duties that the coordinator 328
considers appropriate. 329

(C) The board may adopt rules in accordance with Chapter 119. 330
of the Revised Code to further implement the quality intervention 331
program. 332

Sec. 4715.037. (A) Notwithstanding the permissive nature of 333
hearing referee or examiner appointments under section 119.09 of 334
the Revised Code, the state dental board shall appoint, by a 335
concurrence of a majority of its members, three referees or 336
examiners to conduct the hearings the board is required to hold 337
pursuant to sections 119.01 to 119.13 of the Revised Code. 338
Referees or examiners appointed under this section shall be 339
attorneys who have been admitted to the practice of law in this 340
state. In making the appointments, the board shall not appoint an 341
attorney who is a board employee or represents the board in any 342
other manner. 343

(B)(1) Referees or examiners appointed under this section 344
shall serve not more than the following number of consecutive 345
one-year terms: 346

(a) In the case of the first initial appointee, ~~three~~ six; 347

(b) In the case of the second initial appointee, ~~four~~ seven; 348

(c) In the case of the third initial appointee and all 349
successor appointees, ~~five~~ eight. 350

(2) The board may not refuse to reappoint a referee or 351
examiner before the referee or examiner has served the maximum 352
number of terms applicable to the referee or examiner unless the 353
referee or examiner does not seek to serve the maximum number of 354
terms or the board, by a concurrence of a majority of its members, 355
determines there is cause not to reappoint the referee or 356
examiner. 357

(C) The board shall assign one referee or examiner appointed 358
under this section to conduct each hearing. Assignments shall be 359
made in the order the board receives requests for hearings without 360
regard to the experience or background of a particular referee or 361
examiner or the consideration of any factor other than whether the 362
referee or examiner is available at the appropriate time. 363

Sec. 4715.10. (A) As used in this section, "accredited dental 364
college" means a dental college accredited by the commission on 365
dental accreditation or a dental college that has educational 366
standards recognized by the commission on dental accreditation and 367
is approved by the state dental board. 368

(B) Each person who desires to practice dentistry in this 369
state shall file a written application for a license with the 370
secretary of the state dental board. The application shall be on a 371
form prescribed by the board and verified by oath. Each applicant 372
shall furnish satisfactory proof to the board that the applicant 373
has met the requirements of divisions (C) and (D) of this section, 374
and if the applicant is a graduate of an unaccredited dental 375
college located outside the United States, division (E) of this 376
section. 377

(C) To be granted a license to practice dentistry, an 378
applicant must meet all of the following requirements: 379

(1) Be at least eighteen years of age;	380
(2) Be of good moral character;	381
(3) Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;	382 383 384
(4) Have passed parts I and II of the examination given by the national board of dental examiners;	385 386
(5) Have passed a written jurisprudence examination administered by the state dental board under division (E)(2) of section 4715.03 of the Revised Code;	387 388 389
(6) Pay the fee required by division (A)(1) of section 4715.13 of the Revised Code.	390 391
(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:	392 393
(1) Have taken an examination administered by any of the following regional testing agencies and received on each component of the examination a passing score as specified in division (A) of section 4715.11 of the Revised Code: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the southern regional dental testing agency, inc., or the western regional examining board;	394 395 396 397 398 399 400
(2) Have taken an examination administered by the state dental board and received a passing score as established by the board;	401 402 403
(3) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application;	404 405 406 407 408 409

(4) Have completed a dental residency program accredited or 410
approved by the commission on dental accreditation and 411
administered by an accredited dental college or hospital. 412

(E) To be granted a license to practice dentistry, a graduate 413
of an unaccredited dental college located outside the United 414
States must meet both of the following requirements: 415

(1) Have taken a basic science and laboratory examination 416
consistent with rules adopted under section 4715.11 of the Revised 417
Code and received a passing score as established by the board; 418

(2) Have had sufficient clinical training in an accredited 419
institution to reasonably assure a level of competency equal to 420
that of graduates of accredited dental colleges, as determined by 421
the board. 422

Sec. 4715.13. (A) Applicants for licenses to practice 423
dentistry or for a general anesthesia permit or a conscious 424
intravenous sedation permit shall pay to the secretary of the 425
state dental board the following fees: 426

(1) For license to practice dentistry, two hundred ten 427
dollars if issued in an odd-numbered year or three hundred 428
~~thirty-seven~~ fifty-seven dollars if issued in an even-numbered 429
year; 430

(2) For duplicate license, to be granted upon proof of loss 431
of the original, twenty dollars; 432

(3) For a general anesthesia permit, one hundred twenty-seven 433
dollars; 434

(4) For a conscious intravenous sedation permit, one hundred 435
twenty-seven dollars. 436

(B) ~~Twenty~~ Forty dollars of each fee collected under division 437
(A)(1) of this section for a license issued in an even-numbered 438
year and ~~ten~~ twenty dollars of each fee collected under division 439

