

As Reported by the House Health Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 184

Representatives Gavarone, DeVitis

Cosponsor: Representative Johnson

A BILL

To amend sections 1739.05, 2925.01, 4715.03, 1
4715.09, 4715.10, 4715.11, 4715.13, 4715.22, 2
4715.36, 4715.365, 4715.39, 4715.56, and 4715.64 3
and to enact sections 1751.90, 3333.614, 4
3923.90, 4715.43, 4715.431, 4715.432, 4715.433, 5
4715.434, 4715.435, 4715.436, 4715.437, and 6
5164.951 of the Revised Code to authorize the 7
provision of dental services through 8
teledentistry, to require a proposal for 9
creation of a primary care dental student 10
component of the Choose Ohio First Scholarship 11
Program, and to make other changes to the laws 12
governing the practices of dentistry and dental 13
hygiene, and to amend the version of section 14
4715.36 of the Revised Code that is scheduled to 15
take effect September 29, 2018, to continue the 16
provisions of this act on and after that 17
effective date. 18

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

Section 1. That sections 1739.05, 2925.01, 4715.03, 19

4715.09, 4715.10, 4715.11, 4715.13, 4715.22, 4715.36, 4715.365, 20
4715.39, 4715.56, and 4715.64 be amended and sections 1751.90, 21
3333.614, 3923.90, 4715.43, 4715.431, 4715.432, 4715.433, 22
4715.434, 4715.435, 4715.436, 4715.437, and 5164.951 of the 23
Revised Code be enacted to read as follows: 24

Sec. 1739.05. (A) A multiple employer welfare arrangement 25
that is created pursuant to sections 1739.01 to 1739.22 of the 26
Revised Code and that operates a group self-insurance program 27
may be established only if any of the following applies: 28

(1) The arrangement has and maintains a minimum enrollment 29
of three hundred employees of two or more employers. 30

(2) The arrangement has and maintains a minimum enrollment 31
of three hundred self-employed individuals. 32

(3) The arrangement has and maintains a minimum enrollment 33
of three hundred employees or self-employed individuals in any 34
combination of divisions (A) (1) and (2) of this section. 35

(B) A multiple employer welfare arrangement that is 36
created pursuant to sections 1739.01 to 1739.22 of the Revised 37
Code and that operates a group self-insurance program shall 38
comply with all laws applicable to self-funded programs in this 39
state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 40
3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 41
3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 42
3923.30, 3923.301, 3923.38, 3923.581, 3923.602, 3923.63, 43
3923.80, 3923.84, 3923.85, 3923.851, 3923.90, 3924.031, 44
3924.032, and 3924.27 of the Revised Code. 45

(C) A multiple employer welfare arrangement created 46
pursuant to sections 1739.01 to 1739.22 of the Revised Code 47
shall solicit enrollments only through agents or solicitors 48

licensed pursuant to Chapter 3905. of the Revised Code to sell 49
or solicit sickness and accident insurance. 50

(D) A multiple employer welfare arrangement created 51
pursuant to sections 1739.01 to 1739.22 of the Revised Code 52
shall provide benefits only to individuals who are members, 53
employees of members, or the dependents of members or employees, 54
or are eligible for continuation of coverage under section 55
1751.53 or 3923.38 of the Revised Code or under Title X of the 56
"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 57
Stat. 227, 29 U.S.C.A. 1161, as amended. 58

(E) A multiple employer welfare arrangement created 59
pursuant to sections 1739.01 to 1739.22 of the Revised Code is 60
subject to, and shall comply with, sections 3903.81 to 3903.93 61
of the Revised Code in the same manner as other life or health 62
insurers, as defined in section 3903.81 of the Revised Code. 63

Sec. 1751.90. (A) As used in this section, "teledentistry" 64
has the same meaning as in section 4715.43 of the Revised Code. 65

(B) No individual or group health insuring corporation 66
policy, contract, or agreement shall deny coverage for the costs 67
of any services provided to an insured through teledentistry if 68
those services would be covered if the services were delivered 69
other than through teledentistry. 70

(C) The coverage that may not be excluded under division 71
(B) of this section is subject to all terms, conditions, 72
restrictions, exclusions, and limitations that apply to other 73
coverage for services performed by participating and 74
nonparticipating providers. 75

Sec. 2925.01. As used in this chapter: 76

(A) "Administer," "controlled substance," "controlled 77

substance analog," "dispense," "distribute," "hypodermic," 78
"manufacturer," "official written order," "person," 79
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 80
"schedule III," "schedule IV," "schedule V," and "wholesaler" 81
have the same meanings as in section 3719.01 of the Revised 82
Code. 83

(B) "Drug dependent person" and "drug of abuse" have the 84
same meanings as in section 3719.011 of the Revised Code. 85

(C) "Drug," "dangerous drug," "licensed health 86
professional authorized to prescribe drugs," and "prescription" 87
have the same meanings as in section 4729.01 of the Revised 88
Code. 89

(D) "Bulk amount" of a controlled substance means any of 90
the following: 91

(1) For any compound, mixture, preparation, or substance 92
included in schedule I, schedule II, or schedule III, with the 93
exception of controlled substance analogs, marihuana, cocaine, 94
L.S.D., heroin, and hashish and except as provided in division 95
(D)(2) or (5) of this section, whichever of the following is 96
applicable: 97

(a) An amount equal to or exceeding ten grams or twenty- 98
five unit doses of a compound, mixture, preparation, or 99
substance that is or contains any amount of a schedule I opiate 100
or opium derivative; 101

(b) An amount equal to or exceeding ten grams of a 102
compound, mixture, preparation, or substance that is or contains 103
any amount of raw or gum opium; 104

(c) An amount equal to or exceeding thirty grams or ten 105
unit doses of a compound, mixture, preparation, or substance 106

that is or contains any amount of a schedule I hallucinogen 107
other than tetrahydrocannabinol or lysergic acid amide, or a 108
schedule I stimulant or depressant; 109

(d) An amount equal to or exceeding twenty grams or five 110
times the maximum daily dose in the usual dose range specified 111
in a standard pharmaceutical reference manual of a compound, 112
mixture, preparation, or substance that is or contains any 113
amount of a schedule II opiate or opium derivative; 114

(e) An amount equal to or exceeding five grams or ten unit 115
doses of a compound, mixture, preparation, or substance that is 116
or contains any amount of phencyclidine; 117

(f) An amount equal to or exceeding one hundred twenty 118
grams or thirty times the maximum daily dose in the usual dose 119
range specified in a standard pharmaceutical reference manual of 120
a compound, mixture, preparation, or substance that is or 121
contains any amount of a schedule II stimulant that is in a 122
final dosage form manufactured by a person authorized by the 123
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 124
U.S.C.A. 301, as amended, and the federal drug abuse control 125
laws, as defined in section 3719.01 of the Revised Code, that is 126
or contains any amount of a schedule II depressant substance or 127
a schedule II hallucinogenic substance; 128

(g) An amount equal to or exceeding three grams of a 129
compound, mixture, preparation, or substance that is or contains 130
any amount of a schedule II stimulant, or any of its salts or 131
isomers, that is not in a final dosage form manufactured by a 132
person authorized by the Federal Food, Drug, and Cosmetic Act 133
and the federal drug abuse control laws. 134

(2) An amount equal to or exceeding one hundred twenty 135

grams or thirty times the maximum daily dose in the usual dose 136
range specified in a standard pharmaceutical reference manual of 137
a compound, mixture, preparation, or substance that is or 138
contains any amount of a schedule III or IV substance other than 139
an anabolic steroid or a schedule III opiate or opium 140
derivative; 141

(3) An amount equal to or exceeding twenty grams or five 142
times the maximum daily dose in the usual dose range specified 143
in a standard pharmaceutical reference manual of a compound, 144
mixture, preparation, or substance that is or contains any 145
amount of a schedule III opiate or opium derivative; 146

(4) An amount equal to or exceeding two hundred fifty 147
milliliters or two hundred fifty grams of a compound, mixture, 148
preparation, or substance that is or contains any amount of a 149
schedule V substance; 150

(5) An amount equal to or exceeding two hundred solid 151
dosage units, sixteen grams, or sixteen milliliters of a 152
compound, mixture, preparation, or substance that is or contains 153
any amount of a schedule III anabolic steroid. 154

(E) "Unit dose" means an amount or unit of a compound, 155
mixture, or preparation containing a controlled substance that 156
is separately identifiable and in a form that indicates that it 157
is the amount or unit by which the controlled substance is 158
separately administered to or taken by an individual. 159

(F) "Cultivate" includes planting, watering, fertilizing, 160
or tilling. 161

(G) "Drug abuse offense" means any of the following: 162

(1) A violation of division (A) of section 2913.02 that 163
constitutes theft of drugs, or a violation of section 2925.02, 164

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 165
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 166
or 2925.37 of the Revised Code; 167

(2) A violation of an existing or former law of this or 168
any other state or of the United States that is substantially 169
equivalent to any section listed in division (G) (1) of this 170
section; 171

(3) An offense under an existing or former law of this or 172
any other state, or of the United States, of which planting, 173
cultivating, harvesting, processing, making, manufacturing, 174
producing, shipping, transporting, delivering, acquiring, 175
possessing, storing, distributing, dispensing, selling, inducing 176
another to use, administering to another, using, or otherwise 177
dealing with a controlled substance is an element; 178

(4) A conspiracy to commit, attempt to commit, or 179
complicity in committing or attempting to commit any offense 180
under division (G) (1), (2), or (3) of this section. 181

(H) "Felony drug abuse offense" means any drug abuse 182
offense that would constitute a felony under the laws of this 183
state, any other state, or the United States. 184

(I) "Harmful intoxicant" does not include beer or 185
intoxicating liquor but means any of the following: 186

(1) Any compound, mixture, preparation, or substance the 187
gas, fumes, or vapor of which when inhaled can induce 188
intoxication, excitement, giddiness, irrational behavior, 189
depression, stupefaction, paralysis, unconsciousness, 190
asphyxiation, or other harmful physiological effects, and 191
includes, but is not limited to, any of the following: 192

