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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**

**Senators Gardner, Balderson, Beagle, Brown, Eklund, Hughes, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson, Schaffer, Tavares, Uecker**

**—**

**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  
scholars 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 Revised Code. 71  
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Under the program, the department, by means of a contract entered into under section 3702.965 of the Revised Code, may agree to repay all or part of the principal and interest of a government or other educational loan taken by an individual for the following expenses incurred while the individual was enrolled in an accredited dental hygiene school that meets the standards described in section 4715.21 of the Revised Code: 73  
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(A) Tuition; 80

(B) Other educational expenses, such as fees, books, and laboratory expenses that are for purposes and in amounts determined reasonable by the director; 81  
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(C) Room and board, in an amount determined reasonable by the director. 84  
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**Sec. 3702.961.** The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules as necessary to implement and administer sections 3702.96 to 3702.967 of the Revised Code. In preparing rules, the director shall consult with the dentist loan repayment advisory board. 86  
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**Sec. 3702.962.** The director of health, by rule, shall establish priorities among dental health resource shortage areas for use in recruiting dental hygienists to sites within particular areas under the dental hygienist loan repayment program. In establishing priorities, the director shall consider dental health status indicators of the target population in the area, the presence of dental health care provider sites in the area with vacancies for dental hygienists, availability of an eligible candidate interested in being recruited to a particular site within an area, and the distribution of dental health care 91  
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provider sites in urban and rural regions. 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

<u>obligations:</u>	161
<u>(1) The individual agrees to provide dental hygiene services</u>	162
<u>in the dental health resource shortage area for the number of</u>	163
<u>hours and duration specified in the contract.</u>	164
<u>(2) The department of health agrees, as provided in section</u>	165
<u>3702.96 of the Revised Code, to repay, so long as the individual</u>	166
<u>performs the service obligation agreed to under division (C)(1) of</u>	167
<u>this section, all or part of the principal and interest of a</u>	168
<u>government or other educational loan taken by the individual for</u>	169
<u>expenses described in section 3702.96 of the Revised Code.</u>	170
<u>(3) The individual agrees to pay the department of health an</u>	171
<u>amount established by rules adopted under section 3702.961 of the</u>	172
<u>Revised Code, if the individual fails to complete the service</u>	173
<u>obligation agreed to under division (C)(1) of this section.</u>	174
<u>(D) The contract shall include the following terms as agreed</u>	175
<u>upon by the parties:</u>	176
<u>(1) The particular site within a dental health resource</u>	177
<u>shortage area where the dental hygiene services are to be</u>	178
<u>performed;</u>	179
<u>(2) The individual's required length of service in the dental</u>	180
<u>health resource shortage area, which must be at least two years;</u>	181
<u>(3) The number of weekly hours the individual will be engaged</u>	182
<u>in full-time practice or part-time practice;</u>	183
<u>(4) The maximum amount that the department will repay on</u>	184
<u>behalf of the individual;</u>	185
<u>(5) The extent to which the individual's teaching activities</u>	186
<u>will be counted toward the individual's full-time practice or</u>	187
<u>part-time practice hours under the contract.</u>	188
<u>(E) Before agreeing to the amount specified in division</u>	189
<u>(D)(4) of this section, the department of health shall consult</u>	190

with the Ohio dental hygienists' association regarding the amount. 191  
If this amount includes funds from the bureau of clinician 192  
recruitment and service in the United States department of health 193  
and human services, the amount of state funds repaid on the 194  
individual's behalf shall be the same as the amount of those 195  
funds. 196

Sec. 3702.966. The dentist loan repayment advisory board, 197  
annually on or before the first day of March, shall submit a 198  
report to the governor and general assembly describing the 199  
operations of the dental hygienist loan repayment program during 200  
the previous calendar year. The report shall include information 201  
about all of the following: 202

(A) The number of requests received by the director of health 203  
that a particular area be designated as a dental health resource 204  
shortage area; 205

(B) The number of applicants for participation in the dental 206  
hygienist loan repayment program; 207

(C) The number of dental hygienists assigned to dental health 208  
resource shortage areas and the payments made on behalf of those 209  
dental hygienists under the dental hygienist loan repayment 210  
program; 211

(D) The number of dental hygienists failing to complete their 212  
service obligations, the amount of damages owed, and the amount of 213  
damages collected. 214

Sec. 3702.967. The director of health may accept gifts of 215  
money from any source for the implementation and administration of 216  
sections 3702.96 to 3702.965 of the Revised Code. 217

The director shall pay all gifts accepted under this section 218  
into the state treasury, to the credit of the dental hygiene 219  
resource shortage area fund, which is hereby created, and all 220



damages collected under division (C)(3) of section 3702.965 of the 221  
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 284  
attorney who is a board employee or represents the board in any 285  
other manner. 286

