

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 203**

**Representative Lipps**

**Cosponsors: Representatives Carfagna, Smith, R., Seitz, Smith, K., LaTourette,  
Dean, Rogers, Becker**

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**A BILL**

To amend sections 4715.14, 4715.30, and 4715.36 and 1  
to enact sections 4715.70, 4715.71, and 4715.72 2  
of the Revised Code to specify requirements for 3  
the operation of mobile dental facilities. 4

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

**Section 1.** That sections 4715.14, 4715.30, and 4715.36 be 5  
amended and sections 4715.70, 4715.71, and 4715.72 of the 6  
Revised Code be enacted to read as follows: 7

**Sec. 4715.14.** (A) (1) Each person who is licensed to 8  
practice dentistry in Ohio shall, on or before the first day of 9  
January of each even-numbered year, register with the state 10  
dental board. The registration shall be made on a form 11  
prescribed by the board and furnished by the secretary, shall 12  
include the licensee's name, address, license number, and such 13  
other reasonable information as the board may consider 14  
necessary, and shall include payment of a biennial registration 15  
fee of three hundred twelve dollars. If the licensee is a mobile 16  
dental facility operator as defined in section 4715.70 of the 17  
Revised Code, the licensee shall so specify on the form and 18

include any other information the board considers necessary to 19  
monitor compliance with sections 4715.71 and 4715.72 of the 20  
Revised Code. Subject to division (C) of this section, a 21  
registration shall be in effect for the two-year period 22  
beginning on the first day of January of the even-numbered year 23  
and ending on the last day of December of the following odd- 24  
numbered year, and shall be renewed in accordance with the 25  
standard renewal procedure of sections 4745.01 to 4745.03 of the 26  
Revised Code. 27

(2) (a) Except as provided in division (A) (2) (b) of this 28  
section, in the case of a licensee seeking registration who 29  
prescribes or personally furnishes opioid analgesics or 30  
benzodiazepines, as defined in section 3719.01 of the Revised 31  
Code, the licensee shall certify to the board whether the 32  
licensee has been granted access to the drug database 33  
established and maintained by the state board of pharmacy 34  
pursuant to section 4729.75 of the Revised Code. 35

(b) The requirement in division (A) (2) (a) of this section 36  
does not apply if any of the following is the case: 37

(i) The state board of pharmacy notifies the state dental 38  
board pursuant to section 4729.861 of the Revised Code that the 39  
licensee has been restricted from obtaining further information 40  
from the drug database. 41

(ii) The state board of pharmacy no longer maintains the 42  
drug database. 43

(iii) The licensee does not practice dentistry in this 44  
state. 45

(3) If a licensee certifies to the state dental board that 46  
the licensee has been granted access to the drug database and 47

the board finds through an audit or other means that the 48  
licensee has not been granted access, the board may take action 49  
under section 4715.30 of the Revised Code. 50

(B) A licensed dentist who desires to temporarily retire 51  
from practice and who has given the board notice in writing to 52  
that effect shall be granted such a retirement, provided only 53  
that at that time all previous registration fees and additional 54  
costs of reinstatement have been paid. 55

(C) Not later than the thirty-first day of January of an 56  
even-numbered year, the board shall send a notice by certified 57  
mail to a dentist who fails to renew a license in accordance 58  
with division (A) of this section. The notice shall state all of 59  
the following: 60

(1) That the board has not received the registration form 61  
and fee described in that division; 62

(2) That the license shall remain valid and in good 63  
standing until the first day of April following the last day of 64  
December of the odd-numbered year in which the dentist was 65  
scheduled to renew if the dentist remains in compliance with all 66  
other applicable provisions of this chapter and any rule adopted 67  
under it; 68

(3) That the license may be renewed until the first day of 69  
April following the last day of December of the odd-numbered 70  
year in which the dentist was scheduled to renew by the payment 71  
of the biennial registration fee and an additional fee of one 72  
hundred twenty-seven dollars to cover the cost of late renewal; 73

(4) That unless the board receives the registration form 74  
and fee before the first day of April following the last day of 75  
December of the odd-numbered year in which the dentist was 76

scheduled to renew, the board may, on or after the relevant 77  
first day of April, initiate disciplinary action against the 78  
dentist pursuant to Chapter 119. of the Revised Code; 79