(a) Any volatile organic solvent, plastic cement, model 193

cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	194
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(b) Any aerosol propellant;	197
(c) Any fluorocarbon refrigerant;	198
(d) Any anesthetic gas.	199
(2) Gamma Butyrolactone;	200
(3) 1,4 Butanediol.	201
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	202
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(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	208
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(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	212
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(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	218
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(N) "Juvenile" means a person under eighteen years of age.	221
(O) "Counterfeit controlled substance" means any of the following:	222 223
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	224 225 226 227
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	228 229 230 231
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	232 233 234
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	235 236 237 238 239
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	240 241 242 243 244 245 246
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state	247 248 249

board of education prescribes minimum standards under section 250
3301.07 of the Revised Code, whether or not any instruction, 251
extracurricular activities, or training provided by the school 252
is being conducted at the time a criminal offense is committed. 253

(R) "School premises" means either of the following: 254

(1) The parcel of real property on which any school is 255
situated, whether or not any instruction, extracurricular 256
activities, or training provided by the school is being 257
conducted on the premises at the time a criminal offense is 258
committed; 259

(2) Any other parcel of real property that is owned or 260
leased by a board of education of a school, the governing 261
authority of a community school established under Chapter 3314. 262
of the Revised Code, or the governing body of a nonpublic school 263
for which the state board of education prescribes minimum 264
standards under section 3301.07 of the Revised Code and on which 265
some of the instruction, extracurricular activities, or training 266
of the school is conducted, whether or not any instruction, 267
extracurricular activities, or training provided by the school 268
is being conducted on the parcel of real property at the time a 269
criminal offense is committed. 270

(S) "School building" means any building in which any of 271
the instruction, extracurricular activities, or training 272
provided by a school is conducted, whether or not any 273
instruction, extracurricular activities, or training provided by 274
the school is being conducted in the school building at the time 275
a criminal offense is committed. 276

(T) "Disciplinary counsel" means the disciplinary counsel 277
appointed by the board of commissioners on grievances and 278

discipline of the supreme court under the Rules for the	279
Government of the Bar of Ohio.	280
(U) "Certified grievance committee" means a duly	281
constituted and organized committee of the Ohio state bar	282
association or of one or more local bar associations of the	283
state of Ohio that complies with the criteria set forth in Rule	284
V, section 6 of the Rules for the Government of the Bar of Ohio.	285
(V) "Professional license" means any license, permit,	286
certificate, registration, qualification, admission, temporary	287
license, temporary permit, temporary certificate, or temporary	288
registration that is described in divisions (W) (1) to (36) of	289
this section and that qualifies a person as a professionally	290
licensed person.	291
(W) "Professionally licensed person" means any of the	292
following:	293
(1) A person who has obtained a license as a manufacturer	294
of controlled substances or a wholesaler of controlled	295
substances under Chapter 3719. of the Revised Code;	296
(2) A person who has received a certificate or temporary	297
certificate as a certified public accountant or who has	298
registered as a public accountant under Chapter 4701. of the	299
Revised Code and who holds an Ohio permit issued under that	300
chapter;	301
(3) A person who holds a certificate of qualification to	302
practice architecture issued or renewed and registered under	303
Chapter 4703. of the Revised Code;	304
(4) A person who is registered as a landscape architect	305
under Chapter 4703. of the Revised Code or who holds a permit as	306
a landscape architect issued under that chapter;	307

(5) A person licensed under Chapter 4707. of the Revised Code;	308 309
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	310 311 312
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	313 314 315
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	316 317 318 319 320 321 322 323 324 325 326
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	327 328 329 330 331 332
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the	333 334 335 336

Revised Code;	337
(11) A person who has been licensed as a registered nurse	338
or practical nurse, or who has been issued a certificate for the	339
practice of nurse-midwifery under Chapter 4723. of the Revised	340
Code;	341
(12) A person who has been licensed to practice optometry	342
or to engage in optical dispensing under Chapter 4725. of the	343
Revised Code;	344
(13) A person licensed to act as a pawnbroker under	345
Chapter 4727. of the Revised Code;	346
(14) A person licensed to act as a precious metals dealer	347
under Chapter 4728. of the Revised Code;	348
(15) A person licensed as a pharmacist, a pharmacy intern,	349
a wholesale distributor of dangerous drugs, or a terminal	350
distributor of dangerous drugs under Chapter 4729. of the	351
Revised Code;	352
(16) A person who is authorized to practice as a physician	353
assistant under Chapter 4730. of the Revised Code;	354
(17) A person who has been issued a license to practice	355
medicine and surgery, osteopathic medicine and surgery, or	356
podiatric medicine and surgery under Chapter 4731. of the	357
Revised Code or has been issued a certificate to practice a	358
limited branch of medicine under that chapter;	359
(18) A person licensed as a psychologist or school	360
psychologist under Chapter 4732. of the Revised Code;	361
(19) A person registered to practice the profession of	362
engineering or surveying under Chapter 4733. of the Revised	363
Code;	364

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	365 366
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	367 368
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	369 370
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	371 372
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	373 374
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	375 376
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	377 378 379 380
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	381 382 383
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	384 385 386
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	387 388 389
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	390 391

Code;	392
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	393 394 395
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	396 397 398 399 400 401
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	402 403
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	404 405 406
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	407 408
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	409 410 411
(X) "Cocaine" means any of the following:	412
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	413 414
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	415 416 417 418

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the

following:	448
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	449 450
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	451 452 453
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	454 455
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	456 457
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	458 459 460
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	461 462 463 464 465
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	466 467 468 469 470
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	471 472
<u>Sec. 3333.614. (A) The deans of the Ohio state university college of dentistry and Case western reserve university school of dental medicine shall jointly develop a proposal for the</u>	473 474 475

creation of a primary care dental student component of the 476
choose Ohio first scholarship program operated under section 477
3333.61 of the Revised Code. The purpose of the component is to 478
annually award scholarships to dental students who meet the 479
requirements of division (D) of this section. 480

(B) The deans shall consider including in the proposal 481
provisions that do the following: 482

(1) Establish a scholarship fund of sufficient size to 483
permit annually not more than eight dental students to receive 484
scholarships; 485

(2) Specify that a scholarship may be provided to a dental 486
student for not more than four years. 487

(C) The deans shall submit the proposal to the chancellor 488
of higher education not later than January 1, 2018, for the 489
chancellor's review. The chancellor shall decide whether to 490
implement the component as part of the program. 491

(D) If the component is implemented, a dental student must 492
meet both of the following requirements to be eligible for a 493
scholarship: 494

(1) Commit to practice dentistry, for not less than four 495
years, in a dental health resource shortage area that has been 496
designated under section 3702.87 of the Revised Code; 497

(2) Accept medicaid recipients as patients, without 498
restriction and, as compared to other patients, in a proportion 499
that is specified in the scholarship. 500

Sec. 3923.90. (A) As used in this section, "teledentistry" 501
has the same meaning as in section 4715.43 of the Revised Code. 502

(B) No individual or group policy of sickness and accident 503

insurance or public employee benefit plan shall deny coverage 504
for the costs of any services provided to an insured through 505
teledentistry if those services would be covered if the services 506
were delivered other than through teledentistry. 507

(C) The coverage that may not be excluded under division 508
(B) of this section is subject to all terms, conditions, 509
restrictions, exclusions, and limitations that apply to any 510
other coverage for services performed by participating and 511
nonparticipating providers. 512

Sec. 4715.03. (A) The state dental board shall organize by 513
electing from its members a president, secretary, and vice- 514
secretary. The secretary and vice-secretary shall be elected 515
from the members of the board who are dentists. It shall hold 516
meetings monthly at least eight months a year at such times and 517
places as the board designates. A majority of the members of the 518
board shall constitute a quorum. The board shall make such 519
reasonable rules as it determines necessary pursuant to Chapter 520
119. of the Revised Code. 521

(B) A concurrence of a majority of the members of the 522
board shall be required to do any of the following: 523

(1) Grant, refuse, suspend, place on probationary status, 524
revoke, refuse to renew, or refuse to reinstate a license or 525
censure a license holder or take any other action authorized 526
under section 4715.30 of the Revised Code; 527

(2) Seek an injunction under section 4715.05 of the 528
Revised Code; 529

(3) Enter into a consent agreement with a license holder; 530

(4) If the board develops and implements the quality 531
intervention program under section 4715.031 of the Revised Code, 532

refer a license holder to the program;	533
(5) Terminate an investigation conducted under division	534
(D) of this section;	535
(6) Dismiss any complaint filed with the board.	536
(C) (1) The board shall adopt rules in accordance with	537
Chapter 119. of the Revised Code to do both of the following:	538
(a) Establish standards for the safe practice of dentistry	539
and dental hygiene by qualified practitioners and shall, through	540
its policies and activities, promote such practice;	541
(b) Establish universal blood and body fluid precautions	542
that shall be used by each person licensed under this chapter	543
who performs exposure prone invasive procedures.	544
(2) The rules adopted under division (C) (1) (b) of this	545
section shall define and establish requirements for universal	546
blood and body fluid precautions that include the following:	547
(a) Appropriate use of hand washing;	548
(b) Disinfection and sterilization of equipment;	549
(c) Handling and disposal of needles and other sharp	550
instruments;	551
(d) Wearing and disposal of gloves and other protective	552
garments and devices.	553
(D) The board shall administer and enforce the provisions	554
of this chapter. The board shall, in accordance with sections	555
4715.032 to 4715.035 of the Revised Code, investigate evidence	556
which appears to show that any person has violated any provision	557
of this chapter. Any person may report to the board under oath	558
any information such person may have appearing to show a	559

violation of any provision of this chapter. In the absence of 560
bad faith, any person who reports such information or who 561
testifies before the board in any disciplinary proceeding 562
conducted pursuant to Chapter 119. of the Revised Code is not 563
liable for civil damages as a result of making the report or 564
providing testimony. If after investigation and reviewing the 565
recommendation of the supervisory investigative panel issued 566
pursuant to section 4715.034 of the Revised Code the board 567
determines that there are reasonable grounds to believe that a 568
violation of this chapter has occurred, the board shall, except 569
as provided in this chapter, conduct disciplinary proceedings 570
pursuant to Chapter 119. of the Revised Code, seek an injunction 571
under section 4715.05 of the Revised Code, enter into a consent 572
agreement with a license holder, or provide for a license holder 573
to participate in the quality intervention program established 574
under section 4715.031 of the Revised Code if the board develops 575
and implements that program. 576