(B)(1) Referees or examiners appointed under this section 287  
shall serve not more than the following number of consecutive 288  
one-year terms: 289

(a) In the case of the first initial appointee, ~~three~~ six; 290

(b) In the case of the second initial appointee, ~~four~~ seven; 291

(c) In the case of the third initial appointee and all 292  
successor appointees, ~~five~~ eight. 293

(2) The board may not refuse to reappoint a referee or 294  
examiner before the referee or examiner has served the maximum 295  
number of terms applicable to the referee or examiner unless the 296  
referee or examiner does not seek to serve the maximum number of 297  
terms or the board, by a concurrence of a majority of its members, 298  
determines there is cause not to reappoint the referee or 299  
examiner. 300

(C) The board shall assign one referee or examiner appointed 301  
under this section to conduct each hearing. Assignments shall be 302  
made in the order the board receives requests for hearings without 303  
regard to the experience or background of a particular referee or 304  
examiner or the consideration of any factor other than whether the 305  
referee or examiner is available at the appropriate time. 306

**Sec. 4715.10.** (A) As used in this section, "accredited dental 307  
college" means a dental college accredited by the commission on 308  
dental accreditation or a dental college that has educational 309  
standards recognized by the commission on dental accreditation and 310  
is approved by the state dental board. 311

(B) Each person who desires to practice dentistry in this 312

state shall file a written application for a license with the 313  
secretary of the state dental board. The application shall be on a 314  
form prescribed by the board and verified by oath. Each applicant 315  
shall furnish satisfactory proof to the board that the applicant 316  
has met the requirements of divisions (C) and (D) of this section, 317  
and if the applicant is a graduate of an unaccredited dental 318  
college located outside the United States, division (E) of this 319  
section. 320

(C) To be granted a license to practice dentistry, an 321  
applicant must meet all of the following requirements: 322

(1) Be at least eighteen years of age; 323

(2) Be of good moral character; 324

(3) Be a graduate of an accredited dental college or of a 325  
dental college located outside the United States who meets the 326  
standards adopted under section 4715.11 of the Revised Code; 327

(4) Have passed parts I and II of the examination given by 328  
the national board of dental examiners; 329

(5) Have passed a written jurisprudence examination 330  
administered by the state dental board under division (E)(2) of 331  
section 4715.03 of the Revised Code; 332

(6) Pay the fee required by division (A)(1) of section 333  
4715.13 of the Revised Code. 334

(D) To be granted a license to practice dentistry, an 335  
applicant must meet any one of the following requirements: 336

(1) Have taken an examination administered by any of the 337  
following regional testing agencies and received on each component 338  
of the examination a passing score as specified in division (A) of 339  
section 4715.11 of the Revised Code: the central regional dental 340  
testing service, inc., northeast regional board of dental 341  
examiners, inc., the southern regional dental testing agency, 342

inc., or the western regional examining board; 343

(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
(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) <del>Twenty</del> <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 <del>ten</del> <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
<b>Sec. 4715.22.</b> (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 Revised Code; 403  
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(b) A "home" as defined in section 3721.01 of the Revised Code. 405  
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(B) A licensed dental hygienist shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter. A dental hygienist may practice in a dental office, public or private school, health care facility, dispensary, or public institution. Except as provided in ~~division~~ divisions (C) ~~or (D)~~ to (E) of this section, a dental hygienist may not provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the dental hygienist is practicing. 407  
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(C) A dental hygienist may provide, for not more than fifteen consecutive business days, 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 all of the following requirements are met: 416  
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(1) The dental hygienist has at least ~~two years~~ one year and a minimum of ~~three~~ one thousand five hundred hours of experience in the practice of dental hygiene. 421  
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(2) The dental hygienist has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. 424  
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(3) The dental hygienist complies with written protocols ~~for emergencies~~ the supervising dentist establishes for emergencies. 427  
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(4) The dental hygienist does not perform, while the supervising dentist is absent from the location, procedures while the patient is anesthetized, definitive root planing, definitive subgingival curettage, or other procedures identified in rules the state dental board adopts. 429  
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(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

<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



<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) <u>An expanded function dental auxiliary shall practice perform the services specified in divisions (A)(1) and (11) of this section only under the direct supervision, order, control, and full responsibility of a dentist licensed under this chapter. At no time shall more than two expanded function dental auxiliaries be practicing as expanded function dental auxiliaries under the direct supervision of the same dentist. An Except as provided in divisions (C) and (D) of this section, an expanded function dental auxiliary shall not practice as an expanded function dental auxiliary when the supervising dentist is not physically present at the location where the expanded function dental auxiliary is practicing.</u>	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

<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
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<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
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<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
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<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
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(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