

**As Reported by the Senate Medicaid, Health and Human Services
Committee**

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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, Antonio, Baker, Beck, Boose, Brown, Buchy, Budish,
Burkley, Butler, Cera, DeVitis, Dovilla, Driehaus, Green, Hagan, C., Hall,
Hayes, Landis, Letson, Mallory, McClain, O'Brien, Patterson, Rogers,
Romanchuk, Ruhl, Sheehy, Slaby, Strahorn, Sykes, Winburn**

Speaker Batchelder

Senator Gardner

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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, and 6
4715.421 of the Revised Code to make changes to 7
the laws governing dental professionals. 8

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

Section 1. That sections 3333.61, 4715.031, 4715.037, 9

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

Sec. 3333.61. The chancellor of the Ohio board of regents 15
shall establish and administer the Ohio innovation partnership, 16
which shall consist of the choose Ohio first scholarship program 17
and the Ohio research scholars program. Under the programs, the 18
chancellor, subject to approval by the controlling board, shall 19
make awards to state universities or colleges for programs and 20
initiatives that recruit students and scientists in the fields of 21
science, technology, engineering, mathematics, ~~and~~ medicine, and 22
dentistry to state universities or colleges, in order to enhance 23
regional educational and economic strengths and meet the needs of 24
the state's regional economies. Awards may be granted for programs 25
and initiatives to be implemented by a state university or college 26
alone or in collaboration with other state institutions of higher 27
education, nonpublic Ohio universities and colleges, or other 28
public or private Ohio entities. If the chancellor makes an award 29
to a program or initiative that is intended to be implemented by a 30
state university or college in collaboration with other state 31
institutions of higher education or nonpublic Ohio universities or 32
colleges, the chancellor may provide that some portion of the 33
award be received directly by the collaborating universities or 34
colleges consistent with all terms of the Ohio innovation 35
partnership. 36

The choose Ohio first scholarship program shall assign a 37
number of scholarships to state universities and colleges to 38
recruit Ohio residents as undergraduate, or as provided in section 39
3333.66 of the Revised Code graduate, students in the fields of 40

science, technology, engineering, mathematics, ~~and~~ medicine, ~~and~~ 41
dentistry, or in science, technology, engineering, mathematics, ~~or~~ 42
medical, or dental education. Choose Ohio first scholarships shall 43
be awarded to each participating eligible student as a grant to 44
the state university or college the student is attending and shall 45
be reflected on the student's tuition bill. Choose Ohio first 46
scholarships are student-centered grants from the state to 47
students to use to attend a university or college and are not 48
grants from the state to universities or colleges. 49

Notwithstanding any other provision of this section or 50
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 51
four-year Ohio institution of higher education may submit a 52
proposal for choose Ohio first scholarships or Ohio research 53
scholarships grants. If the chancellor awards a nonpublic institution 54
scholarships or grants, the nonpublic institution shall comply 55
with all requirements of this section, sections 3333.62 to 3333.69 56
of the Revised Code, and the rules adopted under this section that 57
apply to state universities or colleges awarded choose Ohio first 58
scholarships or Ohio research scholars grants. 59

The Ohio research scholars program shall award grants to use 60
in recruiting scientists to the faculties of state universities or 61
colleges. 62

The chancellor shall adopt rules in accordance with Chapter 63
119. of the Revised Code to administer the programs. 64

Sec. 3702.96. There is hereby created the dental hygienist 65
loan repayment program, which shall be administered by the 66
department of health in cooperation with the dentist loan 67
repayment advisory board. The program shall provide loan repayment 68
on behalf of individuals who agree to provide dental hygiene 69
services in areas designated as dental health resource shortage 70
areas by the director of health pursuant to section 3702.87 of the 71

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| <u>Revised Code.</u> | 72 |
| <u>Under the program, the department, by means of a contract</u> | 73 |
| <u>entered into under section 3702.965 of the Revised Code, may agree</u> | 74 |
| <u>to repay all or part of the principal and interest of a government</u> | 75 |
| <u>or other educational loan taken by an individual for the following</u> | 76 |
| <u>expenses incurred while the individual was enrolled in an</u> | 77 |
| <u>accredited dental hygiene school that meets the standards</u> | 78 |
| <u>described in section 4715.21 of the Revised Code:</u> | 79 |
| <u>(A) Tuition;</u> | 80 |
| <u>(B) Other educational expenses, such as fees, books, and</u> | 81 |
| <u>laboratory expenses that are for purposes and in amounts</u> | 82 |
| <u>determined reasonable by the director;</u> | 83 |
| <u>(C) Room and board, in an amount determined reasonable by the</u> | 84 |
| <u>director.</u> | 85 |
| <u>Sec. 3702.961. The director of health, in accordance with</u> | 86 |
| <u>Chapter 119. of the Revised Code, shall adopt rules as necessary</u> | 87 |
| <u>to implement and administer sections 3702.96 to 3702.967 of the</u> | 88 |
| <u>Revised Code. In preparing rules, the director shall consult with</u> | 89 |
| <u>the dentist loan repayment advisory board.</u> | 90 |
| <u>Sec. 3702.962. The director of health, by rule, shall</u> | 91 |
| <u>establish priorities among dental health resource shortage areas</u> | 92 |
| <u>for use in recruiting dental hygienists to sites within particular</u> | 93 |
| <u>areas under the dental hygienist loan repayment program. In</u> | 94 |
| <u>establishing priorities, the director shall consider dental health</u> | 95 |
| <u>status indicators of the target population in the area, the</u> | 96 |
| <u>presence of dental health care provider sites in the area with</u> | 97 |
| <u>vacancies for dental hygienists, availability of an eligible</u> | 98 |
| <u>candidate interested in being recruited to a particular site</u> | 99 |
| <u>within an area, and the distribution of dental health care</u> | 100 |
| <u>provider sites in urban and rural regions.</u> | 101 |

The director, by rule, shall establish priorities for use in 102
determining eligibility among applicants for participation in the 103
dental hygienist loan repayment program. The priorities may 104
include consideration of an applicant's background and career 105
goals, the length of time the applicant is willing to provide 106
dental hygiene services in a dental health care resource shortage 107
area, and the amount of the educational expenses for which 108
reimbursement is being sought through the program. 109