(A)(1) of this section in an odd-numbered year shall be paid to 440
the dentist loan repayment fund established under section 3702.95 441
of the Revised Code. 442

(C) In the case of a person who applies for a license to 443
practice dentistry by taking an examination administered by the 444
state dental board, both of the following apply: 445

(1) The fee in division (A)(1) of this section may be 446
refunded to an applicant who is unavoidably prevented from 447
attending the examination, or the applicant may be examined at the 448
next regular or special meeting of the board without an additional 449
fee. 450

(2) An applicant who fails the first examination may be 451
re-examined at the next regular or special meeting of the board 452
without an additional fee. 453

Sec. 4715.22. (A)(1) This section applies only when a 454
licensed dental hygienist is not practicing under a permit issued 455
pursuant to section 4715.363 of the Revised Code authorizing 456
practice under the oral health access supervision of a dentist. 457

(2) As used in this section, "health care facility" means 458
either of the following: 459

(a) A hospital registered under section 3701.07 of the 460
Revised Code; 461

(b) A "home" as defined in section 3721.01 of the Revised 462
Code. 463

(B) A licensed dental hygienist shall practice under the 464
supervision, order, control, and full responsibility of a dentist 465
licensed under this chapter. A dental hygienist may practice in a 466
dental office, public or private school, health care facility, 467
dispensary, or public institution. Except as provided in ~~division~~ 468
divisions (C) ~~or (D)~~ to (E) of this section, a dental hygienist 469

may not provide dental hygiene services to a patient when the 470
supervising dentist is not physically present at the location 471
where the dental hygienist is practicing. 472

(C) A dental hygienist may provide, for not more than fifteen 473
consecutive business days, dental hygiene services to a patient 474
when the supervising dentist is not physically present at the 475
location ~~at which~~ where the services are provided if all of the 476
following requirements are met: 477

(1) The dental hygienist has at least ~~two years~~ one year and 478
a minimum of ~~three~~ one thousand five hundred hours of experience 479
in the practice of dental hygiene. 480

(2) The dental hygienist has successfully completed a course 481
approved by the state dental board in the identification and 482
prevention of potential medical emergencies. 483

(3) The dental hygienist complies with written protocols ~~for~~ 484
~~emergencies~~ the supervising dentist establishes for emergencies. 485

(4) The dental hygienist does not perform, while the 486
supervising dentist is absent from the location, procedures while 487
the patient is anesthetized, definitive root planing, definitive 488
subgingival curettage, or other procedures identified in rules the 489
state dental board adopts. 490

(5) The supervising dentist has evaluated the dental 491
hygienist's skills. 492

(6) The supervising dentist examined the patient not more 493
than ~~seven months~~ one year prior to the date the dental hygienist 494
provides the dental hygiene services to the patient. 495

(7) The dental hygienist complies with written protocols or 496
written standing orders that the supervising dentist establishes. 497

(8) The supervising dentist completed and evaluated a medical 498
and dental history of the patient not more than one year prior to 499

the date the dental hygienist provides dental hygiene services to 500
the patient and, except when the dental hygiene services are 501
provided in a health care facility, the supervising dentist 502
determines that the patient is in a medically stable condition. 503

(9) If the dental hygiene services are provided in a health 504
care facility, a doctor of medicine and surgery or osteopathic 505
medicine and surgery who holds a current certificate issued under 506
Chapter 4731. of the Revised Code or a registered nurse licensed 507
under Chapter 4723. of the Revised Code is present in the health 508
care facility when the services are provided. 509

(10) In advance of the appointment for dental hygiene 510
services, the patient is notified that the supervising dentist 511
will be absent from the location and that the dental hygienist 512
cannot diagnose the patient's dental health care status. 513

(11) The dental hygienist is employed by, or under contract 514
with, one of the following: 515

(a) The supervising dentist; 516

(b) A dentist licensed under this chapter who is one of the 517
following: 518

(i) The employer of the supervising dentist; 519

(ii) A shareholder in a professional association formed under 520
Chapter 1785. of the Revised Code of which the supervising dentist 521
is a shareholder; 522

(iii) A member or manager of a limited liability company 523
formed under Chapter 1705. of the Revised Code of which the 524
supervising dentist is a member or manager; 525

(iv) A shareholder in a corporation formed under division (B) 526
of section 1701.03 of the Revised Code of which the supervising 527
dentist is a shareholder; 528

(v) A partner or employee of a partnership or a limited 529

liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee.

(c) A government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers.