For the purpose of any disciplinary proceeding or any 577
investigation conducted under this division, the board may 578
administer oaths, order the taking of depositions, issue 579
subpoenas in accordance with section 4715.033 of the Revised 580
Code, compel the attendance and testimony of persons at 581
depositions, and compel the production of books, accounts, 582
papers, documents, or other tangible things. The hearings and 583
investigations of the board shall be considered civil actions 584
for the purposes of section 2305.252 of the Revised Code. 585
Notwithstanding section 121.22 of the Revised Code and except as 586
provided in section 4715.036 of the Revised Code, proceedings of 587
the board relative to the investigation of a complaint or the 588
determination whether there are reasonable grounds to believe 589
that a violation of this chapter has occurred are confidential 590

and are not subject to discovery in any civil action. 591

(E) (1) The board shall examine or cause to be examined 592
eligible applicants to practice dental hygiene. The board may 593
distinguish by rule different classes of qualified personnel 594
according to skill levels and require all or only certain of 595
these classes of qualified personnel to be examined and 596
certified by the board. 597

(2) The board shall administer a written jurisprudence 598
examination to each applicant for a license to practice 599
dentistry. The examination shall cover only the statutes and 600
administrative rules governing the practice of dentistry in this 601
state. 602

(F) In accordance with Chapter 119. of the Revised Code, 603
the board shall adopt, and may amend or rescind, rules 604
establishing the eligibility criteria, the application and 605
permit renewal procedures, and safety standards applicable to a 606
dentist licensed under this chapter who applies for a permit to 607
employ or use conscious ~~intravenous~~ sedation. These rules shall 608
include all of the following: 609

(1) The eligibility requirements and application 610
procedures for an eligible dentist to obtain a conscious 611
~~intravenous~~ sedation permit; 612

(2) The minimum educational and clinical training 613
standards required of applicants, which shall include 614
satisfactory completion of an advanced cardiac life support 615
course; 616

(3) The facility equipment and inspection requirements; 617

(4) Safety standards; 618

(5) Requirements for reporting adverse occurrences. 619

(G) In accordance with Chapter 119. of the Revised Code, 620
the board shall adopt rules establishing eligibility criteria, 621
application and permit renewal procedures, and safety standards 622
applicable to a dentist licensed under this chapter who applies 623
for a general anesthesia permit. 624

Sec. 4715.09. (A) No person shall practice dentistry 625
without a current license from the state dental board. No person 626
shall practice dentistry while the person's license is under 627
suspension by the state dental board. 628

(B) No dentist shall use the services of any person not 629
licensed to practice dentistry in this state, or the services of 630
any partnership, corporation, or association, to construct, 631
alter, repair, or duplicate any denture, plate, bridge, splint, 632
or orthodontic or prosthetic appliance, without first furnishing 633
the unlicensed person, partnership, corporation, or association 634
with a written work authorization on forms prescribed by the 635
state dental board. 636

The unlicensed person, partnership, corporation, or 637
association shall retain the original work authorization, and 638
the dentist shall retain a duplicate copy of the work 639
authorization, for two years from its date. Work authorizations 640
required by this section shall be open for inspection during the 641
two-year period by the state dental board, its authorized agent, 642
or the prosecuting attorney of a county or the director of law 643
of a municipal corporation wherein the work authorizations are 644
located. 645

(C) If the person, partnership, association, or 646
corporation receiving a written authorization from a licensed 647

dentist engages another person, firm, or corporation, referred 648
to in this division as "subcontractor," to perform some of the 649
services relative to the work authorization, ~~he or it~~ the person 650
shall furnish a written sub-work authorization with respect 651
thereto on forms prescribed by the state dental board. 652

The subcontractor shall retain the sub-work authorization 653
and the issuer thereof shall retain a duplicate copy, attached 654
to the work authorization received from the licensed dentist, 655
for inspection by the state dental board or its duly authorized 656
agents, for a period of two years in both cases. 657

(D) No unlicensed person, partnership, association, or 658
corporation shall perform any service described in division (B) 659
of this section without a written work authorization from a 660
licensed dentist. Provided, that if a written work authorization 661
is demanded from a licensed dentist who fails or refuses to 662
furnish it for any reason, the unlicensed person, partnership, 663
association, or corporation shall not, in such event, be subject 664
to the enforcement provisions of section 4715.05 or the penal 665
provisions of section 4715.99 of the Revised Code. 666

(E) No dentist shall employ or use conscious ~~intravenous~~ 667
sedation unless the dentist possesses a valid permit issued by 668
the state dental board authorizing ~~him~~ the dentist to do so. 669

(F) No dentist shall employ or use general anesthesia 670
unless the dentist possesses a valid permit issued by the state 671
dental board authorizing the dentist to do so. 672

Sec. 4715.10. (A) As used in this section, "accredited 673
dental college" means a dental college accredited by the 674
commission on dental accreditation or a dental college that has 675
educational standards recognized by the commission on dental 676

accreditation and is approved by the state dental board. 677

(B) Each person who desires to practice dentistry in this 678
state shall file a written application for a license with the 679
secretary of the state dental board. The application shall be on 680
a form prescribed by the board and verified by oath. Each 681
applicant shall furnish satisfactory proof to the board that the 682
applicant has met the requirements of divisions (C) and (D) of 683
this section, and if the applicant is a graduate of an 684
unaccredited dental college located outside the United States, 685
division (E) of this section. 686

(C) To be granted a license to practice dentistry, an 687
applicant must meet all of the following requirements: 688

(1) Be at least eighteen years of age; 689

(2) Be of good moral character; 690

(3) Be a graduate of an accredited dental college or of a 691
dental college located outside the United States who meets the 692
standards adopted under section 4715.11 of the Revised Code; 693

(4) Have passed parts I and II of the examination given by 694
the national board of dental examiners; 695

(5) Have passed a written jurisprudence examination 696
administered by the state dental board under division (E) (2) of 697
section 4715.03 of the Revised Code; 698

(6) Pay the fee required by division (A) (1) of section 699
4715.13 of the Revised Code. 700

(D) To be granted a license to practice dentistry, an 701
applicant must meet any one of the following requirements: 702

(1) Have taken an examination administered by any of the 703

following regional testing agencies and received ~~on each~~ 704
~~component of the examination~~ a passing score ~~as specified in~~ 705
~~division (A) of section 4715.11 of the Revised Code~~ on the 706
examination as determined by the administering agency: the 707
central regional dental testing service, inc., northeast 708
regional board of dental examiners, inc., the commission on 709
dental competency assessments, the southern regional dental 710
testing agency, inc., the council of interstate testing 711
agencies, inc., or the western regional examining board; 712

(2) Have taken an examination administered by the state 713
dental board and received a passing score as established by the 714
board; 715

(3) Possess a license in good standing from another state 716
and have actively engaged in the legal and reputable practice of 717
dentistry in another state or in the armed forces of the United 718
States, the United States public health service, or the United 719
States department of veterans' affairs for five years 720
immediately preceding application; 721

(4) Have completed a dental residency program accredited 722
or approved by the commission on dental accreditation and 723
administered by an accredited dental college or hospital. 724

(E) To be granted a license to practice dentistry, a 725
graduate of an unaccredited dental college located outside the 726
United States must meet both of the following requirements: 727

(1) Have taken a basic science and laboratory examination 728
consistent with rules adopted under section 4715.11 of the 729
Revised Code and received a passing score as established by the 730
board; 731

(2) Have had sufficient clinical training in an accredited 732

institution to reasonably assure a level of competency equal to 733
that of graduates of accredited dental colleges, as determined 734
by the board. 735

Sec. 4715.11. In the state dental board's implementation 736
of section 4715.10 of the Revised Code, all of the following 737
apply: 738

~~(A) For purposes of division (D) (1) of section 4715.10 of~~ 739
~~the Revised Code, a passing score on a component of an~~ 740
~~examination administered by a regional testing agency is the~~ 741
~~score established by the agency as a passing score for the~~ 742
~~component or, if the agency has not established a passing score~~ 743
~~for the component, the score established by the board as a~~ 744
~~passing score for the component. The board shall adopt rules~~ 745
~~establishing passing scores for examination components as~~ 746
~~necessary to implement this division.~~ 747

~~(B)~~The board shall adopt rules establishing standards 748
that must be met by graduates of unaccredited dental colleges 749
located outside the United States. The standards must reasonably 750
assure that the graduates have received a level of education and 751
training equal to that provided by accredited dental colleges. 752

~~(C)~~(B)The board shall adopt rules governing the basic 753
sciences and laboratory examination required by division (E) (1) 754
of section 4715.10 of the Revised Code. 755

Sec. 4715.13. (A) Applicants for licenses to practice 756
dentistry or for a general anesthesia permit or a conscious 757
~~intravenous~~ sedation permit shall pay to the secretary of the 758
state dental board the following fees: 759

(1) For license to practice dentistry, two hundred sixty- 760
seven dollars if issued in an odd-numbered year or four hundred 761

fifty-four dollars if issued in an even-numbered year;	762
(2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars;	763 764
(3) For a general anesthesia permit, one hundred twenty-seven dollars;	765 766
(4) For a conscious intravenous -sedation permit, one hundred twenty-seven dollars.	767 768
(B) Forty dollars of each fee collected under division (A) (1) of this section for a license issued in an even-numbered year and twenty dollars of each fee collected under division (A) (1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code.	769 770 771 772 773 774
(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:	775 776 777
(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.	778 779 780 781 782
(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.	783 784 785
Sec. 4715.22. (A) (1) This section applies only when a licensed dental hygienist is not practicing under a <u>in</u> accordance with either of the following:	786 787 788
<u>(a) A permit issued pursuant to section 4715.363 of the</u>	789