Sec. 3702.963. (A) An individual who will not have an 110
outstanding obligation for dental hygiene service to the federal 111
government, a state, or other entity at the time of participation 112
in the dental hygienist loan repayment program and meets either of 113
the following requirements may apply for participation in the 114
dental hygienist loan repayment program: 115

(1) The applicant is a dental hygiene student enrolled in the 116
final year of dental hygiene school. 117

(2) The applicant holds a valid license to practice dental 118
hygiene issued under Chapter 4715. of the Revised Code. 119

(B) An application for participation in the dental hygienist 120
loan repayment program shall be submitted to the director of 121
health on a form the director shall prescribe. The following 122
information shall be included or supplied: 123

(1) The applicant's name, permanent address or address at 124
which the applicant is currently residing if different from the 125
permanent address, and telephone number; 126

(2) The dental hygiene school the applicant attended or is 127
attending, dates of attendance, and verification of attendance; 128

(3) A summary and verification of the educational expenses 129
for which the applicant seeks reimbursement under the program; 130

(4) If the applicant is a licensed dental hygienist, 131

verification of the applicant's license issued under Chapter 4715. 132
of the Revised Code to practice dental hygiene and proof of good 133
standing; 134

(5) Verification of the applicant's United States citizenship 135
or status as a legal alien. 136

Sec. 3702.964. If funds are available in the dental hygienist 137
loan repayment fund created under section 3702.967 of the Revised 138
Code and the general assembly has appropriated the funds for the 139
program, the director of health shall approve an applicant for 140
participation in the program on determining in accordance with the 141
priorities established under section 3702.962 of the Revised Code 142
that the applicant is eligible for participation and is needed in 143
a dental health resource shortage area. When making a 144
determination required by this section, the director shall consult 145
with the Ohio dental hygienists' association. 146

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Sec. 3702.965. (A) As used in this section: 148

(1) "Full-time practice" and "part-time practice" have the 149
same meanings as in section 3702.71 of the Revised Code; 150

(2) "Teaching activities" means supervising dental hygiene 151
students at the service site specified in the contract described 152
in division (B) of this section. 153

(B) An individual who has been approved for participation 154
under section 3702.964 of the Revised Code may enter into a 155
contract with the director of health for participation in the 156
dental hygienist loan repayment program. The dental hygienist's 157
employer or other funding source may also be a party to the 158
contract. 159

(C) The contract shall include all of the following 160
obligations: 161

(1) The individual agrees to provide dental hygiene services 162
in the dental health resource shortage area for the number of 163
hours and duration specified in the contract. 164

(2) The department of health agrees, as provided in section 165
3702.96 of the Revised Code, to repay, so long as the individual 166
performs the service obligation agreed to under division (C)(1) of 167
this section, all or part of the principal and interest of a 168
government or other educational loan taken by the individual for 169
expenses described in section 3702.96 of the Revised Code. 170

(3) The individual agrees to pay the department of health an 171
amount established by rules adopted under section 3702.961 of the 172
Revised Code, if the individual fails to complete the service 173
obligation agreed to under division (C)(1) of this section. 174

(D) The contract shall include the following terms as agreed 175
upon by the parties: 176

(1) The particular site within a dental health resource 177
shortage area where the dental hygiene services are to be 178
performed; 179

(2) The individual's required length of service in the dental 180
health resource shortage area, which must be at least two years; 181

(3) The number of weekly hours the individual will be engaged 182
in full-time practice or part-time practice; 183

(4) The maximum amount that the department will repay on 184
behalf of the individual; 185

(5) The extent to which the individual's teaching activities 186
will be counted toward the individual's full-time practice or 187
part-time practice hours under the contract. 188

(E) Before agreeing to the amount specified in division 189
(D)(4) of this section, the department of health shall consult 190
with the Ohio dental hygienists' association regarding the amount. 191

If this amount includes funds from the bureau of clinician recruitment and service in the United States department of health and human services, the amount of state funds repaid on the individual's behalf shall be the same as the amount of those funds. 192
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Sec. 3702.966. The dentist 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: 197
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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; 203
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(B) The number of applicants for participation in the dental hygienist loan repayment program; 206
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(C) The number of dental hygienists assigned to dental health resource shortage areas and the payments made on behalf of those dental hygienists under the dental hygienist loan repayment program; 208
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(D) The number of dental hygienists failing to complete their service obligations, the amount of damages owed, and the amount of damages collected. 212
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Sec. 3702.967. The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.96 to 3702.965 of the Revised Code. 215
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The director shall pay all gifts accepted under this section into the state treasury, to the credit of the dental hygiene resource shortage area fund, which is hereby created, and all damages collected under division (C)(3) of section 3702.965 of the 218
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Revised Code, into the state treasury, to the credit of the dental 222
hygienist loan repayment fund, which is hereby created. 223

The director shall use the dental hygiene resource shortage 224
area and dental hygienist loan repayment funds for the 225
implementation and administration of sections 3702.96 to 3702.967 226
of the Revised Code. 227

Sec. 4715.031. (A) The state dental board may develop and 228
implement a quality intervention program. The board may propose 229
that the holder of a license issued by the board participate in 230
the program if the board determines pursuant to an investigation 231
conducted under section 4715.03 of the Revised Code that there are 232
reasonable grounds to believe the license holder has violated a 233
provision of this chapter due to a clinical or communication 234
problem that could be improved through participation in the 235
program and determines that the license holder's participation in 236
the program is appropriate. The board shall refer a license holder 237
who agrees to participate in the program to an educational and 238
assessment service provider selected by the board. 239

(B) If the board develops and implements a quality 240
intervention program, all of the following apply: 241

(1) The board shall select, by a concurrence of a majority of 242
the board's members, educational and assessment service providers, 243
which may include quality intervention program panels of case 244
reviewers. A provider selected by the board to provide services to 245
a license holder shall recommend to the board the educational and 246
assessment services the license holder should receive under the 247
program. The license holder may begin participation in the program 248
if the board approves the services the provider recommends. The 249
license holder shall not be required to participate in the program 250
beyond one hundred eighty days from the date the license holder 251
agrees to participate in the program under this division. The 252

license holder shall pay the amounts charged by the provider for 253
the services. 254

