

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**S. B. No. 51**

**Senators Blessing, Armbruster, Randy Gardner, DiDonato, Spada, Roberts,  
Coughlin, Goodman, Harris, Miller, Brady, Fedor, Prentiss**

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**A B I L L**

To amend sections 2305.234, 3701.262, 4715.02, 1  
4715.03, 4715.13, 4715.14, 4715.16, and 4715.39, 2  
to enact new sections 4715.10 and 4715.11 and 3  
sections 3702.85 to 3702.95, to repeal sections 4  
4715.10, 4715.11, and 4715.15 of the Revised Code, 5  
and to amend the version of section 2305.234 of 6  
the Revised Code that is scheduled to take effect 7  
January 1, 2004, to continue the provisions of 8  
this act on and after that effective date to make 9  
changes to the State Dental Board, to establish 10  
the dentist loan repayment program, and to make 11  
other changes to the laws governing dentistry in 12  
Ohio. 13

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

**Section 1.** That sections 2305.234, 3701.262, 4715.02, 14  
4715.03, 4715.13, 4715.14, 4715.16, and 4715.39 be amended and new 15  
sections 4715.10 and 4715.11 and sections 3702.85, 3702.86, 16  
3702.87, 3702.88, 3702.89, 3702.90, 3702.91, 3702.92, 3702.93, 17  
3702.94, and 3702.95 of the Revised Code be enacted to read as 18  
follows: 19

<b>Sec. 2305.234.</b> (A) As used in this section:	20
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	21 22 23
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	24 25 26 27
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	28 29
(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	30 31 32
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	33 34 35
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	36 37
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	38 39
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	40 41
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	42 43
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	44 45
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	46 47

(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	48 49
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	50 51
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	52 53
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	54 55 56 57
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	58 59 60 61 62 63 64
(6) "Indigent and uninsured person" means a person who meets all of the following requirements:	65 66
(a) The person's income is not greater than one hundred fifty per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.	67 68 69 70 71
(b) The person is not eligible to receive medical assistance under Chapter 5111., disability assistance medical assistance under Chapter 5115. of the Revised Code, or assistance under any other governmental health care program.	72 73 74 75
(c) Either of the following applies:	76
(i) The person is not a policyholder, certificate holder,	77

insured, contract holder, subscriber, enrollee, member, 78  
beneficiary, or other covered individual under a health insurance 79  
or health care policy, contract, or plan. 80

(ii) The person is a policyholder, certificate holder, 81  
insured, contract holder, subscriber, enrollee, member, 82  
beneficiary, or other covered individual under a health insurance 83  
or health care policy, contract, or plan, but the insurer, policy, 84  
contract, or plan denies coverage or is the subject of insolvency 85  
or bankruptcy proceedings in any jurisdiction. 86

(7) "Operation" means any procedure that involves cutting or 87  
otherwise infiltrating human tissue by mechanical means, including 88  
surgery, laser surgery, ionizing radiation, therapeutic 89  
ultrasound, or the removal of intraocular foreign bodies. 90

"Operation" does not include the administration of medication by 91  
injection, unless the injection is administered in conjunction 92  
with a procedure infiltrating human tissue by mechanical means 93  
other than the administration of medicine by injection. 94

"Operation" does not include routine dental restorative 95  
procedures, the scaling of teeth, or extractions of teeth that are 96  
not impacted. 97

(8) "Nonprofit shelter or health care facility" means a 98  
charitable nonprofit corporation organized and operated pursuant 99  
to Chapter 1702. of the Revised Code, or any charitable 100  
organization not organized and not operated for profit, that 101  
provides shelter, health care services, or shelter and health care 102  
services to indigent and uninsured persons, except that "shelter 103  
or health care facility" does not include a hospital as defined in 104  
section 3727.01 of the Revised Code, a facility licensed under 105  
Chapter 3721. of the Revised Code, or a medical facility that is 106  
operated for profit. 107

(9) "Tort action" means a civil action for damages for 108  
injury, death, or loss to person or property other than a civil 109

action for damages for a breach of contract or another agreement 110  
between persons or government entities. 111

(10) "Volunteer" means an individual who provides any 112  
medical, dental, or other health-care related diagnosis, care, or 113  
treatment without the expectation of receiving and without receipt 114  
of any compensation or other form of remuneration from an indigent 115  
and uninsured person, another person on behalf of an indigent and 116  
uninsured person, any shelter or health care facility, or any 117  
other person or government entity. 118

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 119  
health care professional who is a volunteer and complies with 120  
division (B)(2) of this section is not liable in damages to any 121  
person or government entity in a tort or other civil action, 122  
including an action on a medical, dental, chiropractic, 123  
optometric, or other health-related claim, for injury, death, or 124  
loss to person or property that allegedly arises from an action or 125  
omission of the volunteer in the provision at a nonprofit shelter 126  
or health care facility to an indigent and uninsured person of 127  
medical, dental, or other health-related diagnosis, care, or 128  
treatment, including the provision of samples of medicine and 129  
other medical products, unless the action or omission constitutes 130  
willful or wanton misconduct. 131

(2) To qualify for the immunity described in division (B)(1) 132  
of this section, a health care professional shall do all of the 133  
following prior to providing diagnosis, care, or treatment: 134

(a) Determine, in good faith, that the indigent and uninsured 135  
person is mentally capable of giving informed consent to the 136  
provision of the diagnosis, care, or treatment and is not subject 137  
to duress or under undue influence; 138

(b) Inform the person of the provisions of this section; 139

(c) Obtain the informed consent of the person and a written 140

waiver, signed by the person or by another individual on behalf of 141  
and in the presence of the person, that states that the person is 142  
mentally competent to give informed consent and, without being 143  
subject to duress or under undue influence, gives informed consent 144  
to the provision of the diagnosis, care, or treatment subject to 145  
the provisions of this section. 146

(3) A physician or podiatrist who is not covered by medical 147  
malpractice insurance, but complies with division (B)(2) of this 148  
section, is not required to comply with division (A) of section 149  
4731.143 of the Revised Code. 150

(C) Subject to divisions (E) and (F)(3) of this section, 151  
health care workers who are volunteers are not liable in damages 152  
to any person or government entity in a tort or other civil 153  
action, including an action upon a medical, dental, chiropractic, 154  
optometric, or other health-related claim, for injury, death, or 155  
loss to person or property that allegedly arises from an action or 156  
omission of the health care worker in the provision at a nonprofit 157  
shelter or health care facility to an indigent and uninsured 158  
person of medical, dental, or other health-related diagnosis, 159  
care, or treatment, unless the action or omission constitutes 160  
willful or wanton misconduct. 161

(D) Subject to divisions (E) and (F)(3) of this section and 162  
section 3701.071 of the Revised Code, a nonprofit shelter or 163  
health care facility associated with a health care professional 164  
described in division (B)(1) of this section or a health care 165  
worker described in division (C) of this section is not liable in 166  
damages to any person or government entity in a tort or other 167  
civil action, including an action on a medical, dental, 168  
chiropractic, optometric, or other health-related claim, for 169  
injury, death, or loss to person or property that allegedly arises 170  
from an action or omission of the health care professional or 171  
worker in providing for the shelter or facility medical, dental, 172

or other health-related diagnosis, care, or treatment to an 173  
indigent and uninsured person, unless the action or omission 174  
constitutes willful or wanton misconduct. 175