(5) That a dentist whose license has been suspended as a 80  
result of disciplinary action initiated pursuant to division (C) 81  
(4) of this section may be reinstated by the payment of the 82  
biennial registration fee and an additional fee of three hundred 83  
eighty-one dollars to cover the cost of reinstatement. 84

(D) Each dentist licensed to practice, whether a resident 85  
or not, shall notify the secretary in writing or electronically 86  
of any change in the dentist's office address or employment 87  
within ten days after such change has taken place. On the first 88  
day of July of every even-numbered year, the secretary shall 89  
issue a printed roster of the names and addresses so registered. 90

(E) Forty dollars of each biennial registration fee shall 91  
be paid to the dentist loan repayment fund created under section 92  
3702.95 of the Revised Code. 93

**Sec. 4715.30.** (A) An applicant for or holder of a 94  
certificate or license issued under this chapter is subject to 95  
disciplinary action by the state dental board for any of the 96  
following reasons: 97

(1) Employing or cooperating in fraud or material 98  
deception in applying for or obtaining a license or certificate; 99

(2) Obtaining or attempting to obtain money or anything of 100  
value by intentional misrepresentation or material deception in 101  
the course of practice; 102

(3) Advertising services in a false or misleading manner 103  
or violating the board's rules governing time, place, and manner 104  
of advertising; 105

(4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	106 107 108
(5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	109 110 111
(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice;	112 113 114 115 116
(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;	117 118
(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;	119 120 121 122 123 124 125 126
(9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the	127 128 129 130 131 132 133 134

profession, whether or not injury to a patient results;	135
(10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	136 137 138 139
(11) Violation of any provision of this chapter or any rule adopted thereunder;	140 141
(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	142 143 144
(13) Except as provided in division (H) of this section, either of the following:	145 146
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;	147 148 149 150 151 152 153
(b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay.	154 155 156 157 158
(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	159 160 161 162

(15) Any of the following actions taken by an agency 163  
responsible for authorizing, certifying, or regulating an 164  
individual to practice a health care occupation or provide 165  
health care services in this state or another jurisdiction, for 166  
any reason other than the nonpayment of fees: the limitation, 167  
revocation, or suspension of an individual's license to 168  
practice; acceptance of an individual's license surrender; 169  
denial of a license; refusal to renew or reinstate a license; 170  
imposition of probation; or issuance of an order of censure or 171  
other reprimand; 172

(16) Failure to cooperate in an investigation conducted by 173  
the board under division (D) of section 4715.03 of the Revised 174  
Code, including failure to comply with a subpoena or order 175  
issued by the board or failure to answer truthfully a question 176  
presented by the board at a deposition or in written 177  
interrogatories, except that failure to cooperate with an 178  
investigation shall not constitute grounds for discipline under 179  
this section if a court of competent jurisdiction has issued an 180  
order that either quashes a subpoena or permits the individual 181  
to withhold the testimony or evidence in issue; 182

(17) Failure to comply with the requirements in section 183  
3719.061 of the Revised Code before issuing for a minor a 184  
prescription for an opioid analgesic, as defined in section 185  
3719.01 of the Revised Code; 186

(18) Failure to comply with the requirements of sections 187  
4715.71 and 4715.72 of the Revised Code regarding the operation 188  
of a mobile dental facility. 189

(B) A manager, proprietor, operator, or conductor of a 190  
dental facility shall be subject to disciplinary action if any 191  
dentist, dental hygienist, expanded function dental auxiliary, 192

or qualified personnel providing services in the facility is 193  
found to have committed a violation listed in division (A) of 194  
this section and the manager, proprietor, operator, or conductor 195  
knew of the violation and permitted it to occur on a recurring 196  
basis. 197

(C) Subject to Chapter 119. of the Revised Code, the board 198  
may take one or more of the following disciplinary actions if 199  
one or more of the grounds for discipline listed in divisions 200  
(A) and (B) of this section exist: 201

(1) Censure the license or certificate holder; 202

(2) Place the license or certificate on probationary 203  
status for such period of time the board determines necessary 204  
and require the holder to: 205

(a) Report regularly to the board upon the matters which 206  
are the basis of probation; 207