(2) The board shall monitor a license holder's progress in 255
the program and determine whether the license holder has 256
successfully completed the program. If the board determines that 257
the license holder has successfully completed the program, it may 258
continue to monitor the license holder, take other action it 259
considers appropriate, or both. The additional monitoring, other 260
action taken by the board, or both, shall not continue beyond one 261
year from the date the license holder agrees to participate in the 262
program under this division. If the board determines that the 263
license holder has not successfully completed the program, it 264
shall, as soon as possible thereafter, commence disciplinary 265
proceedings against the license holder under section 4715.03 of 266
the Revised Code. 267

(3) The board shall elect, from the board's members who are 268
dentists, a coordinator to administer and provide oversight of the 269
quality intervention program. The coordinator may delegate to the 270
board's members or employees those duties that the coordinator 271
considers appropriate. 272

(C) The board may adopt rules in accordance with Chapter 119. 273
of the Revised Code to further implement the quality intervention 274
program. 275

Sec. 4715.037. (A) Notwithstanding the permissive nature of 276
hearing referee or examiner appointments under section 119.09 of 277
the Revised Code, the state dental board shall appoint, by a 278
concurrence of a majority of its members, three referees or 279
examiners to conduct the hearings the board is required to hold 280
pursuant to sections 119.01 to 119.13 of the Revised Code. 281
Referees or examiners appointed under this section shall be 282
attorneys who have been admitted to the practice of law in this 283

state. In making the appointments, the board shall not appoint an attorney who is a board employee or represents the board in any other manner.

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

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

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

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

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

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

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

(B) Each person who desires to practice dentistry in this state shall file a written application for a license with the

secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. Each applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section.

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

(1) Be at least eighteen years of age;

(2) Be of good moral character;

(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;

(4) Have passed parts I and II of the examination given by the national board of dental examiners;

(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;

(6) Pay the fee required by division (A)(1) of section 4715.13 of the Revised Code.

(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:

(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;

(2) Have taken an examination administered by the state 344
dental board and received a passing score as established by the 345
board; 346

(3) Possess a license in good standing from another state and 347
have actively engaged in the legal and reputable practice of 348
dentistry in another state or in the armed forces of the United 349
States, the United States public health service, or the United 350
States department of veterans' affairs for five years immediately 351
preceding application; 352

(4) Have completed a dental residency program accredited or 353
approved by the commission on dental accreditation and 354
administered by an accredited dental college or hospital. 355

(E) To be granted a license to practice dentistry, a graduate 356
of an unaccredited dental college located outside the United 357
States must meet both of the following requirements: 358

(1) Have taken a basic science and laboratory examination 359
consistent with rules adopted under section 4715.11 of the Revised 360
Code and received a passing score as established by the board; 361

(2) Have had sufficient clinical training in an accredited 362
institution to reasonably assure a level of competency equal to 363
that of graduates of accredited dental colleges, as determined by 364
the board. 365

Sec. 4715.13. (A) Applicants for licenses to practice 366
dentistry or for a general anesthesia permit or a conscious 367
intravenous sedation permit shall pay to the secretary of the 368
state dental board the following fees: 369

(1) For license to practice dentistry, two hundred ten 370
dollars if issued in an odd-numbered year or three hundred 371
~~thirty-seven~~ fifty-seven dollars if issued in an even-numbered 372
year; 373

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| (2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars; | 374 375 |
| (3) For a general anesthesia permit, one hundred twenty-seven dollars; | 376 377 |
| (4) For a conscious intravenous sedation permit, one hundred twenty-seven dollars. | 378 379 |
| (B) Twenty <u>Forty</u> dollars of each fee collected under division (A)(1) of this section for a license issued in an even-numbered year and ten <u>twenty</u> 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. | 380 381 382 383 384 385 |
| (C) In the case of a person who applies for a license to practice dentistry by taking an examination administered by the state dental board, both of the following apply: | 386 387 388 |
| (1) The fee in division (A)(1) of this section may be refunded to an applicant who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee. | 389 390 391 392 393 |
| (2) An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee. | 394 395 396 |
| Sec. 4715.22. (A)(1) This section applies only when a licensed dental hygienist is not practicing under a permit issued pursuant to section 4715.363 of the Revised Code authorizing practice under the oral health access supervision of a dentist. | 397 398 399 400 |
| (2) As used in this section, "health care facility" means either of the following: | 401 402 |
| (a) A hospital registered under section 3701.07 of the | 403 |

Revised Code; 404

(b) A "home" as defined in section 3721.01 of the Revised 405
Code. 406

(B) A licensed dental hygienist shall practice under the 407
supervision, order, control, and full responsibility of a dentist 408
licensed under this chapter. A dental hygienist may practice in a 409
dental office, public or private school, health care facility, 410
dispensary, or public institution. Except as provided in ~~division~~ 411
divisions (C) ~~or (D)~~ (E) of this section, a dental hygienist 412
may not provide dental hygiene services to a patient when the 413
supervising dentist is not physically present at the location 414
where the dental hygienist is practicing. 415

(C) A dental hygienist may provide, for not more than fifteen 416
consecutive business days, dental hygiene services to a patient 417
when the supervising dentist is not physically present at the 418
location ~~at which~~ where the services are provided if all of the 419
following requirements are met: 420

(1) The dental hygienist has at least ~~two years~~ one year and 421
a minimum of ~~three~~ one thousand five hundred hours of experience 422
in the practice of dental hygiene. 423

(2) The dental hygienist has successfully completed a course 424
approved by the state dental board in the identification and 425
prevention of potential medical emergencies. 426

(3) The dental hygienist complies with written protocols ~~for~~ 427
~~emergencies~~ the supervising dentist establishes for emergencies. 428

(4) The dental hygienist does not perform, while the 429
supervising dentist is absent from the location, procedures while 430
the patient is anesthetized, definitive root planing, definitive 431
subgingival curettage, or other procedures identified in rules the 432
state dental board adopts. 433

(5) The supervising dentist has evaluated the dental 434
hygienist's skills. 435

(6) The supervising dentist examined the patient not more 436
than ~~seven months~~ one year prior to the date the dental hygienist 437
provides the dental hygiene services to the patient. 438

(7) The dental hygienist complies with written protocols or 439
written standing orders that the supervising dentist establishes. 440