(E)(1) Except as provided in division (E)(2) of this section, 176  
the immunities provided by divisions (B), (C), and (D) of this 177  
section are not available to an individual or to a nonprofit 178  
shelter or health care facility if, at the time of an alleged 179  
injury, death, or loss to person or property, the individuals 180  
involved are providing one of the following: 181

(a) Any medical, dental, or other health-related diagnosis, 182  
care, or treatment pursuant to a community service work order 183  
entered by a court under division (F) of section 2951.02 of the 184  
Revised Code as a condition of probation or other suspension of a 185  
term of imprisonment or imposed by a court as a community control 186  
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 187  
Code. 188

(b) Performance of an operation. 189

(c) Delivery of a baby. 190

(2) Division (E)(1) of this section does not apply to an 191  
individual who provides, or a nonprofit shelter or health care 192  
facility at which the individual provides, diagnosis, care, or 193  
treatment that is necessary to preserve the life of a person in a 194  
medical emergency. 195

(F)(1) This section does not create a new cause of action or 196  
substantive legal right against a health care professional, health 197  
care worker, or nonprofit shelter or health care facility. 198

(2) This section does not affect any immunities from civil 199  
liability or defenses established by another section of the 200  
Revised Code or available at common law to which an individual or 201  
a nonprofit shelter or health care facility may be entitled in 202  
connection with the provision of emergency or other diagnosis, 203

care, or treatment. 204

(3) This section does not grant an immunity from tort or 205  
other civil liability to an individual or a nonprofit shelter or 206  
health care facility for actions that are outside the scope of 207  
authority of health care professionals or health care workers. 208

(4) This section does not affect any legal responsibility of 209  
a health care professional or health care worker to comply with 210  
any applicable law of this state or rule of an agency of this 211  
state. 212

(5) This section does not affect any legal responsibility of 213  
a nonprofit shelter or health care facility to comply with any 214  
applicable law of this state, rule of an agency of this state, or 215  
local code, ordinance, or regulation that pertains to or regulates 216  
building, housing, air pollution, water pollution, sanitation, 217  
health, fire, zoning, or safety. 218

**Sec. 3701.262.** (A) As used in this section and section 219  
3701.263 of the Revised Code: 220

(1) "Physician" means a person who holds a valid certificate 221  
issued under Chapter 4731. of the Revised Code authorizing the 222  
person to practice medicine or surgery or osteopathic medicine and 223  
surgery. 224

(2) "Dentist" means a person who is licensed under section 225  
4715.12 ~~or 4715.15~~ of the Revised Code to practice dentistry. 226

(3) "Hospital" has the same meaning as in section 3727.01 of 227  
the Revised Code. 228

(4) "Cancer" includes those diseases specified by rule of the 229  
director of health under division (B)(2) of this section. 230

(B) The director of health shall adopt rules in accordance 231  
with Chapter 119. of the Revised Code to do all of the following: 232



(1) Establish the Ohio cancer incidence surveillance system	233
required by section 3701.261 of the Revised Code;	234
(2) Specify the types of cancer and other tumorous and	235
precancerous diseases to be reported to the department of health	236
under division (D) of this section;	237
(3) Establish reporting requirements for information	238
concerning diagnosed cancer cases as the director considers	239
necessary to conduct epidemiologic surveys of cancer in this	240
state;	241
(4) Establish standards that must be met by research projects	242
to be eligible to receive information from the department of	243
health under division (B) of section 3701.263 of the Revised Code.	244
(C) The department of health shall record in the registry all	245
reports of cancer received by it. In the development and	246
administration of the cancer registry the department may use	247
information compiled by public or private cancer registries and	248
may contract for the collection and analysis of, and research	249
related to, the information recorded under this section.	250
(D) Each physician, dentist, hospital, or person providing	251
diagnostic or treatment services to patients with cancer shall	252
report each case of cancer to the department. Any person required	253
to report pursuant to this section may elect to report to the	254
department through an existing cancer registry if the registry	255
meets the reporting standards established by the director and	256
reports to the department.	257
(E) All physicians, dentists, hospitals, or persons providing	258
diagnostic or treatment services to patients with cancer shall	259
grant to the department or its authorized representative access to	260
all records that identify cases of cancer or establish	261
characteristics of cancer, the treatment of cancer, or the medical	262
status of any identified cancer patient.	263

(F) The Arthur G. James and Richard J. Solove research institute of the Ohio state university, shall analyze and evaluate the cancer reports collected pursuant to this section. The department shall publish and make available to the public reports summarizing the information collected. Reports shall be made on a calendar year basis and published not later than ninety days after the end of each calendar year.

(G) Furnishing information, including records, reports, statements, notes, memoranda, or other information, to the department of health, either voluntarily or as required by this section, or to a person or governmental entity designated as a medical research project by the department, does not subject a physician, dentist, hospital, or person providing diagnostic or treatment services to patients with cancer to liability in an action for damages or other relief for furnishing the information.

(H) This section does not affect the authority of any person or facility providing diagnostic or treatment services to patients with cancer to maintain facility-based tumor registries, in addition to complying with the reporting requirements of this section.

(I) No person shall fail to make the cancer reports required by division (D) of this section.

Sec. 3702.85. There is hereby created the dentist loan repayment program, which shall be administered by the department of health in cooperation with the board of regents and the dentist loan repayment advisory board. The program shall provide loan repayment on behalf of individuals who agree to provide dental services in areas designated as dental health resource shortage areas by the director of health pursuant to section 3702.87 of the Revised Code.

Under the program, the Ohio board of regents, by means of a 294  
contract entered into under section 3702.91 of the Revised Code, 295  
may agree to repay all or part of the principal and interest of a 296  
government or other educational loan taken by an individual for 297  
the following expenses incurred while the individual was enrolled 298  
in an accredited dental college or a dental college located 299  
outside of the United States that meets the standards of section 300  
4715.11 of the Revised Code: 301

(A) Tuition; 302

(B) Other educational expenses, such as fees, books, and 303  
laboratory expenses that are for purposes and in amounts 304  
determined reasonable by the director of health; 305

(C) Room and board, in an amount determined reasonable by the 306  
director of health. 307

**Sec. 3702.86.** The director of health, in accordance with 308  
Chapter 119. of the Revised Code, shall adopt rules as necessary 309  
to implement and administer sections 3702.85 to 3702.95 of the 310  
Revised Code. In preparing rules, the director shall consult with 311  
the Ohio board of regents and the dentist loan repayment advisory 312  
board. 313

**Sec. 3702.87.** The director of health shall designate, as 314  
dental health resource shortage areas, areas in this state that 315  
experience special dental health problems and dentist practice 316  
patterns that limit access to dental care. The designations shall 317  
be made by rule and may apply to a geographic area, one or more 318  
facilities within a particular area, or a population group within 319  
a particular area. 320

Sec. 3702.88. The director of health, by rule, shall 321  
establish priorities among dental health resource shortage areas 322  
for use in recruiting dentists to sites within particular areas 323  
under the dentist loan repayment program. In establishing 324  
priorities, the director shall consider the ratio of dentists to 325  
the population in the dental health resource shortage area, the 326  
distance to dentists outside the area, dental health status 327  
indicators of the target population in the area, presence of 328  
dental health care provider sites in the area with vacancies for 329  
dentists, availability of an eligible candidate interested in 330  
being recruited to a particular site within an area, and the 331  
distribution of dental health care provider sites in urban and 332  
rural regions. The director shall give greatest priority to dental 333  
health resource shortage areas having a high ratio of population 334  
to dentists. 335