Revised Code authorizing practice under the oral health access supervision of a dentist;	790 791
<u>(b) Section 4715.431 of the Revised Code.</u>	792
(2) As used in this section, "health care facility" means either of the following:	793 794
(a) A hospital registered under section 3701.07 of the Revised Code;	795 796
(b) A "home" as defined in section 3721.01 of the Revised Code.	797 798
(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 divisions (C) 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.	799 800 801 802 803 804 805 806 807
(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 where the services are provided if all of the following requirements are met:	808 809 810 811 812
(1) The dental hygienist has at least one year and a minimum of one thousand five hundred hours of experience in the practice of dental hygiene.	813 814 815
(2) The dental hygienist has successfully completed a course approved by the state dental board in the identification	816 817

and prevention of potential medical emergencies. 818

~~(3) The dental hygienist complies with written protocols the supervising dentist establishes for emergencies.~~ 819
820

~~(4)~~The dental hygienist does not perform, while the 821
supervising dentist is absent from the location, procedures 822
while the patient is anesthetized, definitive root planing, 823
definitive subgingival curettage, or other procedures identified 824
in rules the state dental board adopts. 825

~~(5)~~(4) The supervising dentist has evaluated the dental 826
hygienist's skills. 827

~~(6)~~(5) The supervising dentist examined the patient not 828
more than one year prior to the date the dental hygienist 829
provides the dental hygiene services to the patient. 830

~~(7)~~(6) The dental hygienist complies with written 831
protocols or written standing orders that the supervising 832
dentist establishes, including those established for 833
emergencies. 834

~~(8)~~(7) The supervising dentist completed and evaluated a 835
medical and dental history of the patient not more than one year 836
prior to the date the dental hygienist provides dental hygiene 837
services to the patient and, except when the dental hygiene 838
services are provided in a health care facility, the supervising 839
dentist determines that the patient is in a medically stable 840
condition. 841

~~(9)~~(8) If the dental hygiene services are provided in a 842
health care facility, a doctor of medicine and surgery or 843
osteopathic medicine and surgery who holds a current certificate 844
issued under Chapter 4731. of the Revised Code or a registered 845
nurse licensed under Chapter 4723. of the Revised Code is 846

present in the health care facility when the services are 847
provided. 848

~~(10)~~(9) In advance of the appointment for dental hygiene 849
services, the patient is notified that the supervising dentist 850
will be absent from the location and that the dental hygienist 851
cannot diagnose the patient's dental health care status. 852

~~(11)~~(10) The dental hygienist is employed by, or under 853
contract with, one of the following: 854

(a) The supervising dentist; 855

(b) A dentist licensed under this chapter who is one of 856
the following: 857

(i) The employer of the supervising dentist; 858

(ii) A shareholder in a professional association formed 859
under Chapter 1785. of the Revised Code of which the supervising 860
dentist is a shareholder; 861

(iii) A member or manager of a limited liability company 862
formed under Chapter 1705. of the Revised Code of which the 863
supervising dentist is a member or manager; 864

(iv) A shareholder in a corporation formed under division 865
(B) of section 1701.03 of the Revised Code of which the 866
supervising dentist is a shareholder; 867

(v) A partner or employee of a partnership or a limited 868
liability partnership formed under Chapter 1775. or 1776. of the 869
Revised Code of which the supervising dentist is a partner or 870
employee. 871

(c) A government entity that employs the dental hygienist 872
to provide dental hygiene services in a public school or in 873

connection with other programs the government entity 874
administers. 875

(D) A dental hygienist may provide dental hygiene services 876
to a patient when the supervising dentist is not physically 877
present at the location where the services are provided if the 878
services are provided as part of a dental hygiene program that 879
is approved by the state dental board and all of the following 880
requirements are met: 881

(1) The program is operated through a school district 882
board of education or the governing board of an educational 883
service center; the board of health of a city or general health 884
district or the authority having the duties of a board of health 885
under section 3709.05 of the Revised Code; a national, state, 886
district, or local dental association; or any other public or 887
private entity recognized by the state dental board. 888

(2) The supervising dentist is employed by or a volunteer 889
for, and the patients are referred by, the entity through which 890
the program is operated. 891

(3) (a) Except as provided in division (D) (3) (b) of this 892
section, the services are performed after examination and 893
diagnosis by the dentist and in accordance with the dentist's 894
written treatment plan. 895

(b) The requirement in division (D) (3) (a) of this section 896
does not apply when the only ~~service~~ services to be provided by 897
the dental hygienist ~~is~~ are the placement of pit and fissure 898
sealants and the application of fluoride varnish. 899

(E) A dental hygienist may ~~apply fluoride varnish, apply~~ 900
~~desensitizing agents, and discuss general nonmedical nutrition~~ 901
~~information for the purpose of maintaining good oral health do~~ 902

any of the following when the supervising dentist is not 903
physically present at the location where the services are 904
provided, regardless of whether the dentist has examined the 905
patient, if the dental hygienist is employed by, or under 906
contract with, the supervising dentist or another person or 907
government entity specified in division (C) ~~(11)~~ (10) (b) or (c) of 908
this section: 909

(1) Apply fluoride varnish; 910

(2) Apply desensitizing agents; 911

(3) Apply disclosing solutions; 912

(4) Apply pit and fissure sealants; 913

(5) Recement temporary crowns or recement crowns with 914
temporary cement; 915

(6) Conduct caries susceptibility testing; 916

(7) Provide instruction on oral hygiene home care, 917
including the use of toothbrushes and dental floss; 918

(8) Discuss general nonmedical nutrition information for 919
the purpose of maintaining good oral health. 920

As used in ~~this~~ division (E) (8) of this section, "general 921
nonmedical nutrition information" means information on the 922
following: principles of good nutrition and food preparation, 923
food to be included in the normal daily diet, the essential 924
nutrients needed by the body, recommended amounts of the 925
essential nutrients, the actions of nutrients on the body, the 926
effects of deficiencies or excesses of nutrients, or food and 927
supplements that are good sources of essential nutrients. 928

(F) No person shall do either of the following: 929

(1) Practice dental hygiene in a manner that is separate 930
or otherwise independent from the dental practice of a 931
supervising dentist; 932

(2) Establish or maintain an office or practice that is 933
primarily devoted to the provision of dental hygiene services. 934

(G) The state dental board shall adopt rules under 935
division (C) of section 4715.03 of the Revised Code identifying 936
procedures a dental hygienist may not perform when practicing in 937
the absence of the supervising dentist pursuant to division (C) 938
or (D) of this section. ~~The board shall not identify~~ 939
~~recementation of temporary crowns or recementation of crowns~~ 940
~~with temporary cement as such procedures.~~ 941

Sec. 4715.36. As used in this section and sections 942
4715.361 to 4715.374 of the Revised Code: 943

(A) "Accredited dental hygiene school" means a dental 944
hygiene school accredited by the American dental association 945
commission on dental accreditation or a dental hygiene school 946
whose educational standards are recognized by the American 947
dental association commission on dental accreditation and 948
approved by the state dental board. 949

(B) "Authorizing dentist" means a dentist who authorizes a 950
dental hygienist to perform dental hygiene services under 951
section 4715.365 of the Revised Code. 952

(C) "Clinical evaluation" means a diagnosis and treatment 953
plan formulated for an individual patient by a dentist. 954

(D) "Dentist" means an individual licensed under this 955
chapter to practice dentistry. 956

(E) "Dental hygienist" means an individual licensed under 957

this chapter to practice as a dental hygienist. 958

(F) "Dental hygiene services" means the prophylactic, 959
preventive, and other procedures that dentists are authorized by 960
this chapter and rules of the state dental board to assign to 961
dental hygienists, except for procedures while a patient is 962
anesthetized, definitive root planing, definitive subgingival 963
curettage, the administration of local anesthesia, and the 964
procedures specified in rules adopted by the board as described 965
in division (C) ~~(4)~~ (3) of section 4715.22 of the Revised Code. 966

(G) "Facility" means any of the following: 967

(1) A health care facility, as defined in section 4715.22 968
of the Revised Code; 969

(2) A state correctional institution, as defined in 970
section 2967.01 of the Revised Code; 971

(3) A comprehensive child development program that 972
receives funds distributed under the "Head Start Act," 95 Stat. 973
499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a 974
child day-care center; 975

(4) A residential facility licensed under section 5123.19 976
of the Revised Code; 977

(5) A public school, as defined in section 3701.93 of the 978
Revised Code, located in an area designated as a dental health 979
resource shortage area pursuant to section 3702.87 of the 980
Revised Code; 981

(6) A nonpublic school, as defined in section 3701.93 of 982
the Revised Code, located in an area designated as a dental 983
health resource shortage area pursuant to section 3702.87 of the 984
Revised Code; 985

(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	986 987 988
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	989 990
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	991 992
(10) A foster home, as defined in section 5103.02 of the Revised Code;	993 994
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	995 996
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 5101.61 of the Revised Code;	997 998 999
(13) A dispensary;	1000
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	1001 1002
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	1003 1004 1005
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	1006 1007 1008
(17) A women, infants, and children clinic;	1009
(18) A mobile dental unit located at any location listed in divisions (G) (1) to (17) of this section;	1010 1011
(19) Any other location, as specified by the state dental	1012

board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.

Sec. 4715.365. (A) A dentist who holds a current, valid oral health access supervision permit issued under section 4715.362 of the Revised Code may authorize a dental hygienist who holds a current, valid permit issued under section 4715.363 of the Revised Code to perform dental hygiene services at a facility when no dentist is physically present if all of the following conditions are met:

(1) The authorizing dentist's authorization is in writing and includes, at a minimum, all of the following:

(a) The authorizing dentist's name and permit number;

(b) The dental hygienist's name and permit number;

(c) The patient's name;

(d) The name and address of the location where the dental hygiene services are to be provided;

(e) The date of authorization;

(f) A statement, signed by the dental hygienist, that the hygienist agrees to comply with section 4715.366 of the Revised Code.