(8) The supervising dentist completed and evaluated a medical 441
and dental history of the patient not more than one year prior to 442
the date the dental hygienist provides dental hygiene services to 443
the patient and, except when the dental hygiene services are 444
provided in a health care facility, the supervising dentist 445
determines that the patient is in a medically stable condition. 446

(9) If the dental hygiene services are provided in a health 447
care facility, a doctor of medicine and surgery or osteopathic 448
medicine and surgery who holds a current certificate issued under 449
Chapter 4731. of the Revised Code or a registered nurse licensed 450
under Chapter 4723. of the Revised Code is present in the health 451
care facility when the services are provided. 452

(10) In advance of the appointment for dental hygiene 453
services, the patient is notified that the supervising dentist 454
will be absent from the location and that the dental hygienist 455
cannot diagnose the patient's dental health care status. 456

(11) The dental hygienist is employed by, or under contract 457
with, one of the following: 458

(a) The supervising dentist; 459

(b) A dentist licensed under this chapter who is one of the 460
following: 461

(i) The employer of the supervising dentist; 462

(ii) A shareholder in a professional association formed under 463

Chapter 1785. of the Revised Code of which the supervising dentist 464
is a shareholder; 465

(iii) A member or manager of a limited liability company 466
formed under Chapter 1705. of the Revised Code of which the 467
supervising dentist is a member or manager; 468

(iv) A shareholder in a corporation formed under division (B) 469
of section 1701.03 of the Revised Code of which the supervising 470
dentist is a shareholder; 471

(v) A partner or employee of a partnership or a limited 472
liability partnership formed under Chapter 1775. or 1776. of the 473
Revised Code of which the supervising dentist is a partner or 474
employee. 475

(c) A government entity that employs the dental hygienist to 476
provide dental hygiene services in a public school or in 477
connection with other programs the government entity administers. 478

(D) A dental hygienist may provide dental hygiene services to 479
a patient when the supervising dentist is not physically present 480
at the location ~~at which~~ where the services are provided if the 481
services are provided as part of a dental hygiene program that is 482
approved by the state dental board and all of the following 483
requirements are met: 484

(1) The program is operated through a school district board 485
of education or the governing board of an educational service 486
center; the board of health of a city or general health district 487
or the authority having the duties of a board of health under 488
section 3709.05 of the Revised Code; a national, state, district, 489
or local dental association; or any other public or private entity 490
recognized by the state dental board. 491

(2) The supervising dentist is employed by or a volunteer 492
for, and the patients are referred by, the entity through which 493
the program is operated. 494

(3)(a) Except as provided in division (D)(3)(b) of this 495
section, the services are performed after examination and 496
diagnosis by the dentist and in accordance with the dentist's 497
written treatment plan. 498

(b) The requirement in division (D)(3)(a) of this section 499
does not apply when the only service to be provided by the dental 500
hygienist is the placement of pit and fissure sealants. 501

(E) A dental hygienist may apply fluoride varnish, apply 502
desensitizing agents, and discuss general nonmedical nutrition 503
information for the purpose of maintaining good oral health when 504
the supervising dentist is not physically present at the location 505
where the services are provided, regardless of whether the dentist 506
has examined the patient, if the dental hygienist is employed by, 507
or under contract with, the supervising dentist or another person 508
or government entity specified in division (C)(11)(b) or (c) of 509
this section. 510

As used in this division, "general nonmedical nutrition 511
information" means information on the following: principles of 512
good nutrition and food preparation, food to be included in the 513
normal daily diet, the essential nutrients needed by the body, 514
recommended amounts of the essential nutrients, the actions of 515
nutrients on the body, the effects of deficiencies or excesses of 516
nutrients, or food and supplements that are good sources of 517
essential nutrients. 518

(F) No person shall do either of the following: 519

(1) Practice dental hygiene in a manner that is separate or 520
otherwise independent from the dental practice of a supervising 521
dentist; 522

(2) Establish or maintain an office or practice that is 523
primarily devoted to the provision of dental hygiene services. 524

~~(F)~~(G) The state dental board shall adopt rules under 525

division (C) of section 4715.03 of the Revised Code identifying 526
procedures a dental hygienist may not perform when practicing in 527
the absence of the supervising dentist pursuant to division (C) or 528
(D) of this section. The board shall not identify recementation of 529
temporary crowns or recementation of crowns with temporary cement 530
as such procedures. 531

Sec. 4715.23. The practice of a dental hygienist shall 532
consist of those prophylactic, preventive, and other procedures 533
that licensed dentists are authorized by this chapter and rules of 534
the dental board to assign only to licensed dental hygienists or 535
to qualified personnel under section 4715.39 of the Revised Code. 536

Licensed dentists may assign to dental hygienists intraoral 537
tasks that do not require the professional competence or skill of 538
the licensed dentist and that are authorized by board rule. Such 539
performance of intraoral tasks by dental hygienists shall be under 540
supervision and full responsibility of the licensed dentist, and 541
at no time shall more than ~~three~~ four dental hygienists be 542
practicing clinical hygiene under the supervision of the same 543
dentist. The foregoing shall not be construed as authorizing the 544
assignment of diagnosis, treatment planning and prescription 545
(including prescriptions for drugs and medicaments or 546
authorizations for restorative, prosthodontic, or orthodontic 547
appliances); or, except when done in conjunction with the removal 548
of calcarious deposits, dental cement, or accretions on the crowns 549
and roots of teeth, surgical procedures on hard and soft tissues 550
within the oral cavity or any other intraoral procedure that 551
contributes to or results in an irremediable alteration of the 552
oral anatomy; or the making of final impressions from which casts 553
are made to construct any dental restoration. 554