The director, by rule, shall establish priorities for use in 336  
determining eligibility among applicants for participation in the 337  
dentist loan repayment program. The priorities may include 338  
consideration of an applicant's background and career goals, the 339  
length of time the applicant is willing to provide dental services 340  
in a dental health care resource shortage area, and the amount of 341  
the educational expenses for which reimbursement is being sought 342  
through the program. 343

Sec. 3702.89. (A) An individual who has not received national 344  
health service corps tuition or student loan repayment assistance 345  
and meets one of the following requirements may apply for 346  
participation in the dentist loan repayment program: 347

(1) The applicant is a dental student enrolled in the final 348  
year of dental college. 349

<u>(2) The applicant is a dental resident in the final year of residency.</u>	350
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<u>(3) The applicant has been engaged in the practice of dentistry in this state for not more than three years prior to submitting the application.</u>	352
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<u>(B) An application for participation in the dentist loan repayment program shall be submitted to the director of health on a form the director shall prescribe. The following information shall be included or supplied:</u>	355
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<u>(1) The applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number;</u>	359
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<u>(2) The dental college the applicant is attending or attended, dates of attendance, and verification of attendance;</u>	362
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<u>(3) If the applicant is a dental resident, the facility or institution at which the dental residency is being performed;</u>	364
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<u>(4) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;</u>	366
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<u>(5) If the applicant is a dentist, verification of the applicant's authorization under Chapter 4715. of the Revised Code to practice dentistry and proof of good standing;</u>	368
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<u>(6) Verification of the applicant's United States citizenship or status as a legal alien.</u>	371
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Sec. 3702.90. If funds are available in the dentist loan repayment fund created under section 3702.95 of the Revised Code and the general assembly has appropriated the funds for the program, the director of health shall approve an applicant for participation in the program on finding in accordance with the priorities established under section 3702.88 of the Revised Code that the applicant is eligible for participation and is needed in a dental health resource shortage area. 373  
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On approving an application, the director shall notify and enter into discussions with the applicant. The object of the discussions is to facilitate recruitment of the applicant to a site within a dental health resource shortage area at which, according to the priorities established under section 3702.88 of the Revised Code, the applicant is needed. The director may pay the costs incurred by the applicant and the applicant's spouse for travel, meals, and lodging in making one visit to one dental health resource shortage area. The director may also refer an applicant to the Ohio dental association for assistance in being recruited to a site within a dental health resource shortage area at which the applicant will agree to be placed. 381  
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If the director and applicant agree on the applicant's placement at a particular site within a dental health resource shortage area, the applicant shall sign and deliver to the director a letter of intent agreeing to that placement. 393  
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Sec. 3702.91. (A) An individual who has signed a letter of intent under section 3702.90 of the Revised Code may enter into a contract with the director of health and the Ohio board of regents for participation in the dentist loan repayment program. A lending institution may also be a party to the contract. 397  
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(B) The contract shall include all of the following 402

obligations:

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(1) The individual agrees to provide dental services in the dental health resource shortage area identified in the letter of intent for at least one year.

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(2) When providing dental services in the dental health resource shortage area, the individual agrees to do all of the following:

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(a) Provide dental services for a minimum of forty hours per week;

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(b) Provide dental services without regard to a patient's ability to pay;

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(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide dental services to medicaid recipients.

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(3) The Ohio board of regents agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code up to but not exceeding twenty thousand dollars per year of service.

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(4) The individual agrees to pay the board the following as damages if the individual fails to complete the service obligation agreed to under division (B)(1) of this section:

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(a) If the failure occurs during the first two years of the service obligation, three times the total amount the board has agreed to repay under division (B)(3) of this section;

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(b) If the failure occurs after the first two years of the 433  
service obligation, three times the amount the board is still 434  
obligated to repay under division (B)(3) of this section. 435

(C) The contract may include any other terms agreed upon by 436  
the parties, including an assignment to the Ohio board of regents 437  
of the individual's duty to pay the principal and interest of a 438  
government or other educational loan taken by the individual for 439  
expenses described in section 3702.85 of the Revised Code. If the 440  
board assumes the individual's duty to pay a loan, the contract 441  
shall set forth the total amount of principal and interest to be 442  
paid, an amortization schedule, and the amount of each payment to 443  
be made under the schedule. 444

(D) Not later than the thirty-first day of January of each 445  
year, the Ohio board of regents shall mail to each individual to 446  
whom or on whose behalf repayment is made under the dentist loan 447  
repayment program a statement showing the amount of principal and 448  
interest repaid by the board pursuant to the contract in the 449  
preceding year. The statement shall be sent by ordinary mail with 450  
address correction and forwarding requested in the manner 451  
prescribed by the United States postal service. 452

**Sec. 3702.92.** There is hereby created the dentist loan 453  
repayment advisory board. The board shall consist of the following 454  
members: 455

(A) One member of the house of representatives, appointed by 456  
the speaker of the house of representatives; 457

(B) One member of the senate, appointed by the president of 458  
the senate; 459

(C) A representative of the board of regents, appointed by 460  
the chancellor; 461



(D) The director of health or an employee of the department 462  
of health designated by the director; 463

(E) Three representatives of the dental profession, appointed 464  
by the governor from persons nominated by the Ohio dental 465  
association. 466

The governor shall appoint the dental profession 467  
representatives not later than ninety days after the effective 468  
date of this section. The terms of all members shall commence 469  
ninety-one days after the effective date of this section. Of the 470  
initial appointments made by the governor, two shall serve a term 471  
of one year and one shall serve a term of two years. The initial 472  
appointment made by the speaker of the house of representatives 473  
shall be for a term of one year. The initial appointment made by 474  
the president of the senate shall be for a term of two years. 475

Vacancies shall be filled in the manner prescribed for the 476  
original appointment. A member appointed to fill a vacancy 477  
occurring prior to the expiration of the term for which the 478  
member's predecessor was appointed shall hold office for the 479  
remainder of that term. A member shall continue in office 480  
subsequent to the expiration of the member's term until a 481  
successor takes office or until sixty days have elapsed, whichever 482  
occurs first. No person shall be appointed to the board for more 483  
than two consecutive terms. Thereafter, terms of office shall be 484  
two years. Each member shall hold office from the date of 485  
appointment until the end of the term for which the member was 486  
appointed, except that a legislative member ceases to be a member 487  
of the board on ceasing to be a member of the general assembly. 488

The governor, speaker, or president may remove a member for 489  
whom the governor, speaker, or president was the appointing 490  
authority, for misfeasance, malfeasance, or willful neglect of 491  
duty. 492

The board shall designate a member to serve as chairperson of 493  
the board. 494

The board shall meet at least once annually. The chairperson 495  
shall call special meetings as needed or upon the request of six 496  
members. 497

Six members of the board constitute a quorum to transact and 498  
vote on all business coming before the board. 499

Members of the board shall serve without compensation, but 500  
may be reimbursed for reasonable and necessary expenses incurred 501  
in the discharge of their duties. 502