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

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

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

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

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

(E) A dental hygienist may apply fluoride varnish and discuss proper nutrition for the purpose of maintaining good oral health

when the supervising dentist is not physically present at the 561
location where the services are provided if the dental hygienist 562
is employed by, or under contract with, the supervising dentist or 563
another person or government entity specified in division 564
(C)(11)(b) or (c) of this section. 565

(F) No person shall do either of the following: 566

(1) Practice dental hygiene in a manner that is separate or 567
otherwise independent from the dental practice of a supervising 568
dentist; 569

(2) Establish or maintain an office or practice that is 570
primarily devoted to the provision of dental hygiene services. 571

~~(F)~~(G) The state dental board shall adopt rules under 572
division (C) of section 4715.03 of the Revised Code identifying 573
procedures a dental hygienist may not perform when practicing in 574
the absence of the supervising dentist pursuant to division (C) or 575
(D) of this section. The board shall not identify the 576
re-cementation of temporary crowns or the re-cementation of crowns 577
with temporary cement as such procedures. 578

Sec. 4715.23. The practice of a dental hygienist shall 579
consist of those prophylactic, preventive, and other procedures 580
that licensed dentists are authorized by this chapter and rules of 581
the dental board to assign only to licensed dental hygienists or 582
to qualified personnel under section 4715.39 of the Revised Code. 583

Licensed dentists may assign to dental hygienists intraoral 584
tasks that do not require the professional competence or skill of 585
the licensed dentist and that are authorized by board rule. Such 586
performance of intraoral tasks by dental hygienists shall be under 587
supervision and full responsibility of the licensed dentist, and 588
at no time shall more than ~~three~~ four dental hygienists be 589
practicing clinical hygiene under the supervision of the same 590

dentist. The foregoing shall not be construed as authorizing the 591
assignment of diagnosis, treatment planning and prescription 592
(including prescriptions for drugs and medicaments or 593
authorizations for restorative, prosthodontic, or orthodontic 594
appliances); or, except when done in conjunction with the removal 595
of calcarious deposits, dental cement, or accretions on the crowns 596
and roots of teeth, surgical procedures on hard and soft tissues 597
within the oral cavity or any other intraoral procedure that 598
contributes to or results in an irremediable alteration of the 599
oral anatomy; or the making of final impressions from which casts 600
are made to construct any dental restoration. 601

The state dental board shall issue rules defining the 602
procedures that may be performed by licensed dental hygienists 603
engaged in school health activities or employed by public 604
agencies. 605

Sec. 4715.24. (A) Each person who is licensed to practice as 606
a dental hygienist in Ohio shall, on or before the first day of 607
January of each even-numbered year, register with the state dental 608
board, unless the person is temporarily retired pursuant to 609
section 4715.241 of the Revised Code. The registration shall be 610
made on a form prescribed by the board and furnished by the 611
secretary, shall include the licensee's name, address, license 612
number, and such other reasonable information as the board may 613
consider necessary, and shall include payment of a biennial 614
registration fee of one hundred ~~five~~ fifteen dollars. This fee 615
shall be paid to the treasurer of state. All such registrations 616
shall be in effect for the two-year period beginning on the first 617
day of January of each even-numbered year and ending on the last 618
day of December of the following odd-numbered year, and shall be 619
renewed in accordance with the standard renewal procedure of 620
sections 4745.01 to 4745.03 of the Revised Code. The failure of a 621
licensee to renew registration in accordance with this section 622

shall result in the automatic suspension of the licensee's license 623
to practice as a dental hygienist, unless the licensee is 624
temporarily retired pursuant to section 4715.241 of the Revised 625
Code. 626

(B) Any dental hygienist whose license has been automatically 627
suspended under this section may be reinstated on application to 628
the board on a form prescribed by the board for licensure 629
reinstatement and payment of the biennial registration fee and in 630
addition thereto thirty-one dollars to cover the costs of 631
reinstatement. 632

(C) The license of a dental hygienist shall be exhibited in a 633
conspicuous place in the room in which the dental hygienist 634
practices. Each dental hygienist licensed to practice, whether a 635
resident or not, shall notify the secretary in writing or 636
electronically of any change in the dental hygienist's office 637
address or employment within ten days after the change takes 638
place. 639

(D) Ten dollars of each biennial registration fee collected 640
under division (A) or (B) of this section shall be paid to the 641
dental hygienist loan repayment fund established under section 642
3702.969 of the Revised Code. 643

Sec. 4715.363. (A) A dental hygienist who desires to 644
participate in the oral health access supervision program shall 645
apply to the state dental board for a permit to practice under the 646
oral health access supervision of a dentist. The application shall 647
be under oath, on a form prescribed by the board in rules adopted 648
under section 4715.372 of the Revised Code, and accompanied by an 649
application fee of twenty dollars, which may be paid by personal 650
check or credit card. 651

(B) The applicant shall provide evidence satisfactory to the 652
board that the applicant has done all of the following: 653

(1) Completed at least ~~two years~~ one year and attained a 654
minimum of ~~three~~ one thousand five hundred hours of experience in 655
the practice of dental hygiene; 656

(2) Completed at least twenty-four hours of continuing dental 657
hygiene education during the two years prior to submission of the 658
application; 659

(3) Completed a course pertaining to the practice of dental 660
hygiene under the oral health access supervision of a dentist that 661
meets standards established in rules adopted under section 662
4715.372 of the Revised Code; 663