The state dental board shall issue rules defining the 555
procedures that may be performed by licensed dental hygienists 556

engaged in school health activities or employed by public 557
agencies. 558

Sec. 4715.24. (A) Each person who is licensed to practice as 559
a dental hygienist in Ohio shall, on or before the first day of 560
January of each even-numbered year, register with the state dental 561
board, unless the person is temporarily retired pursuant to 562
section 4715.241 of the Revised Code. The registration shall be 563
made on a form prescribed by the board and furnished by the 564
secretary, shall include the licensee's name, address, license 565
number, and such other reasonable information as the board may 566
consider necessary, and shall include payment of a biennial 567
registration fee of one hundred ~~five~~ fifteen dollars. This fee 568
shall be paid to the treasurer of state. All such registrations 569
shall be in effect for the two-year period beginning on the first 570
day of January of each even-numbered year and ending on the last 571
day of December of the following odd-numbered year, and shall be 572
renewed in accordance with the standard renewal procedure of 573
sections 4745.01 to 4745.03 of the Revised Code. The failure of a 574
licensee to renew registration in accordance with this section 575
shall result in the automatic suspension of the licensee's license 576
to practice as a dental hygienist, unless the licensee is 577
temporarily retired pursuant to section 4715.241 of the Revised 578
Code. 579

(B) Any dental hygienist whose license has been automatically 580
suspended under this section may be reinstated on application to 581
the board on a form prescribed by the board for licensure 582
reinstatement and payment of the biennial registration fee and in 583
addition thereto thirty-one dollars to cover the costs of 584
reinstatement. 585

(C) The license of a dental hygienist shall be exhibited in a 586
conspicuous place in the room in which the dental hygienist 587

practices. Each dental hygienist licensed to practice, whether a 588
resident or not, shall notify the secretary in writing or 589
electronically of any change in the dental hygienist's office 590
address or employment within ten days after the change takes 591
place. 592

(D) Ten dollars of each biennial registration fee collected 593
under division (A) or (B) of this section shall be paid to the 594
dental hygienist loan repayment fund established under section 595
3702.967 of the Revised Code. 596

Sec. 4715.363. (A) A dental hygienist who desires to 597
participate in the oral health access supervision program shall 598
apply to the state dental board for a permit to practice under the 599
oral health access supervision of a dentist. The application shall 600
be under oath, on a form prescribed by the board in rules adopted 601
under section 4715.372 of the Revised Code, and accompanied by an 602
application fee of twenty dollars, which may be paid by personal 603
check or credit card. 604

(B) The applicant shall provide evidence satisfactory to the 605
board that the applicant has done all of the following: 606

(1) Completed at least ~~two years~~ one year and attained a 607
minimum of ~~three~~ one thousand five hundred hours of experience in 608
the practice of dental hygiene; 609

(2) Completed at least twenty-four hours of continuing dental 610
hygiene education during the two years prior to submission of the 611
application; 612

(3) Completed a course pertaining to the practice of dental 613
hygiene under the oral health access supervision of a dentist that 614
meets standards established in rules adopted under section 615
4715.372 of the Revised Code; 616

(4) Completed, during the two years prior to submission of 617

the application, a course pertaining to the identification and 618
prevention of potential medical emergencies that is the same as 619
the course described in division (C)(2) of section 4715.22 of the 620
Revised Code. 621

(C) The state dental board shall issue a permit to practice 622
under the oral health access supervision of a dentist to a dental 623
hygienist who is in good standing with the board and meets all of 624
the requirements of divisions (A) and (B) of this section. 625

Sec. 4715.366. (A) A dental hygienist providing dental 626
hygiene services under a permit issued under section 4715.363 of 627
the Revised Code to practice under the oral health access 628
supervision of a dentist shall do both of the following: 629

(1) Comply with written protocols established by the 630
authorizing dentist who authorizes the dental hygienist's 631
provision of services and standing orders established by the 632
authorizing dentist, including protocols and standing orders 633
regarding emergencies and, for the purpose of section 4715.365 of 634
the Revised Code, protocols regarding what constitutes a medically 635
significant change to a patient's medical or dental history; 636

(2) Immediately following the completion of the dental 637
hygiene services and subject to division (B) of this section, 638
direct the patient to ~~the authorizing a~~ dentist for a clinical 639
evaluation and schedule or cause to be scheduled an appointment 640
for the patient with ~~the authorizing a~~ dentist. 641

(B) For purposes of division (A)(2) of this section, the 642
dental hygienist shall make every attempt to schedule the 643
patient's appointment with the ~~authorizing~~ dentist not later than 644
~~ninety days~~ six months after the completion of the dental hygiene 645
services. The dental hygienist shall provide the patient with a 646
written notice of the appointment that includes, at a minimum, the 647
~~authorizing~~ dentist's name, address, and telephone number; the 648

date and time of the appointment; and a statement of the dental 649
hygiene services performed by the hygienist. The notice shall be 650
given to the patient or the patient's representative and one copy 651
shall be given to the ~~authorizing~~ dentist. 652

Sec. 4715.371. The state dental board shall develop and 653
publish on its internet web site a directory containing the names 654
and contact information, including electronic mail addresses, of 655
dentists and dental hygienists who hold current, valid permits 656
issued under sections 4715.362 and 4715.363 of the Revised Code. 657

Sec. 4715.373. Nothing in sections 4715.36 to 4715.372 of the 658
Revised Code authorizes any activity prohibited by this chapter or 659
prohibited by a rule adopted under this chapter by the state 660
dental board, including the activities prohibited by division 661
~~(E)~~(F) of section 4715.22 of the Revised Code and the activities 662
prohibited or not authorized by section 4715.23 of the Revised 663
Code. 664

Sec. 4715.39. (A) The state dental board may define the 665
duties that may be performed by dental assistants and other 666
individuals designated by the board as qualified personnel. If 667
defined, the duties shall be defined in rules adopted in 668
accordance with Chapter 119. of the Revised Code. The rules may 669
include training and practice standards for dental assistants and 670
other qualified personnel. The standards may include examination 671
and issuance of a certificate. If the board issues a certificate, 672
the recipient shall display the certificate in a conspicuous 673
location in any office in which the recipient is employed to 674
perform the duties authorized by the certificate. 675

(B) A dental assistant may polish the clinical crowns of 676
teeth if all of the following requirements are met: 677

(1) The dental assistant's polishing activities are limited 678

to the use of a rubber cup attached to a slow-speed rotary dental 679
hand piece to remove soft deposits that build up over time on the 680
crowns of teeth. 681

(2) The polishing is performed only after a dentist has 682
evaluated the patient and any calculus detected on the teeth to be 683
polished has been removed by a dentist or dental hygienist. 684

(3) The dentist supervising the assistant supervises not more 685
than two dental assistants engaging in polishing activities at any 686
given time. 687