The department of health shall provide the board with staff 503  
assistance as requested by the board. 504

**Sec. 3702.93.** The dentist loan repayment advisory board shall 505  
determine the amounts that will be paid as loan repayments on 506  
behalf of participants in the dentist loan repayment program. No 507  
repayment shall exceed twenty thousand dollars in any year, except 508  
that if a repayment results in an increase in the participant's 509  
federal, state, or local income tax liability, the Ohio board of 510  
regents, at the participant's request and with the approval of the 511  
director of health, may reimburse the participant for the 512  
increased tax liability, regardless of the amount of the repayment 513  
in that year. Total repayment on behalf of a participant shall not 514  
exceed eighty thousand dollars over the time of participation in 515  
the program. 516

**Sec. 3702.94.** The dentist loan repayment advisory board, 517  
annually on or before the first day of March, shall submit a 518  
report to the general assembly describing the operations of the 519  
dentist loan repayment program during the previous calendar year. 520  
The report shall include information about all of the following: 521

(A) The number of requests received by the director of health 522  
that a particular area be designated as a dental health resource 523  
shortage area; 524

(B) The areas that have been designated as dental health 525  
resource shortage areas and the priorities that have been assigned 526  
to them; 527

(C) The number of applicants for participation in the dentist 528  
loan repayment program; 529

(D) The number of dentists assigned to dental health resource 530  
shortage areas and the payments made on behalf of those dentists 531  
under the dentist loan repayment program; 532

(E) The dental health resource shortage areas that have not 533  
been matched with all of the dentists they need; 534

(F) The number of dentists failing to complete their service 535  
obligations, the amount of damages owed, and the amount of damages 536  
collected. 537

**Sec. 3702.95.** The director of health may accept gifts of 538  
money from any source for the implementation and administration of 539  
sections 3702.85 to 3702.93 of the Revised Code. The Ohio board of 541  
regents may accept gifts of money from any source for 542  
implementation and administration of the dentist loan repayment 543  
program under sections 3702.85 and 3702.91 of the Revised Code. 544

The director shall pay all gifts accepted under this section 545  
into the state treasury, to the credit of the dental health 546  
resource shortage area fund, which is hereby created. The board 547  
shall pay all gifts accepted under this section, and damages 548  
collected under division (B)(4) of section 3702.91 of the Revised 549  
Code, into the state treasury, to the credit of the dentist loan 550  
repayment fund, which is hereby created. 551

The director shall use the dental health resource shortage area fund for the implementation and administration of sections 3702.85, and 3702.87 to 3702.93 of the Revised Code. The board shall use the dentist loan repayment fund for the implementation and administration of the dentist loan repayment program under sections 3702.85 and 3702.91 of the Revised Code.

**Sec. 4715.02.** The governor, with the advice and consent of the senate, shall appoint a state dental board consisting of ~~seven~~ fifteen persons, ~~five~~ nine of whom shall be graduates of a reputable dental college, citizens of the United States, and shall have been in the legal and reputable practice of dentistry in the state at least five years next preceding their appointment; ~~one~~ three of whom shall be ~~a graduate~~ graduates of a reputable school of dental hygiene, ~~a citizen~~ citizens of the United States, and shall have been in the legal and reputable practice of dental hygiene in the state at least five years next preceding ~~the person's~~ their appointment; and ~~one~~ three of whom shall be a member of the public at large who is not associated with or financially interested in the practice of dentistry. ~~Terms~~

Of the nine members who are in the practice of dentistry, there shall be not more than two on the board at any time who are recognized as specialists pursuant to rules adopted by the board. Of the three members who are in the practice of dental hygiene, not more than one may be a person employed as a full-time teacher of dental hygiene students. Representation of the various geographical areas of the state shall be considered in making appointments for members who are in the practice of dentistry and for members who are in the practice of dental hygiene.

Terms of office of members who are in the practice of dentistry or dental hygiene shall be for ~~five~~ three years, commencing on the seventh day of April and ending on the sixth day

of April, ~~except that upon expiration of the term ending April 25,~~ 583  
~~1978, the new term which succeeds it shall commence on April 26,~~ 584  
~~1978 and end on April 6, 1983; upon expiration of the term ending~~ 585  
~~July 23, 1974, the new term which succeeds it shall commence on~~ 586  
~~July 24, 1974 and end on April 6, 1979; and upon expiration of the~~ 587  
~~term ending June 24, 1975, the new term which succeeds it shall~~ 588  
~~commence on June 25, 1975 and end on April 6, 1980. Each Terms of~~ 589  
office of the members of the public at large shall be for five 590  
years, commencing on the seventh day of April and ending on the 591  
sixth day of April. 592

Each member shall hold office from the date of the member's 593  
appointment until the end of the term for which the member was 594  
appointed. Any member appointed to fill a vacancy occurring prior 595  
to the expiration of the term for which the member's predecessor 596  
was appointed shall hold office for the remainder of such term. 597  
Any member shall continue in office subsequent to the expiration 598  
date of the member's term until the member's successor takes 599  
office, or until a period of sixty days has elapsed, whichever 600  
occurs first. No person so appointed shall serve to exceed two 601  
terms. ~~The~~ 602

The Ohio dental association may submit to the governor the 603  
names of five nominees for each position to be filled by a dentist 604  
and from the names so submitted or from others, at the governor's 605  
discretion, the governor shall make such appointments; provided 606  
that all such appointees shall possess the required 607  
qualifications. The Ohio dental hygienists association, inc., may 608  
submit to the governor the names of five nominees for each 609  
position to be filled by a dental hygienist and from the names so 610  
submitted or from others, at the governor's discretion, the 611  
governor shall make such appointments; provided that all such 612  
appointees shall possess the required qualifications. No person 613  
shall be appointed to the state dental board who is employed by or 614

practices in a corporation holding a certificate of authority 615  
under Chapter 1751. of the Revised Code with a person who is a 616  
member of the board. 617

No member of the board shall act in any capacity on behalf of 618  
any of the following: the central regional dental testing service, 619  
inc., northeast regional board of dental examiners, inc., southern 620  
regional testing agency, inc., and western regional examining 621  
board. 622

**Sec. 4715.03.** (A) The state dental board shall organize by 623  
the election from its members of a president and a secretary. It 624  
shall hold meetings monthly at least eight months a year at such 625  
times and places as the board designates. A majority of the 626  
members of the board shall constitute a quorum. The board shall 627  
make such reasonable rules as it determines necessary pursuant to 628  
Chapter 119. of the Revised Code. 629

(B) A concurrence of a majority of the members of the board 630  
shall be required to grant, refuse, suspend, place on probationary 631  
status, revoke, refuse to renew, or refuse to reinstate a license 632  
or censure a license holder. 633

(C) The board shall adopt rules establishing standards for 634  
the safe practice of dentistry and dental hygiene by qualified 635  
practitioners and shall, through its policies and activities, 636  
promote such practice. 637

The board shall adopt rules in accordance with Chapter 119. 638  
of the Revised Code establishing universal blood and body fluid 639  
precautions that shall be used by each person licensed under this 640  
chapter who performs exposure prone invasive procedures. The rules 641  
shall define and establish requirements for universal blood and 642  
body fluid precautions that include the following: 643