(4) Completed, during the two years prior to submission of 664
the application, a course pertaining to the identification and 665
prevention of potential medical emergencies that is the same as 666
the course described in division (C)(2) of section 4715.22 of the 667
Revised Code. 668

(C) The state dental board shall issue a permit to practice 669
under the oral health access supervision of a dentist to a dental 670
hygienist who is in good standing with the board and meets all of 671
the requirements of divisions (A) and (B) of this section. 672

Sec. 4715.366. (A) A dental hygienist providing dental 673
hygiene services under a permit issued under section 4715.363 of 674
the Revised Code to practice under the oral health access 675
supervision of a dentist shall do both of the following: 676

(1) Comply with written protocols established by the 677
authorizing dentist who authorizes the dental hygienist's 678
provision of services and standing orders established by the 679
authorizing dentist, including protocols and standing orders 680
regarding emergencies and, for the purpose of section 4715.365 of 681
the Revised Code, protocols regarding what constitutes a medically 682
significant change to a patient's medical or dental history; 683

(2) Immediately following the completion of the dental 684
hygiene services and subject to division (B) of this section, 685
direct the patient to ~~the authorizing a~~ dentist for a clinical 686
evaluation and schedule or cause to be scheduled an appointment 687
for the patient with ~~the authorizing a~~ dentist. 688

(B) For purposes of division (A)(2) of this section, the 689
dental hygienist shall make every attempt to schedule the 690
patient's appointment with the ~~authorizing~~ dentist not later than 691
~~ninety days~~ six months after the completion of the dental hygiene 692
services. The dental hygienist shall provide the patient with a 693
written notice of the appointment that includes, at a minimum, the 694
~~authorizing~~ dentist's name, address, and telephone number; the 695
date and time of the appointment; and a statement of the dental 696
hygiene services performed by the hygienist. The notice shall be 697
given to the patient or the patient's representative and one copy 698
shall be given to the ~~authorizing~~ dentist. 699

Sec. 4715.371. The state dental board shall develop and 700
publish on its internet web site a directory containing the names 701
and contact information, including electronic mail addresses, of 702
dentists and dental hygienists who hold current, valid permits 703
issued under sections 4715.362 and 4715.363 of the Revised Code. 704

Sec. 4715.373. Nothing in sections 4715.36 to 4715.372 of the 705
Revised Code authorizes any activity prohibited by this chapter or 706
prohibited by a rule adopted under this chapter by the state 707
dental board, including the activities prohibited by division 708
~~(E)~~(F) of section 4715.22 of the Revised Code and the activities 709
prohibited or not authorized by section 4715.23 of the Revised 710
Code. 711

Sec. 4715.39. (A) The state dental board may define the 712
duties that may be performed by dental assistants and other 713

individuals designated by the board as qualified personnel. If 714
defined, the duties shall be defined in rules adopted in 715
accordance with Chapter 119. of the Revised Code. The rules may 716
include training and practice standards for dental assistants and 717
other qualified personnel. The standards may include examination 718
and issuance of a certificate. If the board issues a certificate, 719
the recipient shall display the certificate in a conspicuous 720
location in any office in which the recipient is employed to 721
perform the duties authorized by the certificate. 722

(B) A dental assistant may polish the clinical crowns of 723
teeth if all of the following requirements are met: 724

(1) The dental assistant's polishing activities are limited 725
to the use of a rubber cup attached to a slow-speed rotary dental 726
hand piece to remove soft deposits that build up over time on the 727
crowns of teeth. 728

(2) The polishing is performed only after a dentist has 729
evaluated the patient and any calculus detected on the teeth to be 730
polished has been removed by a dentist or dental hygienist. 731

(3) The dentist supervising the assistant supervises not more 732
than two dental assistants engaging in polishing activities at any 733
given time. 734

(4) The dental assistant is certified by the dental assisting 735
national board or the Ohio commission on dental assistant 736
certification. 737

(5) The dental assistant receives a certificate from the 738
board authorizing the assistant to engage in the polishing 739
activities. The board shall issue the certificate if the 740
individual has successfully completed training in the polishing of 741
clinical crowns through a program accredited by the American 742
dental association commission on dental accreditation or 743
equivalent training approved by the board. The training shall 744

include courses in basic dental anatomy and infection control, 745
followed by a course in coronal polishing that includes didactic, 746
preclinical, and clinical training; any other training required by 747
the board; and a skills assessment that includes successful 748
completion of standardized testing. The board shall adopt rules 749
pursuant to division (A) of this section establishing standards 750
for approval of this training. 751

(C) A dental assistant may apply pit and fissure sealants if 752
all of the following requirements are met: 753

(1) A dentist evaluates the patient and designates the teeth 754
and surfaces that will benefit from the application of sealant on 755
the day the application is to be performed. 756

(2) The dental assistant is certified by the dental assisting 757
national board or the Ohio commission on dental assistant 758
certification. 759