(2) The authorizing dentist has personally evaluated the dental hygienist's skills prior to authorizing the dental hygienist to provide the dental hygiene services.

(3) Prior to authorizing the dental hygienist to perform 1040
the dental hygiene services, the patient's medical and dental 1041
history is made available to the authorizing dentist and the 1042
authorizing dentist reviews and evaluates the history and 1043
determines that the patient may safely receive dental hygiene 1044
services. 1045

(4) Immediately prior to the provision of dental hygiene 1046
services, the patient or patient's representative verifies, by 1047
the signature or mark of the patient or representative, that no 1048
medically significant changes to the patient's medical or dental 1049
history have occurred since the authorizing dentist most 1050
recently reviewed and evaluated the history and determined that 1051
the patient could safely receive dental hygiene services. The 1052
signature or mark may be provided through reasonable 1053
accommodation, including the use of assistive technology or 1054
augmentative devices. 1055

(5) Prior to receiving dental hygiene services, the 1056
patient and the operator of the facility where the dental 1057
hygiene services are to be provided are notified that no dentist 1058
will be present at the location and that the dental hygienist is 1059
prohibited from doing either of the following: 1060

(a) Diagnosing the patient's oral health care status; 1061

(b) Providing dental hygiene services to the same patient 1062
on a subsequent occasion until the patient has received a 1063
clinical evaluation performed by a dentist, except in instances 1064
described in division (D)(2) of this section. 1065

(6) The dental hygienist is employed by, or under contract 1066
with, one of the following: 1067

(a) The authorizing dentist; 1068

(b) A dentist who is any of the following:	1069
(i) The authorizing dentist's employer;	1070
(ii) A shareholder in a professional association, formed under Chapter 1785. of the Revised Code, of which the authorizing dentist is a shareholder;	1071 1072 1073
(iii) A member or manager of a limited liability company, formed under Chapter 1705. of the Revised Code, of which the authorizing dentist is a member or manager;	1074 1075 1076
(iv) A shareholder in a corporation, formed under division (B) of section 1701.03 of the Revised Code, of which the authorizing dentist is a shareholder;	1077 1078 1079
(v) A partner or employee of a partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee;	1080 1081 1082
(vi) A partner or employee of a limited liability partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee.	1083 1084 1085
(c) A government entity that employs the dental hygienist to provide dental hygiene services;	1086 1087
<u>(d) An entity that employs the authorizing dentist so long as the dentist's practice is not in violation of section 4715.18 of the Revised Code.</u>	1088 1089 1090
(7) If the patient to whom the services are to be provided previously received dental hygiene services under this section, there is written evidence that the patient received a clinical evaluation after the most recent provision of those services.	1091 1092 1093 1094
(B) No dentist shall authorize a dental hygienist to	1095

perform, and no dental hygienist shall perform, dental hygiene 1096
services on a patient under this section unless all of the 1097
conditions in division (A) of this section are met. 1098

(C) If a patient or patient's representative indicates, 1099
under division (A)(4) of this section, that a medically 1100
significant change has occurred in the patient's medical or 1101
dental history since the authorizing dentist's most recent 1102
review and evaluation of the medical and dental history required 1103
by division (A)(3) of this section, no dental hygiene services 1104
shall be provided under this section until the authorizing 1105
dentist completes another review and evaluation of the patient's 1106
medical and dental history. The authorizing dentist may complete 1107
the subsequent review and evaluation of the patient's medical 1108
and dental history by telephone, facsimile, electronic mail, 1109
video, or any other means of electronic communication. 1110

(D)(1) Except as provided in division (D)(2) of this 1111
section, no dentist shall authorize a dental hygienist to 1112
provide, and no dental hygienist shall provide, dental hygiene 1113
services under this section to the same patient on a subsequent 1114
occasion until the patient has received a clinical evaluation 1115
performed by a dentist. 1116

(2) Division (D)(1) of this section does not apply if the 1117
patient requires multiple visits to complete one or more 1118
procedures that could not be completed during the visit in which 1119
dental hygiene services were commenced. If the patient requires 1120
multiple visits to complete the one or more procedures that 1121
could not be completed during the visit in which dental hygiene 1122
services were commenced, the one or more procedures shall be 1123
completed not later than eight weeks after the visit in which 1124
the dental hygiene services were commenced. 1125

(E) No authorizing dentist shall authorize a dental 1126
hygienist to diagnose a patient's oral health care status. No 1127
dental hygienist practicing under a permit issued under section 1128
4715.363 of the Revised Code to practice under the oral health 1129
access supervision of a dentist shall diagnose a patient's oral 1130
health care status. 1131

Sec. 4715.39. (A) The state dental board may define the 1132
duties that may be performed by dental assistants and other 1133
individuals designated by the board as qualified personnel. If 1134
defined, the duties shall be defined in rules adopted in 1135
accordance with Chapter 119. of the Revised Code. The rules may 1136
include training and practice standards for dental assistants 1137
and other qualified personnel. The standards may include 1138
examination and issuance of a certificate. If the board issues a 1139
certificate, the recipient shall display the certificate in a 1140
conspicuous location in any office in which the recipient is 1141
employed to perform the duties authorized by the certificate. 1142

(B) A dental assistant may polish the clinical crowns of 1143
teeth if all of the following requirements are met: 1144

(1) The dental assistant's polishing activities are 1145
limited to the use of a rubber cup attached to a slow-speed 1146
rotary dental hand piece to remove soft deposits that build up 1147
over time on the crowns of teeth. 1148

(2) The polishing is performed only after a dentist has 1149
evaluated the patient and any calculus detected on the teeth to 1150
be polished has been removed by a dentist or dental hygienist. 1151

(3) The dentist supervising the assistant supervises not 1152
more than two dental assistants engaging in polishing activities 1153
at any given time. 1154

(4) The dental assistant is certified by the dental 1155
assisting national board or the Ohio commission on dental 1156
assistant certification. 1157

(5) The dental assistant receives a certificate from the 1158
board authorizing the assistant to engage in the polishing 1159
activities. The board shall issue the certificate if the 1160
individual has successfully completed training in the polishing 1161
of clinical crowns through a program accredited by the American 1162
dental association commission on dental accreditation or 1163
equivalent training approved by the board. The training shall 1164
include courses in basic dental anatomy and infection control, 1165
followed by a course in coronal polishing that includes 1166
didactic, preclinical, and clinical training; any other training 1167
required by the board; and a skills assessment that includes 1168
successful completion of standardized testing. The board shall 1169
adopt rules pursuant to division (A) of this section 1170
establishing standards for approval of this training. 1171

(C) A dental assistant may apply pit and fissure sealants 1172
if all of the following requirements are met: 1173

(1) A dentist evaluates the patient and designates the 1174
teeth and surfaces that will benefit from the application of 1175
sealant on the day the application is to be performed. 1176

(2) The dental assistant is certified by the dental 1177
assisting national board or the Ohio commission on dental 1178
assistant certification. 1179

(3) The dental assistant has successfully completed a 1180
course in the application of sealants consisting of at least two 1181
hours of didactic instruction and six hours of clinical 1182
instruction through a program provided by an institution 1183

accredited by the American dental association commission on 1184
dental accreditation or a program provided by a sponsor of 1185
continuing education approved by the board. 1186

(4) The dentist supervising the assistant has observed the 1187
assistant successfully apply at least six sealants. 1188

(5) Except as provided in division (D) or (E) of this 1189
section, the dentist supervising the assistant checks and 1190
approves the application of all sealants placed by the assistant 1191
before the patient leaves the location where the sealant 1192
application procedure is performed. 1193

(D) (1) A dental assistant who is certified by the dental 1194
assisting national board or the Ohio commission on dental 1195
assistant certification may provide, for not more than fifteen 1196
consecutive business days, all of the following services to a 1197
patient when the supervising dentist is not physically present 1198
at the location where the services are provided if the 1199
conditions specified in division (D) (2) of this section have 1200
been satisfied: 1201

(a) Recementation of temporary crowns or recementation of 1202
crowns with temporary cement; 1203

(b) Application of fluoride varnish; 1204

(c) Application of disclosing solutions; 1205

(d) Application of desensitizing agents; 1206

(e) Caries susceptibility testing; 1207

(f) Instruction on oral hygiene home care, including the 1208
use of toothbrushes and dental floss. 1209

(2) The conditions that must be satisfied before a dental 1210

assistant may provide the services specified in division (D)(1) 1211
of this section are all of the following: 1212

(a) The dental assistant has at least ~~two years~~ one year 1213
and a minimum of ~~three~~ one thousand five hundred hours of 1214
experience practicing as a dental assistant. 1215

(b) The dental assistant has successfully completed a 1216
course approved by the state dental board in the identification 1217
and prevention of potential medical emergencies. 1218

(c) The supervising dentist has evaluated the dental 1219
assistant's skills. 1220

~~(d) The supervising dentist examined the patient not more~~ 1221
~~than one year prior to the date that the dental assistant~~ 1222
~~provides the services to the patient.~~ 1223

~~(e)~~ The supervising dentist has established written 1224
protocols or written standing orders for the dental assistant to 1225
follow during and in the absence of an emergency. 1226

~~(f)~~ (e) The supervising dentist completed and evaluated a 1227
medical and dental history of the patient not more than one year 1228
prior to the date that the dental assistant provides services to 1229
the patient, and the supervising dentist determines that the 1230
patient is in a medically stable condition. 1231

~~(g)~~ (f) The patient is notified, in advance of the 1232
appointment for services, that the supervising dentist will be 1233
absent from the location and that the dental assistant cannot 1234
diagnose the patient's dental health care status. 1235