(b) Limit practice to those areas specified by the board; 208

(c) Continue or renew professional education until a 209  
satisfactory degree of knowledge or clinical competency has been 210  
attained in specified areas. 211

(3) Suspend the certificate or license; 212

(4) Revoke the certificate or license. 213

Where the board places a holder of a license or 214  
certificate on probationary status pursuant to division (C) (2) 215  
of this section, the board may subsequently suspend or revoke 216  
the license or certificate if it determines that the holder has 217  
not met the requirements of the probation or continues to engage 218  
in activities that constitute grounds for discipline pursuant to 219  
division (A) or (B) of this section. 220



Any order suspending a license or certificate shall state 221  
the conditions under which the license or certificate will be 222  
restored, which may include a conditional restoration during 223  
which time the holder is in a probationary status pursuant to 224  
division (C)(2) of this section. The board shall restore the 225  
license or certificate unconditionally when such conditions are 226  
met. 227

(D) If the physical or mental condition of an applicant or 228  
a license or certificate holder is at issue in a disciplinary 229  
proceeding, the board may order the license or certificate 230  
holder to submit to reasonable examinations by an individual 231  
designated or approved by the board and at the board's expense. 232  
The physical examination may be conducted by any individual 233  
authorized by the Revised Code to do so, including a physician 234  
assistant, a clinical nurse specialist, a certified nurse 235  
practitioner, or a certified nurse-midwife. Any written 236  
documentation of the physical examination shall be completed by 237  
the individual who conducted the examination. 238

Failure to comply with an order for an examination shall 239  
be grounds for refusal of a license or certificate or summary 240  
suspension of a license or certificate under division (E) of 241  
this section. 242

(E) If a license or certificate holder has failed to 243  
comply with an order under division (D) of this section, the 244  
board may apply to the court of common pleas of the county in 245  
which the holder resides for an order temporarily suspending the 246  
holder's license or certificate, without a prior hearing being 247  
afforded by the board, until the board conducts an adjudication 248  
hearing pursuant to Chapter 119. of the Revised Code. If the 249  
court temporarily suspends a holder's license or certificate, 250

the board shall give written notice of the suspension personally 251  
or by certified mail to the license or certificate holder. Such 252  
notice shall inform the license or certificate holder of the 253  
right to a hearing pursuant to Chapter 119. of the Revised Code. 254

(F) Any holder of a certificate or license issued under 255  
this chapter who has pleaded guilty to, has been convicted of, 256  
or has had a judicial finding of eligibility for intervention in 257  
lieu of conviction entered against the holder in this state for 258  
aggravated murder, murder, voluntary manslaughter, felonious 259  
assault, kidnapping, rape, sexual battery, gross sexual 260  
imposition, aggravated arson, aggravated robbery, or aggravated 261  
burglary, or who has pleaded guilty to, has been convicted of, 262  
or has had a judicial finding of eligibility for treatment or 263  
intervention in lieu of conviction entered against the holder in 264  
another jurisdiction for any substantially equivalent criminal 265  
offense, is automatically suspended from practice under this 266  
chapter in this state and any certificate or license issued to 267  
the holder under this chapter is automatically suspended, as of 268  
the date of the guilty plea, conviction, or judicial finding, 269  
whether the proceedings are brought in this state or another 270  
jurisdiction. Continued practice by an individual after the 271  
suspension of the individual's certificate or license under this 272  
division shall be considered practicing without a certificate or 273  
license. The board shall notify the suspended individual of the 274  
suspension of the individual's certificate or license under this 275  
division by certified mail or in person in accordance with 276  
section 119.07 of the Revised Code. If an individual whose 277  
certificate or license is suspended under this division fails to 278  
make a timely request for an adjudicatory hearing, the board 279  
shall enter a final order revoking the individual's certificate 280  
or license. 281

(G) If the supervisory investigative panel determines both 282  
of the following, the panel may recommend that the board suspend 283  
an individual's certificate or license without a prior hearing: 284

(1) That there is clear and convincing evidence that an 285  
individual has violated division (A) of this section; 286

(2) That the individual's continued practice presents a 287  
danger of immediate and serious harm to the public. 288