(3) The dental assistant has successfully completed a course 760
in the application of sealants consisting of at least two hours of 761
didactic instruction and six hours of clinical instruction through 762
a program provided by an institution accredited by the American 763
dental association commission on dental accreditation or a program 764
provided by a sponsor of continuing education approved by the 765
board. 766

(4) The dentist supervising the assistant has observed the 767
assistant successfully apply at least six sealants. 768

(5) ~~The~~ Except as provided in division (D) or (E) of this 769
section, the dentist supervising the assistant checks and approves 770
the application of all sealants placed by the assistant before the 771
patient leaves the location where the sealant application 772
procedure is performed. 773

(D)(1) A dental assistant who is certified by the dental 774
assisting national board or the Ohio commission on dental 775

assistant certification may provide, for not more than fifteen 776
consecutive business days, all of the following services to a 777
patient when the supervising dentist is not physically present at 778
the location where the services are provided if the conditions 779
specified in division (D)(2) of this section have been satisfied: 780

(a) The re-cementation of temporary crowns or the 781
re-cementation of crowns with temporary cement; 782

(b) The application of fluoride varnish; 783

(c) The application of disclosing solutions; 784

(d) Carries susceptibility testing; 785

(e) Instruction on of oral hygiene practices, including the 786
use of toothbrushes and dental floss; 787

(f) The discussion of proper nutrition for the purpose of 788
maintaining good oral health. 789

(2) The conditions that must be satisfied before a dental 790
assistant may provide the services specified in division (D)(1) of 791
this section are all of the following: 792

(a) The dental assistant has at least two years and a minimum 793
of three thousand hours of experience practicing as a dental 794
assistant. 795

(b) The dental assistant has successfully completed a course 796
approved by the state dental board in the identification and 797
prevention of potential medical emergencies. 798

(c) The supervising dentist has evaluated the dental 799
assistant's skills. 800

(d) The supervising dentist examined the patient not more 801
than one year prior to the date that the dental assistant provides 802
the services to the patient. 803

(e) The supervising dentist has established written protocols 804

or written standing orders for the dental assistant to follow 805
during and in the absence of an emergency. 806

(f) The supervising dentist completed and evaluated a medical 807
and dental history of the patient not more than one year prior to 808
the date that the dental assistant provides services to the 809
patient and, except when the services are provided in a health 810
care facility, the supervising dentist determines that the patient 811
is in a medically stable condition. 812

(g) If the services are provided in a health care facility, a 813
doctor of medicine and surgery or osteopathic medicine and surgery 814
who holds a current certificate issued under Chapter 4731. of the 815
Revised Code or a registered nurse licensed under Chapter 4723. of 816
the Revised Code is present in the health care facility when the 817
services are provided. 818

(h) The patient is notified, in advance of the appointment 819
for services, that the supervising dentist will be absent from the 820
location and that the dental assistant cannot diagnose the 821
patient's dental health care status. 822

(i) The dental assistant is employed by, or under contract 823
with, the supervising dentist, a dentist licensed under this 824
chapter who meets one of the criteria specified in division 825
(C)(11)(b) of section 4715.22 of the Revised Code, or a government 826
entity that employs the dental assistant to provide services in a 827
public school or in connection with other programs the government 828
entity administers. 829

(3) A dental assistant who is certified by the dental 830
assisting national board or the Ohio commission on dental 831
assistant certification may apply, for not more than fifteen 832
business days, pit and fissure sealants when the supervising 833
dentist is not physically present at the location where the 834
sealants are to be applied if the dental assistant meets the 835

requirements in divisions (C)(3) and (4) of this section and all 836
of the conditions specified in division (D)(2) of this section 837
have been satisfied. 838

(E) A dental assistant who is certified by the dental 839
assisting national board or the Ohio commission on dental 840
assistant certification may apply pit and fissure sealants prior 841
to a dentist examining the patient and rendering a diagnosis, and 842
when a dentist is not physically present at the location where the 843
service is provided, if all of the following are the case: 844

(1) The dental assistant meets the requirements in divisions 845
(C)(3) and (4) of this section. 846

(2) All of the conditions specified in division (D)(2) of 847
this section have been satisfied. 848

(3) The dental assistant is providing the service as part of 849
a program operated through any of the following: a school district 850
board of education or the governing board of an educational 851
service center; the board of health of a city or general health 852
district or the authority having the duties of a board of health 853
under section 3709.05 of the Revised Code; a national, state, 854
district, or local dental association; or any other public or 855
private entity recognized by the state dental board. 856

(4) A supervising dentist for the program described in 857
division (E)(3) of this section meets both of the following 858
conditions: 859

(a) Is employed by or a volunteer for, and the patients are 860
referred by, the entity through which the program is operated; 861

(b) Is available for consultation by telephone, 862
videoconferencing, or other means of electronic communication. 863