~~(h)~~ (g) The dental assistant is employed by, or under 1236
contract with, the supervising dentist, a dentist licensed under 1237
this chapter who meets one of the criteria specified in division 1238

(C) ~~(11)~~ (10) (b) of section 4715.22 of the Revised Code, or a 1239
government entity that employs the dental assistant to provide 1240
services in a public school or in connection with other programs 1241
the government entity administers. 1242

(3) A dental assistant who is certified by the dental 1243
assisting national board or the Ohio commission on dental 1244
assistant certification may apply, for not more than fifteen 1245
business days, pit and fissure sealants when the supervising 1246
dentist is not physically present at the location where the 1247
sealants are to be applied if the dental assistant meets the 1248
requirements in divisions (C) (3) and (4) of this section and all 1249
of the conditions specified in division (D) (2) of this section 1250
have been satisfied. 1251

(E) A dental assistant who is certified by the dental 1252
assisting national board or the Ohio commission on dental 1253
assistant certification may apply pit and fissure sealants prior 1254
to a dentist examining the patient and rendering a diagnosis, 1255
and when a dentist is not physically present at the location 1256
where the service is provided, if all of the following are the 1257
case: 1258

(1) The dental assistant meets the requirements in 1259
divisions (C) (3) and (4) of this section. 1260

(2) ~~All of the~~ The conditions specified in ~~division~~ 1261
divisions (D) (2) (a), (b), (c), (d), (f), and (g) of this section 1262
have been satisfied. 1263

(3) The dental assistant is providing the service as part 1264
of a program operated through any of the following: a school 1265
district board of education or the governing board of an 1266
educational service center; the board of health of a city or 1267

general health district or the authority having the duties of a 1268
board of health under section 3709.05 of the Revised Code; a 1269
national, state, district, or local dental association; or any 1270
other public or private entity recognized by the state dental 1271
board. 1272

(4) A supervising dentist for the program described in 1273
division (E) (3) of this section meets both of the following 1274
conditions: 1275

(a) Is employed by or a volunteer for, and the patients 1276
are referred by, the entity through which the program is 1277
operated; 1278

(b) Is available for consultation by telephone, 1279
videoconferencing, or other means of electronic communication. 1280

(5) The application of pit and fissure sealants is limited 1281
to erupted permanent posterior teeth without suspicion of 1282
dentinal cavitation. 1283

(6) If the patient is a minor, a parent, guardian, or 1284
other person responsible for the patient has been notified that 1285
a dentist will not be present at the location and that the 1286
dental assistant is not trained to diagnose or treat other 1287
serious dental concerns that could exist. 1288

(F) Subject to this section and the applicable rules of 1289
the board, licensed dentists may assign to dental assistants and 1290
other qualified personnel dental procedures that do not require 1291
the professional competence or skill of the licensed dentist, a 1292
dental hygienist, or an expanded function dental auxiliary as 1293
this section or the board by rule authorizes dental assistants 1294
and other qualified personnel to perform. Except as provided in 1295
division (D) or (E) of this section, the performance of dental 1296

procedures by dental assistants and other qualified personnel 1297
shall be under direct supervision and full responsibility of the 1298
licensed dentist. 1299

(G) Nothing in this section shall be construed by rule of 1300
the state dental board or otherwise to do the following: 1301

(1) Authorize dental assistants or other qualified 1302
personnel to engage in the practice of dental hygiene as defined 1303
by sections 4715.22 and 4715.23 of the Revised Code or to 1304
perform the duties of a dental hygienist, including the removal 1305
of calcarious deposits, dental cement, or accretions on the 1306
crowns and roots of teeth other than as authorized pursuant to 1307
this section; 1308

(2) Authorize dental assistants or other qualified 1309
personnel to engage in the practice of an expanded function 1310
dental auxiliary as specified in section 4715.64 of the Revised 1311
Code or to perform the duties of an expanded function dental 1312
auxiliary other than as authorized pursuant to this section. 1313

(3) Authorize the assignment of any of the following: 1314

(a) Diagnosis; 1315

(b) Treatment planning and prescription, including 1316
prescription for drugs and medicaments or authorization for 1317
restorative, prosthodontic, or orthodontic appliances; 1318

(c) Surgical procedures on hard or soft tissue of the oral 1319
cavity, or any other intraoral procedure that contributes to or 1320
results in an irremediable alteration of the oral anatomy; 1321

(d) The making of final impressions from which casts are 1322
made to construct any dental restoration. 1323

(H) No dentist shall assign any dental assistant or other 1324

individual acting in the capacity of qualified personnel to 1325
perform any dental procedure that the assistant or other 1326
individual is not authorized by this section or by board rule to 1327
perform. No dental assistant or other individual acting in the 1328
capacity of qualified personnel shall perform any dental 1329
procedure other than in accordance with this section and any 1330
applicable board rule or any dental procedure that the assistant 1331
or other individual is not authorized by this section or by 1332
board rule to perform. 1333

Sec. 4715.43. (A) As used in this section and in sections 1334
4715.431 to 4715.437 of the Revised Code: 1335

(1) "Authorizing dentist" means the holder of a current, 1336
valid teledentistry permit issued under this section who 1337
authorizes a dental hygienist or expanded function dental 1338
auxiliary to perform services under section 4715.431 of the 1339
Revised Code. 1340

(2) "Dental hygiene services" means the prophylactic, 1341
preventive, and other procedures that dentists are authorized by 1342
this chapter and rules of the state dental board to assign to 1343
dental hygienists, except for procedures while a patient is 1344
anesthetized, definitive root planing, definitive subgingival 1345
curettage, the administration of local anesthesia, and the 1346
procedures specified in rules adopted by the board as described 1347
in division (C) (3) of section 4715.22 of the Revised Code. 1348

(3) "Interim therapeutic restoration" means a direct 1349
provisional restoration placed to stabilize a tooth until a 1350
licensed dentist can assess the need for further treatment. 1351
"Interim therapeutic restoration" includes the removal of 1352
debris, other than carious or noncarious tooth structure, from 1353
the carious lesion using air or water irrigation. 1354

(4) "Synchronous, real-time communication" means a live, 1355
two-way interaction between a patient and a dentist conducted 1356
through audiovisual technology. 1357

(5) "Teledentistry" means the delivery of dental services 1358
through the use of synchronous, real-time communication and the 1359
delivery of services of a dental hygienist or expanded function 1360
dental auxiliary pursuant to a dentist's authorization. 1361

(B) A dentist who desires to provide dental services 1362
through teledentistry shall apply to the state dental board for 1363
a teledentistry permit. The application must be made under oath 1364
on a form prescribed by the board and be accompanied by a 1365
twenty-dollar application fee. To be eligible for the permit, 1366
the dentist must meet the requirements established by the board 1367
in rules adopted under section 4715.436 of the Revised Code. 1368

The state dental board shall issue a teledentistry permit 1369
to a dentist who is in good standing with the board and 1370
satisfies all of the requirements of this section. 1371

Sec. 4715.431. (A) If all of the conditions in division 1372
(B) of this section are met, an authorizing dentist may do 1373
either of the following under a teledentistry permit without 1374
examining a patient in person: 1375

(1) Authorize a dental hygienist or expanded function 1376
dental auxiliary to perform services as set forth in division 1377
(E) or (F) of this section, as applicable, at a location where 1378
no dentist is physically present; 1379

(2) Prescribe a drug that is not a controlled substance 1380
for a patient who is at a location where no dentist is 1381
physically present. 1382

(B) The conditions that must be met under division (A) of 1383

<u>this section are the following:</u>	1384
<u>(1) The authorizing dentist must prepare a written</u>	1385
<u>authorization that includes all of the following:</u>	1386
<u>(a) The authorizing dentist's name and permit number;</u>	1387
<u>(b) The name of the dental hygienist or expanded function</u>	1388
<u>dental auxiliary;</u>	1389
<u>(c) The patient's name;</u>	1390
<u>(d) The name and address of the location where the</u>	1391
<u>services are to be provided;</u>	1392
<u>(e) The date of the authorization;</u>	1393
<u>(f) A statement signed by the dental hygienist or expanded</u>	1394
<u>function dental auxiliary agreeing to comply with the written</u>	1395
<u>protocols or written standing orders the authorizing dentist</u>	1396
<u>establishes, including those for dealing with emergencies;</u>	1397
<u>(g) Any other information the dentist considers</u>	1398
<u>appropriate.</u>	1399
<u>(2) Before any dental services are provided all of the</u>	1400
<u>following must occur:</u>	1401
<u>(a) The patient is notified that an authorizing dentist</u>	1402
<u>will perform a clinical evaluation through teledentistry.</u>	1403
<u>(b) The patient is given an explanation of alternatives</u>	1404
<u>to, and the capabilities and limitations of, teledentistry.</u>	1405
<u>(c) The patient consents to the provision of services</u>	1406
<u>through teledentistry and the consent is documented in the</u>	1407
<u>patient's record.</u>	1408
<u>(3) The authorizing dentist establishes the patient's</u>	1409

<u>identity and physical location through synchronous, real-time</u>	1410
<u>communication.</u>	1411
<u>(4) The authorizing dentist provides dental services</u>	1412
<u>through teledentistry only as is appropriate for the patient and</u>	1413
<u>in accordance with appropriate standards of care.</u>	1414
<u>(5) The authorizing dentist establishes a diagnosis and</u>	1415
<u>treatment plan and documents it in the patient's record.</u>	1416
<u>(6) The authorizing dentist specifies the services the</u>	1417
<u>dental hygienist or expanded function dental auxiliary is</u>	1418
<u>authorized to provide to the patient.</u>	1419
<u>(7) The dental hygienist or expanded function dental</u>	1420
<u>auxiliary is employed by, or under contract with, one of the</u>	1421
<u>following:</u>	1422
<u>(a) The authorizing dentist;</u>	1423
<u>(b) A dentist who is any of the following:</u>	1424
<u>(i) The authorizing dentist's employer;</u>	1425
<u>(ii) A shareholder in a professional association formed</u>	1426
<u>under Chapter 1785. of the Revised Code of which the authorizing</u>	1427
<u>dentist is a shareholder;</u>	1428
<u>(iii) A member or manager of a limited liability company</u>	1429
<u>formed under Chapter 1705. of the Revised Code of which the</u>	1430
<u>authorizing dentist is a member or manager;</u>	1431
<u>(iv) A shareholder in a corporation formed under division</u>	1432
<u>(B) of section 1701.03 of the Revised Code of which the</u>	1433
<u>authorizing dentist is a shareholder;</u>	1434
<u>(v) A partner or employee of a partnership, formed under</u>	1435
<u>Chapter 1775. of the Revised Code, of which the authorizing</u>	1436