(4) The dental assistant is certified by the dental assisting 688
national board or the Ohio commission on dental assistant 689
certification. 690

(5) The dental assistant receives a certificate from the 691
board authorizing the assistant to engage in the polishing 692
activities. The board shall issue the certificate if the 693
individual has successfully completed training in the polishing of 694
clinical crowns through a program accredited by the American 695
dental association commission on dental accreditation or 696
equivalent training approved by the board. The training shall 697
include courses in basic dental anatomy and infection control, 698
followed by a course in coronal polishing that includes didactic, 699
preclinical, and clinical training; any other training required by 700
the board; and a skills assessment that includes successful 701
completion of standardized testing. The board shall adopt rules 702
pursuant to division (A) of this section establishing standards 703
for approval of this training. 704

(C) A dental assistant may apply pit and fissure sealants if 705
all of the following requirements are met: 706

(1) A dentist evaluates the patient and designates the teeth 707
and surfaces that will benefit from the application of sealant on 708
the day the application is to be performed. 709

(2) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification. 710
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(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. 713
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(4) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants. 720
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(5) The Except as provided in division (D) or (E) of this section, the dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed. 722
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(D)(1) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification may provide, for not more than fifteen consecutive business days, all of the following services to a patient when the supervising dentist is not physically present at the location where the services are provided if the conditions specified in division (D)(2) of this section have been satisfied: 727
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(a) Recementation of temporary crowns or recementation of crowns with temporary cement; 734
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(b) Application of fluoride varnish; 736

(c) Application of disclosing solutions; 737

(d) Application of desensitizing agents; 738

(e) Caries susceptibility testing; 739

(f) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss. 740
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(2) The conditions that must be satisfied before a dental assistant may provide the services specified in division (D)(1) of this section are all of the following: 742
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(a) The dental assistant has at least two years and a minimum of three thousand hours of experience practicing as a dental assistant. 745
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(b) The dental assistant has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. 748
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(c) The supervising dentist has evaluated the dental assistant's skills. 751
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(d) The supervising dentist examined the patient not more than one year prior to the date that the dental assistant provides the services to the patient. 753
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(e) The supervising dentist has established written protocols or written standing orders for the dental assistant to follow during and in the absence of an emergency. 756
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(f) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the dental assistant provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition. 759
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(g) The patient is notified, in advance of the appointment for services, that the supervising dentist will be absent from the location and that the dental assistant cannot diagnose the patient's dental health care status. 764
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(h) The dental assistant is employed by, or under contract with, the supervising dentist, a dentist licensed under this 768
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chapter who meets one of the criteria specified in division 770
(C)(11)(b) of section 4715.22 of the Revised Code, or a government 771
entity that employs the dental assistant to provide services in a 772
public school or in connection with other programs the government 773
entity administers. 774

(3) A dental assistant who is certified by the dental 775
assisting national board or the Ohio commission on dental 776
assistant certification may apply, for not more than fifteen 777
business days, pit and fissure sealants when the supervising 778
dentist is not physically present at the location where the 779
sealants are to be applied if the dental assistant meets the 780
requirements in divisions (C)(3) and (4) of this section and all 781
of the conditions specified in division (D)(2) of this section 782
have been satisfied. 783

(E) A dental assistant who is certified by the dental 784
assisting national board or the Ohio commission on dental 785
assistant certification may apply pit and fissure sealants prior 786
to a dentist examining the patient and rendering a diagnosis, and 787
when a dentist is not physically present at the location where the 788
service is provided, if all of the following are the case: 789

(1) The dental assistant meets the requirements in divisions 790
(C)(3) and (4) of this section. 791

(2) All of the conditions specified in division (D)(2) of 792
this section have been satisfied. 793

(3) The dental assistant is providing the service as part of 794
a program operated through any of the following: a school district 795
board of education or the governing board of an educational 796
service center; the board of health of a city or general health 797
district or the authority having the duties of a board of health 798
under section 3709.05 of the Revised Code; a national, state, 799
district, or local dental association; or any other public or 800

private entity recognized by the state dental board. 801

(4) A supervising dentist for the program described in 802
division (E)(3) of this section meets both of the following 803
conditions: 804

(a) Is employed by or a volunteer for, and the patients are 805
referred by, the entity through which the program is operated; 806

(b) Is available for consultation by telephone, 807
videoconferencing, or other means of electronic communication. 808

(5) The application of pit and fissure sealants is limited to 809
erupted permanent posterior teeth without suspicion of dentinal 810
cavitation. 811

(6) If the patient is a minor, a parent, guardian, or other 812
person responsible for the patient has been notified that a 813
dentist will not be present at the location and that the dental 814
assistant is not trained to diagnose or treat other serious dental 815
concerns that could exist. 816

(F) Subject to this section and the applicable rules of the 817
board, licensed dentists may assign to dental assistants and other 818
qualified personnel dental procedures that do not require the 819
professional competence or skill of the licensed dentist, a dental 820
hygienist, or an expanded function dental auxiliary as this 821
section or the board by rule authorizes dental assistants and 822
other qualified personnel to perform. ~~The~~ Except as provided in 823
division (D) or (E) of this section, the performance of dental 824
procedures by dental assistants and other qualified personnel 825
shall be under direct supervision and full responsibility of the 826
licensed dentist. 827

~~(E)~~(G) Nothing in this section shall be construed by rule of 828
the state dental board or otherwise to do the following: 829

(1) Authorize dental assistants or other qualified personnel 830

to engage in the practice of dental hygiene as defined by sections 831
4715.22 and 4715.23 of the Revised Code or to perform the duties 832
of a dental hygienist, including the removal of calcarious 833
deposits, dental cement, or accretions on the crowns and roots of 834
teeth other than as authorized pursuant to this section; 835

(2) Authorize dental assistants or other qualified personnel 836
to engage in the practice of an expanded function dental auxiliary 837
as specified in section 4715.64 of the Revised Code or to perform 838
the duties of an expanded function dental auxiliary other than as 839
authorized pursuant to this section. 840

(3) Authorize the assignment of any of the following: 841

(a) Diagnosis; 842

(b) Treatment planning and prescription, including 843
prescription for drugs and medicaments or authorization for 844
restorative, prosthodontic, or orthodontic appliances; 845