(1) Appropriate use of hand washing; 644

(2) Disinfection and sterilization of equipment;	645
(3) Handling and disposal of needles and other sharp instruments;	646 647
(4) Wearing and disposal of gloves and other protective garments and devices.	648 649
(D) The board shall administer and enforce the provisions of this chapter. The board shall investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of making the report or providing testimony. If after investigation the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall conduct disciplinary proceedings pursuant to Chapter 119. of the Revised Code or provide for a license holder to participate in the quality intervention program established under section 4715.031 of the Revised Code. The board shall not dismiss any complaint or terminate any investigation except by a majority vote of its members. For the purpose of any disciplinary proceeding or any investigation conducted under this division, the board may administer oaths, order the taking of depositions, issue subpoenas, compel the attendance and testimony of persons at depositions and compel the production of books, accounts, papers, documents, or other tangible things. The hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the	650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676

determination whether there are reasonable grounds to believe that 677  
a violation of this chapter has occurred are confidential and are 678  
not subject to discovery in any civil action. 679

(E)(1) The board shall examine or cause to be examined 680  
eligible applicants to practice ~~dentistry and~~ dental hygiene. The 681  
board may distinguish by rule different classes of qualified 682  
personnel according to skill levels and require all or only 683  
certain of these classes of qualified personnel to be examined and 684  
certified by the board. 685

(2) The board shall administer a written jurisprudence 686  
examination to each applicant for a license to practice dentistry. 687  
The examination shall cover only the statutes and administrative 688  
rules governing the practice of dentistry in this state. 689

(F) In accordance with Chapter 119. of the Revised Code, the 690  
board shall adopt, and may amend or rescind, rules establishing 691  
the eligibility criteria, the application and permit renewal 692  
procedures, and safety standards applicable to a dentist licensed 693  
under this chapter who applies for a permit to employ or use 694  
conscious intravenous sedation. These rules shall include all of 695  
the following: 696

(1) The eligibility requirements and application procedures 697  
for an eligible dentist to obtain a conscious intravenous sedation 698  
permit; 699

(2) The minimum educational and clinical training standards 700  
required of applicants, which shall include satisfactory 701  
completion of an advanced cardiac life support course; 702

(3) The facility equipment and inspection requirements; 703

(4) Safety standards; 704

(5) Requirements for reporting adverse occurrences. 705



Sec. 4715.10. (A) As used in this section, "accredited dental college" means a dental college accredited by the commission on dental accreditation or a dental college that has educational standards recognized by the commission on dental accreditation and is approved by the state dental board. 706  
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(B) Each person who desires to practice dentistry in this state shall file a written application for a license with the secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. Each applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section. 711  
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(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements: 720  
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(1) Be at least eighteen years of age; 722

(2) Be of good moral character; 723

(3) Be a graduate of an accredited dental college or of a dental college located outside the United States that meets the standards adopted under section 4715.11 of the Revised Code; 724  
725  
726

(4) Have passed parts I and II of the examination given by the national board of dental examiners; 727  
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(5) Have passed a written jurisprudence examination administered by the state dental board under division (E)(2) of section 4715.03 of the Revised Code; 729  
730  
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(6) Pay the appropriate fee required by division (A) or (B) of section 4715.13 of the Revised Code. 732  
733

(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements: 734  
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(1) Have taken an examination administered by any of the following regional testing agencies and received a passing score as established by that agency: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the southern regional dental testing agency, inc., and the western regional examining board; 736  
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(2) Have taken an examination administered by the state dental board and received a passing score as established by the board; 742  
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(3) Have taken an examination administered by any other state and received a passing score as established by that state; 745  
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(4) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application. 747  
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(E) To be granted a license to practice dentistry, a graduate of an unaccredited dental college located outside the United States must meet both of the following requirements: 753  
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(1) Have taken a basic science and laboratory examination consistent with rules adopted under section 4715.11 of the Revised Code and received a passing score as established by the board; 756  
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(2) Have had sufficient clinical training in an accredited institution to reasonably assure a level of competency equal to that of graduates of accredited dental colleges, as determined by the board. 759  
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Sec. 4715.11. The state dental board shall adopt rules 763  
establishing standards for unaccredited dental colleges located 764  
outside the United States that reasonably assure a level of 765  
education and training equal to that provided by accredited dental 766  
colleges. 767

The board shall adopt rules governing the basic sciences and 768  
laboratory examination required by division (E)(1) of section 769  
4715.10 of the Revised Code. 770

**Sec. 4715.13.** Applicants for licenses to practice dentistry 771  
or for a general anesthesia permit or a conscious intravenous 772  
sedation permit shall pay to the secretary of the state dental 773  
board the following fees: 774

(A) For license by examination as specified in division 775  
(D)(1) of section 4715.10 of the Revised Code, ~~one hundred ninety~~ 776  
two hundred dollars if issued in an odd-numbered year or three 777  
hundred ~~seventeen~~ thirty-seven dollars if issued in an 778  
even-numbered year; 779

(B) For license by ~~endorsement~~ credential as specified in 780  
division (D)(2) of section 4715.10 of the Revised Code, ~~one~~ 781  
hundred ninety two hundred dollars if issued in an odd-numbered 782  
year or three hundred ~~seventeen~~ thirty-seven dollars if issued in 783  
an even-numbered year; 784

(C) For duplicate license, to be granted upon proof of loss 785  
of the original, twenty dollars; 786

(D) For a general anesthesia permit, one hundred twenty-seven 787  
dollars; 788

(E) For a conscious intravenous sedation permit, one hundred 789  
twenty-seven dollars. 790

The fee in division (A) of this section may be refunded to an 791

applicant who is unavoidably prevented from attending the 792  
examination, or the applicant may be examined at the next regular 793  
or special meeting of the board without an additional fee. 794

An applicant who fails the first examination may be 795  
re-examined at the next regular or special meeting of the board 796  
without an additional fee. 797

Twenty dollars of each fee collected under division (A) or 798  
(B) of this section for a license issued in an even-numbered year 799  
and ten dollars of each fee collected under division (A) or (B) of 800  
this section in an odd-numbered year shall be paid to the dentist 801  
loan repayment fund established under section 3702.85 of the 802  
Revised Code. 803

**Sec. 4715.14.** (A) Each person who is licensed to practice 804  
dentistry in Ohio shall, on or before the first day of January of 805  
each even-numbered year, register with the state dental board. The 806  
registration shall be made on a form prescribed by the board and 807  
furnished by the secretary, shall include the licensee's name, 808  
address, license number, and such other reasonable information as 809  
the board may consider necessary, and shall include payment of a 810  
biennial registration fee of two hundred ~~twenty~~ forty dollars. 811  
~~This~~ Except as provided in division (D) of this section, this fee 812  
shall be paid to the treasurer of state. All such registrations 813  
shall be in effect for the two-year period beginning on the first 814  
day of January of the even-numbered year and ending on the last 815  
day of December of the following odd-numbered year, and shall be 816  
renewed in accordance with the standard renewal procedure of 817  
sections 4745.01 to 4745.03 of the Revised Code. The failure of a 818  
licensee to renew the licensee's registration in accordance with 819  
this section shall result in an automatic suspension of the 820  
licensee's license to practice dentistry. 821