(5) The application of pit and fissure sealants is limited to 864
erupted permanent posterior teeth without suspicion of cavitation. 865

(6) If the patient is a minor, a parent, guardian, or other person responsible for the patient has been notified that a dentist will not be present at the location and that the dental assistant is not trained to diagnose or treat other serious dental concerns that could exist. 866
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(F) Subject to this section and the applicable rules of the board, licensed dentists may assign to dental assistants and other qualified personnel dental procedures that do not require the professional competence or skill of the licensed dentist, a dental hygienist, or an expanded function dental auxiliary as this section or the board by rule authorizes dental assistants and other qualified personnel to perform. ~~The~~ Except as provided in division (D) or (E) of this section, the performance of dental procedures by dental assistants and other qualified personnel shall be under direct supervision and full responsibility of the licensed dentist. 871
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~~(E)~~(G) Nothing in this section shall be construed by rule of the state dental board or otherwise to do the following: 882
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(1) Authorize dental assistants or other qualified personnel to engage in the practice of dental hygiene as defined by sections 4715.22 and 4715.23 of the Revised Code or to perform the duties of a dental hygienist, including the removal of calcarious deposits, dental cement, or accretions on the crowns and roots of teeth other than as authorized pursuant to this section; 884
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(2) Authorize dental assistants or other qualified personnel to engage in the practice of an expanded function dental auxiliary as specified in section 4715.64 of the Revised Code or to perform the duties of an expanded function dental auxiliary other than as authorized pursuant to this section. 890
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(3) Authorize the assignment of any of the following: 895

(a) Diagnosis; 896

(b) Treatment planning and prescription, including 897
prescription for drugs and medicaments or authorization for 898
restorative, prosthodontic, or orthodontic appliances; 899

(c) Surgical procedures on hard or soft tissue of the oral 900
cavity, or any other intraoral procedure that contributes to or 901
results in an irremediable alteration of the oral anatomy; 902

(d) The making of final impressions from which casts are made 903
to construct any dental restoration. 904

~~(F)~~(H) No dentist shall assign any dental assistant or other 905
individual acting in the capacity of qualified personnel to 906
perform any dental procedure that the assistant or other 907
individual is not authorized by this section or by board rule to 908
perform. No dental assistant or other individual acting in the 909
capacity of qualified personnel shall perform any dental procedure 910
other than in accordance with this section and any applicable 911
board rule or any dental procedure that the assistant or other 912
individual is not authorized by this section or by board rule to 913
perform. 914

Sec. 4715.421. (A) As used in this section: 915

(1) "Accredited dental college" has the same meaning as in 916
section 4715.10 of the Revised Code. 917

(2) "Accredited dental hygiene school" has the same meaning 918
as in section 4715.36 of the Revised Code. 919

(3) "Operation" has the same meaning as in section 2305.234 920
of the Revised Code. 921

(B) Within thirty days after receiving an application for a 922
temporary volunteer's certificate that includes all of the items 923
listed in divisions (C)(1) and (2) of this section, the state 924
dental board shall issue, without examination, a temporary 925
volunteer's certificate to a person not licensed under this 926

chapter so that the person may provide dental services in this 927
state as a volunteer. 928

(C) An application for a temporary volunteer's certificate 929
shall include both of the following: 930

(1) A copy of the applicant's degree from an accredited 931
dental college or accredited dental hygiene school; 932

(2) One of the following, as applicable: 933

(a) Evidence satisfactory to the board that the applicant 934
holds a valid, unrestricted license to practice dentistry or 935
dental hygiene issued by a jurisdiction in the United States that 936
licenses persons to practice dentistry or dental hygiene; 937

(b) Evidence satisfactory to the board that the applicant is 938
practicing dentistry or dental hygiene in one or more branches of 939
the United States armed services. 940

(D) The holder of a temporary volunteer's certificate shall 941
not accept any form of remuneration for providing dental services 942
pursuant to the certificate. Except in a dental emergency, the 943
holder shall not perform any operation. The board may revoke a 944
temporary volunteer's certificate on receiving proof satisfactory 945
to the board that the holder has engaged in practice in this state 946
outside the scope of the holder's certificate or that there are 947
grounds for action against the person under section 4715.30 of the 948
Revised Code. 949

(E)(1) A temporary volunteer's certificate shall be valid for 950
a period of seven days, and may be renewed upon the application of 951
the holder, unless the certificate was previously revoked under 952
division (D) of this section. The board shall maintain a register 953
of all persons who hold a temporary volunteer's certificate. The 954
board may charge a fee not to exceed twenty-five dollars for 955
issuing or renewing a certificate pursuant to this section. 956