(c) Surgical procedures on hard or soft tissue of the oral 846
cavity, or any other intraoral procedure that contributes to or 847
results in an irremediable alteration of the oral anatomy; 848

(d) The making of final impressions from which casts are made 849
to construct any dental restoration. 850

~~(F)~~(H) No dentist shall assign any dental assistant or other 851
individual acting in the capacity of qualified personnel to 852
perform any dental procedure that the assistant or other 853
individual is not authorized by this section or by board rule to 854
perform. No dental assistant or other individual acting in the 855
capacity of qualified personnel shall perform any dental procedure 856
other than in accordance with this section and any applicable 857
board rule or any dental procedure that the assistant or other 858
individual is not authorized by this section or by board rule to 859
perform. 860

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| <u>Sec. 4715.421. (A) As used in this section:</u> | 861 |
| <u>(1) "Accredited dental college" has the same meaning as in section 4715.10 of the Revised Code.</u> | 862 863 |
| <u>(2) "Accredited dental hygiene school" has the same meaning as in section 4715.36 of the Revised Code.</u> | 864 865 |
| <u>(3) "Operation" has the same meaning as in section 2305.234 of the Revised Code.</u> | 866 867 |
| <u>(B) Within thirty days after receiving an application for a temporary volunteer's certificate that includes all of the items listed in divisions (C)(1) and (2) of this section, the state dental board shall issue, without examination, a temporary volunteer's certificate to a person not licensed under this chapter so that the person may provide dental services in this state as a volunteer.</u> | 868 869 870 871 872 873 874 |
| <u>(C) An application for a temporary volunteer's certificate shall include both of the following:</u> | 875 876 |
| <u>(1) A copy of the applicant's degree from an accredited dental college or accredited dental hygiene school;</u> | 877 878 |
| <u>(2) One of the following, as applicable:</u> | 879 |
| <u>(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;</u> | 880 881 882 883 |
| <u>(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.</u> | 884 885 886 |
| <u>(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</u> | 887 888 889 |

holder shall not perform any operation. The board may revoke a 890
temporary volunteer's certificate on receiving proof satisfactory 891
to the board that the holder has engaged in practice in this state 892
outside the scope of the holder's certificate or that there are 893
grounds for action against the person under section 4715.30 of the 894
Revised Code. 895

(E)(1) A temporary volunteer's certificate shall be valid for 896
a period of seven days, and may be renewed upon the application of 897
the holder, unless the certificate was previously revoked under 898
division (D) of this section. The board shall maintain a register 899
of all persons who hold a temporary volunteer's certificate. The 900
board may charge a fee not to exceed twenty-five dollars for 901
issuing or renewing a certificate pursuant to this section. 902

(2) The board shall issue to each person who qualifies under 903
this section for a temporary volunteer's certificate a wallet 904
certificate that states that the certificate holder is authorized 905
to provide dental services pursuant to the laws of this state. The 906
holder shall keep the wallet certificate on the holder's person 907
while providing dental services. 908

(3) The holder of a temporary volunteer's certificate issued 909
pursuant to this section is subject to the immunity provisions in 910
section 2305.234 of the Revised Code. 911

(F) The board shall adopt rules in accordance with Chapter 912
119. of the Revised Code to administer and enforce this section. 913

(G) Not later than ninety days after the effective date of 914
this section, the state dental board shall make available through 915
the board's internet web site the application form for a temporary 916
volunteer's certificate under this section, a description of the 917
application process, and a list of all items that are required by 918
division (C) of this section to be submitted with the application. 919

Sec. 4715.56. A (A) Except as provided in division (B) of 920
this section, a dental x-ray machine operator may perform 921
radiologic procedures only if a dentist is providing direct 922
supervision. Direct supervision does not require the dentist to 923
observe each radiologic procedure performed by the operator, but 924
does require that ~~he~~ the dentist be present at the location where 925
the operator is performing radiologic procedures for purposes of 926
consulting with and directing the operator while performing the 927
procedures. 928

(B) A dental x-ray machine operator may perform radiologic 929
procedures for a patient when the supervising dentist is not 930
physically present at the location where the radiologic procedures 931
are performed if the supervising dentist examined the patient not 932
more than one year prior to the date the dental x-ray machine 933
operator performs the radiologic procedures and the supervising 934
dentist has ordered the radiologic procedures. 935

Sec. 4715.64. (A) The Subject to divisions (B), (C), and (D) 936
of this section, the practice of an expanded function dental 937
auxiliary shall consist of the following: 938

(1) ~~The procedures~~ Procedures involved in the placement of 939
restorative materials limited to amalgam restorative materials and 940
~~non-metallic~~ nonmetallic restorative materials, including 941
direct-bonded restorative materials; 942

(2) ~~The procedures involved in the placement of~~ Application 943
of pit and fissure sealants; 944

(3) Recementation of temporary crowns or recementation of 945
crowns with temporary cement; 946

(4) Application of topical fluoride; 947

(5) Application of fluoride varnish; 948

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| <u>(6) Application of disclosing solutions;</u> | 949 |
| <u>(7) Application of desensitizing agents;</u> | 950 |
| <u>(8) Caries susceptibility testing;</u> | 951 |
| <u>(9) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss;</u> | 952 953 |
| <u>(10) Any additional procedures authorized by the state dental board in rules adopted under section 4715.66 of the Revised Code.</u> | 954 955 |
| (B) An expanded function dental auxiliary shall practice <u>perform the services specified in divisions (A)(1) and (11) of this section only</u> 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 <u>Except as provided in divisions (C) and (D) of this section, an</u> 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. | 956 957 958 959 960 961 962 963 964 965 966 967 |
| (C) <u>An expanded function dental auxiliary may perform, for not more than fifteen consecutive business days, the services specified in divisions (A)(2) 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 have been satisfied:</u> | 968 969 970 971 972 973 |
| <u>(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.</u> | 974 975 976 |
| <u>(2) The expanded function dental auxiliary has successfully completed a course approved by the board in the identification and</u> | 977 978 |