(B) Any dentist whose license has been suspended under this 822

section may be reinstated by the payment of the biennial 823  
registration fee and in addition thereto eighty-one dollars to 824  
cover costs of the reinstatement; excepting that to any licensed 825  
dentist who desires to temporarily retire from practice, and who 826  
has given the board notice in writing to that effect, the board 827  
shall grant such a retirement, provided only that at that time all 828  
previous registration fees and additional costs of reinstatement 829  
have been paid. 830

(C) Each dentist licensed to practice, whether a resident or 831  
not, shall notify the secretary in writing of any change in the 832  
dentist's office address or employment within ten days after such 833  
change has taken place. On the first day of July of every 834  
even-numbered year, the secretary shall issue a printed roster of 835  
the names and addresses so registered. 836

(D) Twenty dollars of each biennial registration fee shall be 837  
paid to the dentist loan repayment fund created under section 838  
4715.72 of the Revised Code. 839

**Sec. 4715.16.** (A) Upon payment of a fee of ten dollars, the 840  
state dental board may without examination issue a limited 841  
resident's license to any person who is a graduate of a dental 842  
college, is authorized to practice in another state or country or 843  
qualified to take the regular licensing examination in this state, 844  
and furnishes the board satisfactory proof of having been 845  
appointed a dental resident at an accredited dental college in 846  
this state or at an accredited program of a hospital in this 847  
state, but has not yet been licensed as a dentist by the board. 848  
Any person receiving a limited resident's license may practice 849  
dentistry only in connection with programs operated by the dental 850  
college or hospital at which the person is appointed as a resident 851  
as designated on the person's limited resident's license, and only 852  
under the direction of a licensed dentist who is a member of the 853

dental staff of the college or hospital or a dentist holding a 854  
current limited teaching license issued under division (B) of this 855  
section, and only on bona fide patients of such programs. The 856  
holder of a limited resident's license may be disciplined by the 857  
board pursuant to section 4715.30 of the Revised Code. 858

(B) Upon payment of one hundred one dollars and upon 859  
application endorsed by an accredited dental college in this 860  
state, the board may without examination issue a limited teaching 861  
license to a dentist who is a graduate of a dental college, is 862  
authorized to practice dentistry in another state or country, and 863  
has full-time appointment to the faculty of the endorsing dental 864  
college. A limited teaching license is subject to annual renewal 865  
in accordance with the standard renewal procedure of Chapter 4745. 866  
of the Revised Code, and automatically expires upon termination of 867  
the full-time faculty appointment. A person holding a limited 868  
teaching license may practice dentistry only in connection with 869  
programs operated by the endorsing dental college. The board may 870  
discipline the holder of a limited teaching license pursuant to 871  
section 4715.30 of the Revised Code. 872

(C)(1) As used in this division: 873

(a) "Continuing dental education practicum" or "practicum" 874  
means a course of instruction, approved by the American dental 875  
association, Ohio dental association, or academy of general 876  
dentistry, that is designed to improve the clinical skills of a 877  
dentist by requiring the dentist to participate in clinical 878  
exercises on patients. 879

(b) "Director" means the person responsible for the operation 880  
of a practicum. 881

(2) Upon payment of one hundred one dollars and application 882  
endorsed by the director of a continuing dental education 883  
practicum, the board shall, without examination, issue a temporary 884

limited continuing education license to a resident of a state 885  
other than Ohio who is licensed to practice dentistry in such 886  
state and is in good standing, is a graduate of an accredited 887  
dental college, and is registered to participate in the endorsing 888  
practicum. The determination of whether a dentist is in good 889  
standing shall be made by the board. 890

A dentist holding a temporary limited continuing education 891  
license may practice dentistry only on residents of the state in 892  
which the dentist is permanently licensed or on patients referred 893  
by a dentist licensed pursuant to section 4715.12 ~~or 4715.15~~ of 894  
the Revised Code to an instructing dentist licensed pursuant to 895  
~~one of those sections~~ that section, and only while participating 896  
in a required clinical exercise of the endorsing practicum on the 897  
premises of the facility where the practicum is being conducted. 898

Practice under a temporary limited continuing education 899  
license shall be under the direct supervision and full 900  
professional responsibility of an instructing dentist licensed 901  
pursuant to section 4715.12 ~~or 4715.15~~ of the Revised Code, shall 902  
be limited to the performance of those procedures necessary to 903  
complete the endorsing practicum, and shall not exceed thirty days 904  
of actual patient treatment in any year. 905

(3) A director of a continuing dental education practicum who 906  
endorses an application for a temporary limited continuing 907  
education license shall, prior to making the endorsement, notify 908  
the state dental board in writing of the identity of the sponsors 909  
and the faculty of the practicum and the dates and locations at 910  
which it will be offered. The notice shall also include a brief 911  
description of the course of instruction. The board may prohibit a 912  
continuing dental education practicum from endorsing applications 913  
for temporary limited continuing education licenses if the board 914  
determines that the practicum is engaged in activities that 915  
constitute a threat to public health and safety or do not 916

te bona fide continuing dental education, or that the practicum 917  
permits activities which otherwise violate this chapter. Any 918  
continuing dental education practicum prohibited from endorsing 919  
applications may request an adjudication pursuant to Chapter 119. 920  
of the Revised Code. 921

A temporary limited continuing education license shall be 922  
valid only when the dentist is participating in the endorsing 923  
continuing dental education practicum and shall expire at the end 924  
of one year. If the dentist fails to complete the endorsing 925  
practicum in one year, the board may, upon the dentist's 926  
application and payment of a fee of seventy-five dollars, renew 927  
the temporary limited continuing education license for a 928  
consecutive one-year period. Only two renewals may be granted. The 929  
holder of a temporary limited continuing education license may be 930  
disciplined by the board pursuant to section 4715.30 of the 931  
Revised Code. 932

(D) The board shall act either to approve or to deny any 933  
application for a limited license pursuant to division (A), (B), 934  
or (C) of this section not later than sixty days of the date the 935  
board receives the application. 936

**Sec. 4715.39.** (A) The state dental board may define the 937  
duties that may be performed by dental assistants and other 938  
individuals designated by the board as qualified personnel. If 939  
defined, the duties shall be defined in rules adopted in 940  
accordance with Chapter 119. of the Revised Code. The rules may 941  
include training and practice standards for dental assistants and 942  
other qualified personnel. The standards may include examination 943  
and issuance of a certificate. If the board issues a certificate, 944  
the recipient shall display the certificate in a conspicuous 945  
location in any office in which the recipient is employed to 946  
perform the duties authorized by the certificate. 947



~~The board's rules may allow a~~ (B) A dental assistant ~~to~~ may 948  
polish the clinical crowns of teeth if all of the following 949  
requirements are met: 950

(1) The dental assistant's polishing activities are limited 951  
to the use of a rubber cup attached to a slow-speed rotary dental 952  
hand piece to remove soft deposits that build up over time on the 953  
crowns of teeth. 954

(2) The dentist supervising the assistant supervises not more 955  
than two dental assistants engaging in polishing activities at any 956  
given time. 957

(3) The dental assistant is certified by the dental assisting 958  
national board or the Ohio commission on dental assistant 959  
certification. 960