(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. 957
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(3) The holder of a temporary volunteer's certificate issued pursuant to this section is subject to the immunity provisions in section 2305.234 of the Revised Code. 963
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(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section. 966
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(G) Not later than ninety days after the effective date of this section, the state dental board shall make available through the board's internet web site the application form for a temporary volunteer's certificate under this section, a description of the application process, and a list of all items that are required by division (C) of this section to be submitted with the application. 968
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Sec. 4715.56. A (A) Except as provided in division (B) of this section, a dental x-ray machine operator may perform radiologic procedures only if a dentist is providing direct supervision. Direct supervision does not require the dentist to observe each radiologic procedure performed by the operator, but does require that ~~he~~ the dentist be present at the location where the operator is performing radiologic procedures for purposes of consulting with and directing the operator while performing the procedures. 974
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(B) A dental x-ray machine operator may perform radiologic procedures for a patient when the supervising dentist is not physically present at the location where the radiologic procedures are performed if the supervising dentist examined the patient not more than one year prior to the date the dental x-ray machine 983
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operator performs the radiologic procedures. 988

Sec. 4715.64. (A) The Subject to divisions (B), (C), and (D) 989
of this section, the practice of an expanded function dental 990
auxiliary shall consist of the following: 991

(1) The procedures involved in the placement of restorative 992
materials limited to amalgam restorative materials and 993
~~non-metallic~~ nonmetallic restorative materials, including 994
direct-bonded restorative materials; 995

(2) ~~The procedures involved in the placement of~~ application 996
of pit and fissure sealants; 997

(3) The re-cementation of temporary crowns or the 998
re-cementation of crowns with temporary cement; 999

(4) The application of topical fluoride; 1000

(5) The application of fluoride varnish; 1001

(6) The application of disclosing solutions; 1002

(7) The application of desensitizing agents; 1003

(8) Carries susceptibility testing; 1004

(9) Instruction on oral hygiene practices, including the use 1005
of toothbrushes and dental floss; 1006

(10) The discussion of proper nutrition for the purpose of 1007
maintaining good oral health; 1008

(11) Any additional procedures authorized by the state dental 1009
board in rules adopted under section 4715.66 of the Revised Code. 1010

(B) An expanded function dental auxiliary shall ~~practice~~ 1011
perform the services specified in divisions (A)(1) and (11) of 1012
this section only under the ~~direct~~ supervision, order, control, 1013
and full responsibility of a dentist licensed under this chapter. 1014
At no time shall more than two expanded function dental 1015

auxiliaries be practicing as expanded function dental auxiliaries 1016
under the ~~direct~~ supervision of the same dentist. ~~An~~ Except as 1017
provided in divisions (C) and (D) of this section, an expanded 1018
function dental auxiliary shall not practice as an expanded 1019
function dental auxiliary when the supervising dentist is not 1020
physically present at the location where the expanded function 1021
dental auxiliary is practicing. 1022

(C) An expanded function dental auxiliary may perform, for 1023
not more than fifteen consecutive business days, the services 1024
specified in divisions (A)(2) to (10) of this section when the 1025
supervising dentist is not physically present at the location 1026
where the expanded function dental auxiliary is practicing if all 1027
of the following conditions have been satisfied: 1028

(1) The expanded function dental auxiliary has at least two 1029
years and a minimum of three thousand hours of experience 1030
practicing as an expanded function dental auxiliary. 1031

(2) The expanded function dental auxiliary has successfully 1032
completed a course approved by the board in the identification and 1033
prevention of potential medical emergencies. 1034

(3) The supervising dentist has evaluated the expanded 1035
function dental auxiliary's skills. 1036

(4) The supervising dentist examined the patient not more 1037
than one year prior to the date that the expanded function dental 1038
auxiliary provides services to the patient. 1039

(5) The supervising dentist has established written protocols 1040
or written standing orders for the expanded function dental 1041
auxiliary to follow during and in the absence of an emergency. 1042

(6) The supervising dentist completed and evaluated a medical 1043
and dental history of the patient not more than one year prior to 1044
the date that the expanded function dental auxiliary provides 1045
services to the patient and, except when the services are provided 1046

in a health care facility, the supervising dentist determines that 1047
the patient is in a medically stable condition. 1048

(7) In advance of the appointment for services, the patient 1049
is notified that the supervising dentist will be absent from the 1050
location and that the expanded function dental auxiliary cannot 1051
diagnose the patient's dental health care status. 1052

(8) The expanded function dental auxiliary is employed by, or 1053
under contract with, the supervising dentist, a dentist licensed 1054
under this chapter who meets one of the criteria specified in 1055
division (C)(11)(b) of section 4715.22 of the Revised Code, or a 1056
government entity that employs the expanded function dental 1057
auxiliary to provide services in a public school or in connection 1058
with other programs the government entity administers. 1059

(D) An expanded function dental auxiliary may apply pit and 1060
fissure sealants prior to a dentist examining the patient and 1061
rendering a diagnosis, and when a dentist is not physically 1062
present at the location where the service is provided, if all of 1063
the following are the case: 1064

(1) All of the conditions specified in division (C) of this 1065
section have been satisfied. 1066