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| <u>prevention of potential medical emergencies.</u> | 979 |
| <u>(3) The supervising dentist has evaluated the expanded function dental auxiliary's skills.</u> | 980 |
| <u>(4) The supervising dentist examined the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient.</u> | 981 |
| <u>(4) The supervising dentist examined the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient.</u> | 982 |
| <u>(4) The supervising dentist examined the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient.</u> | 983 |
| <u>(4) The supervising dentist examined the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient.</u> | 984 |
| <u>(5) The supervising dentist has established written protocols or written standing orders for the expanded function dental auxiliary to follow during and in the absence of an emergency.</u> | 985 |
| <u>(5) The supervising dentist has established written protocols or written standing orders for the expanded function dental auxiliary to follow during and in the absence of an emergency.</u> | 986 |
| <u>(5) The supervising dentist has established written protocols or written standing orders for the expanded function dental auxiliary to follow during and in the absence of an emergency.</u> | 987 |
| <u>(6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.</u> | 988 |
| <u>(6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.</u> | 989 |
| <u>(6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.</u> | 990 |
| <u>(6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.</u> | 991 |
| <u>(6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.</u> | 992 |
| <u>(7) 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.</u> | 993 |
| <u>(7) 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.</u> | 994 |
| <u>(7) 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.</u> | 995 |
| <u>(7) 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.</u> | 996 |
| <u>(8) 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.</u> | 997 |
| <u>(8) 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.</u> | 998 |
| <u>(8) 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.</u> | 999 |
| <u>(8) 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.</u> | 1000 |
| <u>(8) 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.</u> | 1001 |
| <u>(8) 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.</u> | 1002 |
| <u>(8) 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.</u> | 1003 |
| <u>(D) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:</u> | 1004 |
| <u>(D) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:</u> | 1005 |
| <u>(D) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:</u> | 1006 |
| <u>(D) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:</u> | 1007 |
| <u>(D) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:</u> | 1008 |

(1) All of the conditions specified in division (C) of this section have been satisfied. 1009
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(2) The expanded function dental auxiliary is providing the service as part of a program operated through any of the following: 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. 1011
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(3) A supervising dentist for the program described in division (D)(2) of this section meets both of the following conditions: 1020
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(a) Is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated; 1023
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(b) Is available for consultation by telephone, videoconferencing, or other means of electronic communication. 1025
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(4) The application of pit and fissure sealants is limited to erupted permanent posterior teeth without suspicion of cavitation. 1027
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(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. 1029
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(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. 1034
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Sec. 4715.66. (A) The state dental board shall adopt rules as 1038

the board considers necessary to implement and administer sections 1039
4715.61 to 4715.64 of the Revised Code. The rules shall be adopted 1040
in accordance with Chapter 119. of the Revised Code. 1041

(B) In adopting rules under this section, all of the 1042
following apply: 1043

(1) The board shall adopt rules specifying the education or 1044
training necessary for an individual to register as an expanded 1045
function dental auxiliary under this chapter. 1046

(2) The board shall adopt rules specifying the standards that 1047
must be met for an examination to be accepted by the board as an 1048
examination of competency to practice as an expanded function 1049
dental auxiliary. In specifying the standards, the board shall 1050
provide that an examination will be accepted only if the entity 1051
that administered the examination required an individual to be one 1052
of the following as a condition of admission to the examination: 1053

(a) An unlicensed dentist who has graduated from an 1054
accredited dental college, as specified in section 4715.10 of the 1055
Revised Code, and does not have a dental license under suspension 1056
or revocation by the board; 1057

(b) A dental student who is enrolled in an accredited dental 1058
college, as specified in section 4715.10 of the Revised Code, and 1059
is considered by the dean of the college to be in good standing as 1060
a dental student; 1061

(c) A graduate of a dental college located outside of the 1062
United States; 1063

(d) A dental assistant who is certified by the dental 1064
assisting national board or the Ohio commission on dental 1065
assistant certification; 1066

(e) A dental hygienist licensed under this chapter whose 1067
license is in good standing; 1068

(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, 4715.031, 4715.037, 4715.10, 4715.13, 4715.22, 4715.23, 4715.24, 4715.363, 4715.366, 4715.371, 4715.373, 4715.39, 4715.56, 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

regular employment duties, a member of the Workgroup shall not be 1098
paid for the member's service on the Workgroup. Members of the 1099
Workgroup shall not be reimbursed for their expenses incurred in 1100
serving on the Workgroup. 1101

(C) The Medicaid Director or Director's designee shall serve 1102
as the Workgroup's chairperson. The Workgroup shall meet at the 1103
call of the chairperson. 1104

(D) The Department of Medicaid shall provide staff and other 1105
support services for the Workgroup. 1106

(E) The Workgroup shall study the issue of Medicaid payment 1107
rates for dental services. Not later than December 31, 2014, the 1108
Workgroup shall submit a report of its study to the Governor and, 1109
in accordance with section 101.68 of the Revised Code, the General 1110
Assembly. The report shall include recommendations regarding 1111
Medicaid payment rates for dental services. The Workgroup shall 1112
cease to exist on submission of its report. 1113

Section 4. Not later than three years after the effective 1114
date of this act, the State Dental Board shall submit to the 1115
Governor and to the General Assembly in accordance with section 1116
101.68 of the Revised Code a report that contains all of the 1117
following: 1118

(A) The number of dentists licensed under Chapter 4715. of 1119
the Revised Code who met the requirements of division (D) of 1120
section 4715.10 of the Revised Code by completing a dental 1121
residency program described in division (D)(4) of that section; 1122

(B) The number of dentists described in division (A) of this 1123
section who completed the dental residency program in this state 1124
and the number of dentists who completed the dental residency 1125
program in another state; 1126

(C) The number of dentists described in division (A) of this 1127

section who have renewed a license issued under Chapter 4715. of 1128
the Revised Code in accordance with section 4715.14 of the Revised 1129
Code; 1130

(D) The office address of each dentist described in division 1131
(A) of this section; 1132

(E) Any other information the Board considers necessary to 1133
evaluate the impact of the amendment by this act to section 1134
4715.10 of the Revised Code. 1135

Section 5. The amendment by this act to division (B)(1) of 1136
section 4715.037 of the Revised Code establishing new limits on 1137
the number of consecutive terms that a referee or examiner may 1138
serve shall apply to a referee or examiner serving in such 1139
capacity on the effective date of this section. 1140