Written allegations shall be prepared for consideration by 289  
the board. The board, upon review of those allegations and by an 290  
affirmative vote of not fewer than four dentist members of the 291  
board and seven of its members in total, excluding any member on 292  
the supervisory investigative panel, may suspend a certificate 293  
or license without a prior hearing. A telephone conference call 294  
may be utilized for reviewing the allegations and taking the 295  
vote on the summary suspension. 296

The board shall issue a written order of suspension by 297  
certified mail or in person in accordance with section 119.07 of 298  
the Revised Code. The order shall not be subject to suspension 299  
by the court during pendency or any appeal filed under section 300  
119.12 of the Revised Code. If the individual subject to the 301  
summary suspension requests an adjudicatory hearing by the 302  
board, the date set for the hearing shall be within fifteen 303  
days, but not earlier than seven days, after the individual 304  
requests the hearing, unless otherwise agreed to by both the 305  
board and the individual. 306

Any summary suspension imposed under this division shall 307  
remain in effect, unless reversed on appeal, until a final 308  
adjudicative order issued by the board pursuant to this section 309  
and Chapter 119. of the Revised Code becomes effective. The 310

board shall issue its final adjudicative order within seventy- 311  
five days after completion of its hearing. A failure to issue 312  
the order within seventy-five days shall result in dissolution 313  
of the summary suspension order but shall not invalidate any 314  
subsequent, final adjudicative order. 315

(H) Sanctions shall not be imposed under division (A) (13) 316  
of this section against any certificate or license holder who 317  
waives deductibles and copayments as follows: 318

(1) In compliance with the health benefit plan that 319  
expressly allows such a practice. Waiver of the deductibles or 320  
copayments shall be made only with the full knowledge and 321  
consent of the plan purchaser, payer, and third-party 322  
administrator. Documentation of the consent shall be made 323  
available to the board upon request. 324

(2) For professional services rendered to any other person 325  
who holds a certificate or license issued pursuant to this 326  
chapter to the extent allowed by this chapter and the rules of 327  
the board. 328

(I) In no event shall the board consider or raise during a 329  
hearing required by Chapter 119. of the Revised Code the 330  
circumstances of, or the fact that the board has received, one 331  
or more complaints about a person unless the one or more 332  
complaints are the subject of the hearing or resulted in the 333  
board taking an action authorized by this section against the 334  
person on a prior occasion. 335

(J) The board may share any information it receives 336  
pursuant to an investigation under division (D) of section 337  
4715.03 of the Revised Code, including patient records and 338  
patient record information, with law enforcement agencies, other 339

licensing boards, and other governmental agencies that are 340  
prosecuting, adjudicating, or investigating alleged violations 341  
of statutes or administrative rules. An agency or board that 342  
receives the information shall comply with the same requirements 343  
regarding confidentiality as those with which the state dental 344  
board must comply, notwithstanding any conflicting provision of 345  
the Revised Code or procedure of the agency or board that 346  
applies when it is dealing with other information in its 347  
possession. In a judicial proceeding, the information may be 348  
admitted into evidence only in accordance with the Rules of 349  
Evidence, but the court shall require that appropriate measures 350  
are taken to ensure that confidentiality is maintained with 351  
respect to any part of the information that contains names or 352  
other identifying information about patients or complainants 353  
whose confidentiality was protected by the state dental board 354  
when the information was in the board's possession. Measures to 355  
ensure confidentiality that may be taken by the court include 356  
sealing its records or deleting specific information from its 357  
records. 358

**Sec. 4715.36.** As used in this section and sections 359  
4715.361 to 4715.374 of the Revised Code: 360

(A) "Accredited dental hygiene school" means a dental 361  
hygiene school accredited by the American dental association 362  
commission on dental accreditation or a dental hygiene school 363  
whose educational standards are recognized by the American 364  
dental association commission on dental accreditation and 365  
approved by the state dental board. 366

(B) "Authorizing dentist" means a dentist who authorizes a 367  
dental hygienist to perform dental hygiene services under 368  
section 4715.365 of the Revised Code. 369