<u>dentist is a partner or employee;</u>	1437
<u>(vi) A partner or employee of a limited liability</u>	1438
<u>partnership, formed under Chapter 1775. of the Revised Code, of</u>	1439
<u>which the authorizing dentist is a partner or employee.</u>	1440
<u>(C) A dentist retains responsibility for ensuring the</u>	1441
<u>safety and quality of services provided to patients through</u>	1442
<u>teledentistry. Services delivered through teledentistry must be</u>	1443
<u>consistent with in-person services. Persons involved with</u>	1444
<u>providing services through teledentistry must abide by laws</u>	1445
<u>addressing the privacy and security of the patient's dental and</u>	1446
<u>medical information.</u>	1447
<u>(D) An authorizing dentist may not have more than a total</u>	1448
<u>of three dental hygienists and expanded dental function</u>	1449
<u>auxiliaries working under the dentist's authorization pursuant</u>	1450
<u>to this section at any time.</u>	1451
<u>(E) (1) If authorized to do so by an authorizing dentist in</u>	1452
<u>accordance with this section, a dental hygienist may provide</u>	1453
<u>dental hygiene services at a location where no dentist is</u>	1454
<u>physically present if all of the following requirements are met:</u>	1455
<u>(a) The dental hygienist has at least one year and a</u>	1456
<u>minimum of one thousand five hundred hours of experience in the</u>	1457
<u>practice of dental hygiene.</u>	1458
<u>(b) The dental hygienist has completed a course described</u>	1459
<u>in division (C) (2) of section 4715.22 of the Revised Code on the</u>	1460
<u>identification and prevention of potential medical emergencies.</u>	1461
<u>(c) The authorizing dentist has evaluated the dental</u>	1462
<u>hygienist's skills.</u>	1463
<u>(d) The dental hygienist complies with written protocols</u>	1464

or written standing orders established by the authorizing 1465
dentist, including written protocols established for 1466
emergencies. 1467

(2) If authorized to do so by an authorizing dentist in 1468
accordance with this section, a dental hygienist may place 1469
interim therapeutic restorations when a dentist is not 1470
physically present at the location where the dental hygienist is 1471
practicing if the requirements of division (E)(1) of this 1472
section are met and the dental hygienist has successfully 1473
completed a state dental board-approved course in the proper 1474
placement of interim therapeutic restorations. 1475

(3) If authorized to do so by an authorizing dentist in 1476
accordance with this section, a dental hygienist may apply 1477
silver diamine fluoride when a dentist is not physically present 1478
at the location where the dental hygienist is practicing if the 1479
requirements of division (E)(1) of this section are met and the 1480
dental hygienist has successfully completed a state dental 1481
board-approved course in the application of silver diamine 1482
fluoride. 1483

(F)(1) If authorized to do so by an authorizing dentist in 1484
accordance with this section, an expanded function dental 1485
auxiliary may provide the services listed in divisions (A)(2) to 1486
(9) of section 4715.64 of the Revised Code, and any additional 1487
procedures authorized pursuant to division (A)(10) of that 1488
section, when a dentist is not physically present at the 1489
location where the expanded function dental auxiliary is 1490
practicing if all of the following requirements are met: 1491

(a) The expanded function dental auxiliary has at least 1492
one year and a minimum of one thousand five hundred hours of 1493
experience practicing as an expanded function dental auxiliary. 1494

(b) The expanded function dental auxiliary has completed a 1495
course described in division (C) (2) of section 4715.64 of the 1496
Revised Code on the identification and prevention of potential 1497
medical emergencies. 1498

(c) The authorizing dentist has evaluated the expanded 1499
function dental auxiliary's skills. 1500

(d) The expanded function dental auxiliary complies with 1501
written protocols or written standing orders established by the 1502
authorizing dentist, including written protocols for 1503
emergencies. 1504

(2) If authorized to do so by an authorizing dentist in 1505
accordance with this section, an expanded function dental 1506
auxiliary who meets the requirements of division (F) (1) of this 1507
section and has successfully completed a state dental board- 1508
approved course in the proper placement of interim therapeutic 1509
restorations may place interim therapeutic restorations when a 1510
dentist is not physically present at the location where the 1511
expanded function dental auxiliary is practicing. 1512

(3) If authorized to do so by an authorizing dentist in 1513
accordance with this section, an expanded function dental 1514
auxiliary who meets the requirements of division (F) (1) of this 1515
section and has successfully completed a state dental board- 1516
approved course in the application of silver diamine fluoride 1517
may apply silver diamine fluoride when a dentist is not 1518
physically present at the location where the expanded function 1519
dental auxiliary is practicing. 1520

(4) If authorized to do so by an authorizing dentist in 1521
accordance with this section, an expanded function dental 1522
auxiliary who meets the requirements of division (F) (1) of this 1523

section and holds a current, valid dental x-ray machine operator 1524
certificate issued by the board pursuant to section 4715.53 of 1525
the Revised Code may perform, for the purpose of contributing to 1526
the provision of dental care to a dental patient, standard, 1527
diagnostic radiologic procedures when a dentist is not 1528
physically present at the location where the expanded function 1529
dental auxiliary is practicing. 1530

Sec. 4715.432. A teledentistry permit issued under section 1531
4715.43 of the Revised Code expires on the thirty-first day of 1532
December of the first odd-numbered year occurring after the 1533
permit's issuance. A dentist who desires to renew a permit shall 1534
apply, under oath, to the state dental board on a form 1535
prescribed by the board and pay a renewal fee of twenty dollars. 1536

The board shall renew a teledentistry permit for a two- 1537
year period if the dentist is in good standing with the board 1538
and meets all of the following conditions: 1539

(A) Submits a complete application; 1540

(B) Pays the renewal fee; 1541

(C) Verifies with the board the locations where dental 1542
hygienists and expanded function dental auxiliaries have 1543
provided services pursuant to the dentist's authorization since 1544
the teledentistry permit was most recently issued or renewed. 1545

Sec. 4715.433. The state dental board may, in accordance 1546
with Chapter 119. of the Revised Code, suspend or revoke a 1547
permit issued under section 4715.43 of the Revised Code if the 1548
permit holder fails to comply with sections 4715.431 to 4715.437 1549
of the Revised Code, including any rules adopted by the board 1550
under section 4715.346 of the Revised Code. 1551

Sec. 4715.434. At the request of the state dental board, 1552

an authorizing dentist, or a dental hygienist or expanded 1553
function dental auxiliary who has been authorized to perform 1554
services in accordance with section 4715.431 of the Revised 1555
Code, shall make available to the board a list of all locations 1556
where the dental hygienist or expanded function dental auxiliary 1557
provided services, the locations where the hygienist or 1558
auxiliary is expected to provide services in the future, or 1559
both, as specified in the board's request. 1560

Sec. 4715.435. (A) No person shall provide services under 1561
section 4715.431 of the Revised Code unless one of the following 1562
applies: 1563

(1) The person is a dentist who holds a current, valid 1564
teledentistry permit issued under section 4715.43 of the Revised 1565
Code. 1566

(2) The person is providing services in accordance with 1567
section 4715.431 of the Revised Code and is either a dental 1568
hygienist or an expanded function dental auxiliary. 1569

(B) No person shall authorize a dental hygienist or 1570
expanded function dental auxiliary to provide services under 1571
section 4715.431 of the Revised Code unless the person is a 1572
dentist who holds a current, valid teledentistry permit issued 1573
under section 4715.43 of the Revised Code and the dental 1574
hygienist or expanded function dental hygienist will provide the 1575
services in accordance with division (E) or (F) of section 1576
4715.431 of the Revised Code, as appropriate. 1577

(C) No authorizing dentist shall authorize a dental 1578
hygienist or expanded function dental auxiliary to diagnose a 1579
patient's oral health care status. 1580

No dental hygienist or expanded function dental auxiliary 1581

shall diagnose a patient's oral health care status as part of 1582
services provided under section 4715.431 of the Revised Code. 1583

Sec. 4715.436. The state dental board shall adopt rules in 1584
accordance with Chapter 119. of the Revised Code as it considers 1585
necessary to implement sections 4715.43 to 4715.435 of the 1586
Revised Code. The rules shall include both of the following: 1587

(A) Requirements that must be met for issuance of a 1588
teledentistry permit under section 4715.43 of the Revised Code; 1589

(B) Approval of courses on the proper placement of interim 1590
therapeutic restorations and the application of silver diamine 1591
fluoride, as authorized under section 4715.431 of the Revised 1592
Code. 1593

The rules may specify procedures a dental hygienist is not 1594
permitted to perform when practicing in the absence of the 1595
authorizing dentist pursuant to section 4715.431 of the Revised 1596
Code. 1597

Sec. 4715.437. Nothing in sections 4715.43 to 4715.436 of 1598
the Revised Code authorizes any activity prohibited by division 1599
(F) of section 4715.22 of the Revised Code, prohibited or not 1600
authorized by section 4715.23 of the Revised Code, or prohibited 1601
by this chapter or a rule adopted by the state dental board 1602
under this chapter. 1603

Sec. 4715.56. (A) Except as provided in division (B) of 1604
this section, a dental x-ray machine operator may perform 1605
radiologic procedures only if a dentist is providing direct 1606
supervision. Direct supervision does not require the dentist to 1607
observe each radiologic procedure performed by the operator, but 1608
does require that the dentist be present at the location where 1609
the operator is performing radiologic procedures for purposes of 1610

consulting with and directing the operator while performing the 1611
procedures. 1612