(2) The expanded function dental auxiliary is providing the 1067
service as part of a program operated through any of the 1068
following: a school district board of education or the governing 1069
board of an educational service center; the board of health of a 1070
city or general health district or the authority having the duties 1071
of a board of health under section 3709.05 of the Revised Code; a 1072
national, state, district, or local dental association; or any 1073
other public or private entity recognized by the state dental 1074
board. 1075

(3) A supervising dentist for the program described in 1076
division (D)(2) of this section meets both of the following 1077

<u>conditions:</u>	1078
<u>(a) Is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated;</u>	1079 1080
<u>(b) Is available for consultation by telephone, videoconferencing, or other means of electronic communication.</u>	1081 1082
<u>(4) The application of pit and fissure sealants is limited to erupted permanent posterior teeth without suspicion of cavitation.</u>	1083 1084
<u>(5) If the patient is a minor, a parent, guardian, or other person responsible for the patient has been notified that a dentist will not be present at the location and that the expanded function dental auxiliary is not trained to diagnose or treat other serious dental concerns that could exist.</u>	1085 1086 1087 1088 1089
<u>(E) Nothing in this section shall be construed by rule of the board or otherwise to authorize an expanded function dental auxiliary to engage in the practice of dental hygiene as defined by sections 4715.22 and 4715.23 of the Revised Code.</u>	1090 1091 1092 1093
Sec. 4715.66. (A) The state dental board shall adopt rules as the board considers necessary to implement and administer sections 4715.61 to 4715.64 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	1094 1095 1096 1097
(B) In adopting rules under this section, all of the following apply:	1098 1099
(1) The board shall adopt rules specifying the education or training necessary for an individual to register as an expanded function dental auxiliary under this chapter.	1100 1101 1102
(2) The board shall adopt rules specifying the standards that must be met for an examination to be accepted by the board as an examination of competency to practice as an expanded function dental auxiliary. In specifying the standards, the board shall provide that an examination will be accepted only if the entity	1103 1104 1105 1106 1107

that administered the examination required an individual to be one 1108
of the following as a condition of admission to the examination: 1109

(a) An unlicensed dentist who has graduated from an 1110
accredited dental college, as specified in section 4715.10 of the 1111
Revised Code, and does not have a dental license under suspension 1112
or revocation by the board; 1113

(b) A dental student who is enrolled in an accredited dental 1114
college, as specified in section 4715.10 of the Revised Code, and 1115
is considered by the dean of the college to be in good standing as 1116
a dental student; 1117

(c) A graduate of a dental college located outside of the 1118
United States; 1119

(d) A dental assistant who is certified by the dental 1120
assisting national board or the Ohio commission on dental 1121
assistant certification; 1122

(e) A dental hygienist licensed under this chapter whose 1123
license is in good standing; 1124

(f) An unlicensed dental hygienist who has graduated from an 1125
accredited dental hygiene school, as specified in section 4715.21 1126
of the Revised Code, and does not have a dental hygienist license 1127
under suspension or revocation by the board. 1128

(3) The board may adopt rules specifying procedures an 1129
expanded function dental auxiliary may perform that are in 1130
addition to the procedures specified in divisions (A)(1) ~~and (2)~~ 1131
to (10) of section 4715.64 of the Revised Code. 1132

Section 2. That existing sections 3333.61, 4715.031, 1133
4715.037, 4715.10, 4715.13, 4715.22, 4715.23, 4715.24, 4715.363, 1134
4715.366, 4715.371, 4715.373, 4715.39, 4715.56, 4715.64, and 1135
4715.66 of the Revised Code are hereby repealed. 1136

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 regular employment duties, a member of the Workgroup shall not be paid for the member's service on the Workgroup. Members of the Workgroup shall not be reimbursed for their expenses incurred in serving on the Workgroup.

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

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

(E) The Workgroup shall study the issue of Medicaid payment rates for dental services. Not later than December 31, 2014, the Workgroup shall submit a report of its study to the Governor and, in accordance with section 101.68 of the Revised Code, the General

Assembly. The report shall include recommendations regarding 1167
Medicaid payment rates for dental services. The Workgroup shall 1168
cease to exist on submission of its report. 1169

Section 4. Not later than July 1, 2015, the Development 1170
Services Agency shall enter into a contract with JobsOhio. This 1171
contract shall specify that JobsOhio shall use \$250,000 in the 1172
fiscal year ending June 30, 2016, to provide no-interest loans for 1173
the purchase of dental equipment to be used for the treatment of 1174
underserved populations in dental health resource shortage areas 1175
designated by the Director of Health under section 3702.87 of the 1176
Revised Code. The Development Services Agency shall coordinate 1177
duties with JobsOhio through this contract. 1178

Section 5. The amendment by this act to division (B)(1) of 1179
section 4715.037 of the Revised Code establishing new limits on 1180
the number of consecutive terms that a referee or examiner may 1181
serve shall apply to a referee or examiner serving in such 1182
capacity on the effective date of this section. 1183