(4) The dental assistant receives a certificate from the 961  
board authorizing the assistant to engage in the polishing 962  
activities. The board ~~may~~ shall issue the certificate ~~only~~ if the 963  
individual has successfully completed training in the polishing of 964  
clinical crowns through a program accredited by the commission on 965  
dental accreditation or equivalent training approved by the board. 966  
The training shall include courses in basic dental anatomy and 967  
infection control, followed by a course in coronal polishing that 968  
includes didactic, preclinical, and clinical training; any other 969  
training required by the board; and a skills assessment that 970  
includes successful completion of standardized testing. The board 971  
shall adopt rules pursuant to division (A) of this section 972  
establishing standards for approval of this training. 973

~~(B)~~(C) Subject to this section and the applicable rules of 974  
the board, licensed dentists may assign to dental assistants and 975  
other qualified personnel dental procedures that do not require 976  
the professional competence or skill of the licensed dentist or 977  
dental hygienist as this section or the board by rule authorizes 978

dental assistants and other qualified personnel to perform. The 979  
performance of dental procedures by dental assistants and other 980  
qualified personnel shall be under direct supervision and full 981  
responsibility of the licensed dentist. 982

~~(C)~~(D) Nothing in this section shall be construed by rule of 983  
the state dental board or otherwise to do the following: 984

(1) Authorize dental assistants or other qualified personnel 985  
to engage in the practice of dental hygiene as defined by sections 986  
4715.22 and 4715.23 of the Revised Code or to perform the duties 987  
of a dental hygienist, including the removal of calcarious 988  
deposits or accretions on the crowns and roots of teeth other than 989  
as authorized pursuant to this section; 990

(2) Authorize the assignment of any of the following: 991

(a) Diagnosis; 992

(b) Treatment planning and prescription, including 993  
prescription for drugs and medicaments or authorization for 994  
restorative, prosthodontic, or orthodontic appliances; 995

(c) Surgical procedures on hard or soft tissue of the oral 996  
cavity, or any other intraoral procedure that contributes to or 997  
results in an irremediable alteration of the oral anatomy; 998

(d) The making of final impressions from which casts are made 999  
to construct any dental restoration. 1000

~~(D)~~(E) No dentist shall assign any dental assistant or other 1001  
individual acting in the capacity of qualified personnel to 1002  
perform any dental procedure that the assistant or other 1003  
individual is not authorized by this section or by board rule to 1004  
perform. No dental assistant or other individual acting in the 1005  
capacity of qualified personnel shall perform any dental procedure 1006  
other than in accordance with this section and any applicable 1007  
board rule or any dental procedure that the assistant or other 1008

individual is not authorized by this section or by board rule to 1009  
perform. 1010

**Section 2.** That existing sections 2305.234, 3701.262, 1011  
4715.02, 4715.03, 4715.13, 4715.14, 4715.16, and 4715.39, and 1012  
sections 4715.10, 4715.11, and 4715.15 of the Revised Code are 1013  
hereby repealed. 1014

**Section 3.** That the version of section 2305.234 of the 1015  
Revised Code that is scheduled to take effect January 1, 2004, be 1016  
amended to read as follows: 1017

**Sec. 2305.234.** (A) As used in this section: 1018

(1) "Chiropractic claim," "medical claim," and "optometric 1019  
claim" have the same meanings as in section 2305.113 of the 1020  
Revised Code. 1021

(2) "Dental claim" has the same meaning as in section 1022  
2305.113 of the Revised Code, except that it does not include any 1023  
claim arising out of a dental operation or any derivative claim 1024  
for relief that arises out of a dental operation. 1025

(3) "Governmental health care program" has the same meaning 1026  
as in section 4731.65 of the Revised Code. 1027

(4) "Health care professional" means any of the following who 1028  
provide medical, dental, or other health-related diagnosis, care, 1029  
or treatment: 1030

(a) Physicians authorized under Chapter 4731. of the Revised 1031  
Code to practice medicine and surgery or osteopathic medicine and 1032  
surgery; 1033

(b) Registered nurses, advanced practice nurses, and licensed 1034  
practical nurses licensed under Chapter 4723. of the Revised Code; 1035

(c) Physician assistants authorized to practice under Chapter 1036

4730. of the Revised Code;	1037
(d) Dentists and dental hygienists licensed under Chapter	1038
4715. of the Revised Code;	1039
(e) Physical therapists licensed under Chapter 4755. of the	1040
Revised Code;	1041
(f) Chiropractors licensed under Chapter 4734. of the Revised	1042
Code;	1043
(g) Optometrists licensed under Chapter 4725. of the Revised	1044
Code;	1045
(h) Podiatrists authorized under Chapter 4731. of the Revised	1046
Code to practice podiatry;	1047
(i) Dietitians licensed under Chapter 4759. of the Revised	1048
Code;	1049
(j) Pharmacists licensed under Chapter 4729. of the Revised	1050
Code;	1051
(k) Emergency medical technicians-basic, emergency medical	1052
technicians-intermediate, and emergency medical	1053
technicians-paramedic, certified under Chapter 4765. of the	1054
Revised Code.	1055
(5) "Health care worker" means a person other than a health	1056
care professional who provides medical, dental, or other	1057
health-related care or treatment under the direction of a health	1058
care professional with the authority to direct that individual's	1059
activities, including medical technicians, medical assistants,	1060
dental assistants, orderlies, aides, and individuals acting in	1061
similar capacities.	1062
(6) "Indigent and uninsured person" means a person who meets	1063
all of the following requirements:	1064
(a) The person's income is not greater than one hundred fifty	1065
per cent of the current poverty line as defined by the United	1066

States office of management and budget and revised in accordance 1067  
with section 673(2) of the "Omnibus Budget Reconciliation Act of 1068  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 1069

(b) The person is not eligible to receive medical assistance 1070  
under Chapter 5111., disability assistance medical assistance 1071  
under Chapter 5115. of the Revised Code, or assistance under any 1072  
other governmental health care program. 1073

(c) Either of the following applies: 1074

(i) The person is not a policyholder, certificate holder, 1075  
insured, contract holder, subscriber, enrollee, member, 1076  
beneficiary, or other covered individual under a health insurance 1077  
or health care policy, contract, or plan. 1078

(ii) The person is a policyholder, certificate holder, 1079  
insured, contract holder, subscriber, enrollee, member, 1080  
beneficiary, or other covered individual under a health insurance 1081  
or health care policy, contract, or plan, but the insurer, policy, 1082  
contract, or plan denies coverage or is the subject of insolvency 1083  
or bankruptcy proceedings in any jurisdiction. 1084

(7) "Operation" means any procedure that involves cutting or 1085  
otherwise infiltrating human tissue by mechanical means, including 1086  
surgery, laser surgery, ionizing radiation, therapeutic 1087  
ultrasound, or the removal of intraocular foreign bodies. 1088

"Operation" does not include the administration of medication by 1089  
injection, unless the injection is administered in conjunction 1090  
with a procedure infiltrating human tissue by mechanical means 1091  
other than the administration of medicine by injection. 1092

"Operation" does not include routine dental restorative 1093  
procedures, the scaling of teeth, or extractions of teeth that are 1094  
not impacted. 1095