(B) A dental x-ray machine operator may perform radiologic 1613
procedures for a patient when the supervising dentist is not 1614
physically present at the location where the radiologic 1615
procedures are performed if either of the following applies: 1616

(1) The supervising dentist examined the patient not more 1617
than one year prior to the date the dental x-ray machine 1618
operator performs the radiologic procedures and the supervising 1619
dentist has ordered the radiologic procedures. 1620

(2) The radiologic procedures are performed in accordance 1621
with section 4715.431 of the Revised Code. 1622

Sec. 4715.64. (A) Subject to divisions (B), (C), and (D) 1623
of this section and section 4715.431 of the Revised Code, the 1624
practice of an expanded function dental auxiliary shall consist 1625
of the following: 1626

(1) Procedures involved in the placement of restorative 1627
materials limited to amalgam restorative materials and 1628
nonmetallic restorative materials, including direct-bonded 1629
restorative materials; 1630

(2) Application of pit and fissure sealants; 1631

(3) Recementation of temporary crowns or recementation of 1632
crowns with temporary cement; 1633

(4) Application of topical fluoride; 1634

(5) Application of fluoride varnish; 1635

(6) Application of disclosing solutions; 1636

(7) Application of desensitizing agents; 1637

(8) Caries susceptibility testing;	1638
(9) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss;	1639 1640
(10) Any additional procedures authorized by the state dental board in rules adopted under section 4715.66 of the Revised Code.	1641 1642 1643
(B) An expanded function dental auxiliary shall perform the services specified in divisions (A) (1) and (11) <u>(10)</u> of this section only under the 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 supervision of the same dentist. Except as provided in divisions (C) and (D) of this section <u>and section 4715.431 of the Revised Code</u> , 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.	1644 1645 1646 1647 1648 1649 1650 1651 1652 1653 1654 1655
(C) 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 <u>application of pit and fissure sealants</u> 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:	1656 1657 1658 1659 1660 1661 1662
(1) The expanded function dental auxiliary has at least two years <u>one year</u> and a minimum of three <u>one thousand five hundred</u> hours of experience practicing as an expanded function dental auxiliary <u>or dental assistant</u> .	1663 1664 1665 1666

(2) The expanded function dental auxiliary has 1667
successfully completed a course approved by the board in the 1668
identification and prevention of potential medical emergencies. 1669

(3) The supervising dentist has evaluated the expanded 1670
function dental auxiliary's skills. 1671

~~(4) The supervising dentist examined the patient not more 1672
than one year prior to the date that the expanded function- 1673
dental auxiliary provides services to the patient. 1674~~

~~(5) The supervising dentist has established written 1675
protocols or written standing orders for the expanded function 1676
dental auxiliary to follow during and in the absence of an 1677
emergency. 1678~~

~~(6)~~ (5) The supervising dentist completed and evaluated a 1679
medical and dental history of the patient not more than one year 1680
prior to the date that the expanded function dental auxiliary 1681
provides services to the patient, and the supervising dentist 1682
determines that the patient is in a medically stable condition. 1683

~~(7)~~ (6) In advance of the appointment for services, the 1684
patient is notified that the supervising dentist will be absent 1685
from the location and that the expanded function dental 1686
auxiliary cannot diagnose the patient's dental health care 1687
status. 1688

~~(8)~~ (7) The expanded function dental auxiliary is employed 1689
by, or under contract with, the supervising dentist, a dentist 1690
licensed under this chapter who meets one of the criteria 1691
specified in division (C) ~~(11)~~ (10) (b) of section 4715.22 of the 1692
Revised Code, or a government entity that employs the expanded 1693
function dental auxiliary to provide services in a public school 1694
or in connection with other programs the government entity 1695

administers. 1696

(D) An expanded function dental auxiliary may apply pit 1697
and fissure sealants prior to a dentist examining the patient 1698
and rendering a diagnosis, and when a dentist is not physically 1699
present at the location where the service is provided, if all of 1700
the following are the case: 1701

(1) ~~All of the~~ The conditions specified in ~~division~~ 1702
divisions (C) (1), (2), (3), (4), (6), and (7) of this section 1703
have been satisfied. 1704

(2) The expanded function dental auxiliary is providing 1705
the service as part of a program operated through any of the 1706
following: a school district board of education or the governing 1707
board of an educational service center; the board of health of a 1708
city or general health district or the authority having the 1709
duties of a board of health under section 3709.05 of the Revised 1710
Code; a national, state, district, or local dental association; 1711
or any other public or private entity recognized by the state 1712
dental board. 1713

(3) A supervising dentist for the program described in 1714
division (D) (2) of this section meets both of the following 1715
conditions: 1716

(a) Is employed by or a volunteer for, and the patients 1717
are referred by, the entity through which the program is 1718
operated; 1719

(b) Is available for consultation by telephone, 1720
videoconferencing, or other means of electronic communication. 1721

(4) The application of pit and fissure sealants is limited 1722
to erupted permanent posterior teeth without suspicion of 1723
cavitation. 1724

(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.

(E) An expanded function dental auxiliary may perform the services specified in divisions (A) (3) to (9) of this section when the supervising dentist is not physically present at the location where the services are provided, regardless of whether the dentist has examined the patient, if 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) (10) (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.

(F) 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.

Sec. 5164.951. As used in this section, "teledentistry" has the same meaning as in section 4715.43 of the Revised Code.

The department of medicaid shall establish standards for medicaid payments for services provided through teledentistry. The standards shall provide coverage for services to the same extent that those services would be covered by the medicaid program if the services were provided without the use of teledentistry.

Section 2. That existing sections 1739.05, 2925.01, 1754
4715.03, 4715.09, 4715.10, 4715.11, 4715.13, 4715.22, 4715.36, 1755
4715.365, 4715.39, 4715.56, and 4715.64 of the Revised Code are 1756
hereby repealed. 1757

Section 3. That the version of section 4715.36 of the 1758
Revised Code that is scheduled to take effect September 29, 1759
2018, be amended to read as follows: 1760

Sec. 4715.36. As used in this section and sections 1761
4715.361 to 4715.374 of the Revised Code: 1762

(A) "Accredited dental hygiene school" means a dental 1763
hygiene school accredited by the American dental association 1764
commission on dental accreditation or a dental hygiene school 1765
whose educational standards are recognized by the American 1766
dental association commission on dental accreditation and 1767
approved by the state dental board. 1768

(B) "Authorizing dentist" means a dentist who authorizes a 1769
dental hygienist to perform dental hygiene services under 1770
section 4715.365 of the Revised Code. 1771

(C) "Clinical evaluation" means a diagnosis and treatment 1772
plan formulated for an individual patient by a dentist. 1773

(D) "Dentist" means an individual licensed under this 1774
chapter to practice dentistry. 1775

(E) "Dental hygienist" means an individual licensed under 1776
this chapter to practice as a dental hygienist. 1777

(F) "Dental hygiene services" means the prophylactic, 1778
preventive, and other procedures that dentists are authorized by 1779
this chapter and rules of the state dental board to assign to 1780
dental hygienists, except for procedures while a patient is 1781

anesthetized, definitive root planing, definitive subgingival 1782
curettage, the administration of local anesthesia, and the 1783
procedures specified in rules adopted by the board as described 1784
in division (C) ~~(4)~~ (3) of section 4715.22 of the Revised Code. 1785

(G) "Facility" means any of the following: 1786

(1) A health care facility, as defined in section 4715.22 1787
of the Revised Code; 1788

(2) A state correctional institution, as defined in 1789
section 2967.01 of the Revised Code; 1790

(3) A comprehensive child development program that 1791
receives funds distributed under the "Head Start Act," 95 Stat. 1792
499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a 1793
child day-care center; 1794

(4) A residential facility licensed under section 5123.19 1795
of the Revised Code; 1796

(5) A public school, as defined in section 3701.93 of the 1797
Revised Code, located in an area designated as a dental health 1798
resource shortage area pursuant to section 3702.87 of the 1799
Revised Code; 1800

(6) A nonpublic school, as defined in section 3701.93 of 1801
the Revised Code, located in an area designated as a dental 1802
health resource shortage area pursuant to section 3702.87 of the 1803
Revised Code; 1804

(7) A federally qualified health center or federally 1805
qualified health center look-alike, as defined in section 1806
3701.047 of the Revised Code; 1807

(8) A shelter for victims of domestic violence, as defined 1808
in section 3113.33 of the Revised Code; 1809

(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	1810 1811
(10) A foster home, as defined in section 5103.02 of the Revised Code;	1812 1813
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	1814 1815
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3701.881 of the Revised Code;	1816 1817 1818
(13) A dispensary;	1819
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	1820 1821
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	1822 1823 1824
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	1825 1826 1827
(17) A women, infants, and children clinic;	1828
(18) A mobile dental unit located at any location listed in divisions (G) (1) to (17) of this section;	1829 1830
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as	1831 1832 1833 1834 1835 1836

defined in section 2305.234 of the Revised Code. 1837

Section 4. That the existing version of section 4715.36 of 1838
the Revised Code that is scheduled to take effect September 29, 1839
2018, is hereby repealed. 1840

Section 5. Sections 3 and 4 of this act shall take effect 1841
on September 29, 2018. 1842

Section 6. The enactment by this act of section 4715.435 1843
of the Revised Code takes effect six months after the effective 1844
date of this act. 1845

Section 7. Section 1739.05 of the Revised Code is 1846
presented in this act as a composite of the section as amended 1847
by both Sub. H.B. 463 and Sub. S.B. 319 of the 131st General 1848
Assembly. The General Assembly, applying the principle stated in 1849
division (B) of section 1.52 of the Revised Code that amendments 1850
are to be harmonized if reasonably capable of simultaneous 1851
operation, finds that the composite is the resulting version of 1852
the section in effect prior to the effective date of the section 1853
as presented in this act. 1854