(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.	370 371
(D) "Dentist" means an individual licensed under this chapter to practice dentistry.	372 373
(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.	374 375
(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C) (3) of section 4715.22 of the Revised Code.	376 377 378 379 380 381 382 383
(G) "Facility" means any of the following:	384
(1) A health care facility, as defined in section 4715.22 of the Revised Code;	385 386
(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	387 388
(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;	389 390 391 392
(4) A residential facility licensed under section 5123.19 of the Revised Code;	393 394
(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the	395 396 397

Revised Code;	398
(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	399 400 401 402
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	403 404 405
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	406 407
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	408 409
(10) A foster home, as defined in section 5103.02 of the Revised Code;	410 411
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	412 413
(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;	414 415 416
(13) A dispensary;	417
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	418 419
(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;	420 421 422
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of	423 424

a board of health under section 3709.05 of the Revised Code; 425

(17) A women, infants, and children clinic; 426

(18) A mobile dental ~~unit~~ facility, as defined in section 427  
4715.70 of the Revised Code, located at any location listed in 428  
divisions (G) (1) to (17) of this section; 429

(19) Any other location, as specified by the state dental 430  
board in rules adopted under section 4715.372 of the Revised 431  
Code, that is in an area designated as a dental health resource 432  
shortage area pursuant to section 3702.87 of the Revised Code 433  
and provides health care services to individuals who are 434  
medicaid recipients and to indigent and uninsured persons, as 435  
defined in section 2305.234 of the Revised Code. 436

**Sec. 4715.70.** As used in this section and sections 4715.71 437  
and 4715.72 of the Revised Code: 438

(A) "Dental hygiene services" means the prophylactic, 439  
preventive, and other procedures that dentists are authorized by 440  
this chapter and rules of the state dental board to assign to 441  
dental hygienists, except for procedures while a patient is 442  
anesthetized, definitive root planing, definitive subgingival 443  
curettage, the administration of local anesthesia, and the 444  
procedures specified in rules adopted by the board as described 445  
in division (C) (4) of section 4715.22 of the Revised Code. 446

(B) (1) "Minor" means an individual under eighteen years of 447  
age who is not emancipated. 448

(2) For purposes of this division, an individual under 449  
eighteen years of age is emancipated only if the individual has 450  
married, has entered the armed services of the United States, 451  
has become employed and self-sustaining, or otherwise has become 452  
independent from the care and control of the individual's 453



parent, guardian, or custodian. 454

(C) "Mobile dental facility" means either of the 455  
following: 456

(1) A self-contained, intact facility in which dentistry 457  
or dental hygiene services are practiced that may be transported 458  
from one location to another; 459

(2) A site used on a temporary basis to provide dental 460  
services using portable equipment. 461

(D) "Mobile dental facility operator" means a dentist 462  
licensed under this chapter who operates a mobile dental 463  
facility. 464

(E) "Patient's representative" means a person who has 465  
authority to make health care decisions on behalf of an adult or 466  
emancipated minor, or the parent, legal guardian, or other 467  
person acting in loco parentis who is authorized by law to make 468  
health care decisions on behalf of a minor. 469

**Sec. 4715.71.** A mobile dental facility operator or the 470  
operator's representative shall provide each patient receiving 471  
dental services at a mobile dental facility, or the patient's 472  
representative, with all of the following: 473

(A) The name of each individual who arranged for or 474  
provided dental services to the patient; 475

(B) The telephone number to reach the mobile dental 476  
facility operator or operator's representative in case of an 477  
emergency; 478

(C) A list of dental services provided to the patient; 479

(D) Any recommendations regarding further dental services 480

that are advisable; 481

(E) A notice to the patient that the facility must provide 482  
access to the patient's complete dental records in accordance 483  
with Chapter 3798. of the Revised Code and applicable federal 484  
laws; 485

(F) Instructions for requesting a copy or transfer of the 486  
patient's records. 487

**Sec. 4715.72.** A mobile dental facility operator or the 488  
operator's representative shall notify the state dental board 489  
and all treatment venues not later than fourteen days after 490  
either of the following occurs: 491

(A) There is a change in the address or telephone number 492  
of the operator. 493

(B) The mobile dental facility ceases to operate. 494

The notice must be provided in writing. 495

**Section 2.** That existing sections 4715.14, 4715.30, and 496  
4715.36 of the Revised Code are hereby repealed. 497