(8) "Nonprofit shelter or health care facility" means a 1096  
charitable nonprofit corporation organized and operated pursuant 1097

to Chapter 1702. of the Revised Code, or any charitable 1098  
organization not organized and not operated for profit, that 1099  
provides shelter, health care services, or shelter and health care 1100  
services to indigent and uninsured persons, except that "shelter 1101  
or health care facility" does not include a hospital as defined in 1102  
section 3727.01 of the Revised Code, a facility licensed under 1103  
Chapter 3721. of the Revised Code, or a medical facility that is 1104  
operated for profit. 1105

(9) "Tort action" means a civil action for damages for 1106  
injury, death, or loss to person or property other than a civil 1107  
action for damages for a breach of contract or another agreement 1108  
between persons or government entities. 1109

(10) "Volunteer" means an individual who provides any 1110  
medical, dental, or other health-care related diagnosis, care, or 1111  
treatment without the expectation of receiving and without receipt 1112  
of any compensation or other form of remuneration from an indigent 1113  
and uninsured person, another person on behalf of an indigent and 1114  
uninsured person, any shelter or health care facility, or any 1115  
other person or government entity. 1116

(11) "Community control sanction" has the same meaning as in 1117  
section 2929.01 of the Revised Code. 1118

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 1119  
health care professional who is a volunteer and complies with 1120  
division (B)(2) of this section is not liable in damages to any 1121  
person or government entity in a tort or other civil action, 1122  
including an action on a medical, dental, chiropractic, 1123  
optometric, or other health-related claim, for injury, death, or 1124  
loss to person or property that allegedly arises from an action or 1125  
omission of the volunteer in the provision at a nonprofit shelter 1126  
or health care facility to an indigent and uninsured person of 1127  
medical, dental, or other health-related diagnosis, care, or 1128  
treatment, including the provision of samples of medicine and 1129

er medical products, unless the action or omission constitutes 1130  
willful or wanton misconduct. 1131

(2) To qualify for the immunity described in division (B)(1) 1132  
of this section, a health care professional shall do all of the 1133  
following prior to providing diagnosis, care, or treatment: 1134

(a) Determine, in good faith, that the indigent and uninsured 1135  
person is mentally capable of giving informed consent to the 1136  
provision of the diagnosis, care, or treatment and is not subject 1137  
to duress or under undue influence; 1138

(b) Inform the person of the provisions of this section; 1139

(c) Obtain the informed consent of the person and a written 1140  
waiver, signed by the person or by another individual on behalf of 1141  
and in the presence of the person, that states that the person is 1142  
mentally competent to give informed consent and, without being 1143  
subject to duress or under undue influence, gives informed consent 1144  
to the provision of the diagnosis, care, or treatment subject to 1145  
the provisions of this section. 1146

(3) A physician or podiatrist who is not covered by medical 1147  
malpractice insurance, but complies with division (B)(2) of this 1148  
section, is not required to comply with division (A) of section 1149  
4731.143 of the Revised Code. 1150

(C) Subject to divisions (E) and (F)(3) of this section, 1151  
health care workers who are volunteers are not liable in damages 1152  
to any person or government entity in a tort or other civil 1153  
action, including an action upon a medical, dental, chiropractic, 1154  
optometric, or other health-related claim, for injury, death, or 1155  
loss to person or property that allegedly arises from an action or 1156  
omission of the health care worker in the provision at a nonprofit 1157  
shelter or health care facility to an indigent and uninsured 1158  
person of medical, dental, or other health-related diagnosis, 1159  
care, or treatment, unless the action or omission constitutes 1160

willful or wanton misconduct. 1161

(D) Subject to divisions (E) and (F)(3) of this section and 1162  
section 3701.071 of the Revised Code, a nonprofit shelter or 1163  
health care facility associated with a health care professional 1164  
described in division (B)(1) of this section or a health care 1165  
worker described in division (C) of this section is not liable in 1166  
damages to any person or government entity in a tort or other 1167  
civil action, including an action on a medical, dental, 1168  
chiropractic, optometric, or other health-related claim, for 1169  
injury, death, or loss to person or property that allegedly arises 1170  
from an action or omission of the health care professional or 1171  
worker in providing for the shelter or facility medical, dental, 1172  
or other health-related diagnosis, care, or treatment to an 1173  
indigent and uninsured person, unless the action or omission 1174  
constitutes willful or wanton misconduct. 1175

(E)(1) Except as provided in division (E)(2) of this section, 1176  
the immunities provided by divisions (B), (C), and (D) of this 1177  
section are not available to an individual or to a nonprofit 1178  
shelter or health care facility if, at the time of an alleged 1179  
injury, death, or loss to person or property, the individuals 1180  
involved are providing one of the following: 1181

(a) Any medical, dental, or other health-related diagnosis, 1182  
care, or treatment pursuant to a community service work order 1183  
entered by a court under division (B) of section 2951.02 of the 1184  
Revised Code or imposed by a court as a community control 1185  
sanction; 1186

(b) Performance of an operation; 1187

(c) Delivery of a baby. 1188

(2) Division (E)(1) of this section does not apply to an 1189  
individual who provides, or a nonprofit shelter or health care 1190  
facility at which the individual provides, diagnosis, care, or 1191



treatment that is necessary to preserve the life of a person in a 1192  
medical emergency. 1193

(F)(1) This section does not create a new cause of action or 1194  
substantive legal right against a health care professional, health 1195  
care worker, or nonprofit shelter or health care facility. 1196

(2) This section does not affect any immunities from civil 1197  
liability or defenses established by another section of the 1198  
Revised Code or available at common law to which an individual or 1199  
a nonprofit shelter or health care facility may be entitled in 1200  
connection with the provision of emergency or other diagnosis, 1201  
care, or treatment. 1202

(3) This section does not grant an immunity from tort or 1203  
other civil liability to an individual or a nonprofit shelter or 1204  
health care facility for actions that are outside the scope of 1205  
authority of health care professionals or health care workers. 1206

(4) This section does not affect any legal responsibility of 1207  
a health care professional or health care worker to comply with 1208  
any applicable law of this state or rule of an agency of this 1209  
state. 1210

(5) This section does not affect any legal responsibility of 1211  
a nonprofit shelter or health care facility to comply with any 1212  
applicable law of this state, rule of an agency of this state, or 1213  
local code, ordinance, or regulation that pertains to or regulates 1214  
building, housing, air pollution, water pollution, sanitation, 1215  
health, fire, zoning, or safety. 1216

**Section 4.** That the existing version of section 2305.234 of 1217  
the Revised Code that is scheduled to take effect January 1, 2004, 1218  
is hereby repealed. 1219

**Section 5.** Sections 3 and 4 of this act shall take effect 1220  
January 1, 2004. 1221

**Section 6.** The eight members added to the State Dental Board 1222  
by this act shall be appointed by the Governor in accordance with 1223  
section 4715.02 of the Revised Code not later than 90 days after 1224  
the effective date of this section. Terms of office of the eight 1225  
members added by this act shall commence on the ninetieth day 1226  
after the effective date of this section. 1227

Of the four new members who are in the practice of dentistry, 1228  
two shall hold office until 2006, and two shall hold office until 1229  
2007. Thereafter, members who are in the practice of dentistry 1230  
shall be appointed to three-year terms. 1231

Of the two new members who are in the practice of dental 1232  
hygiene, one shall hold office until 2006, and one shall hold 1233  
office until 2007. Thereafter, members who are in the practice of 1234  
dental hygiene shall be appointed to three-year terms. 1235

Of the two new members who are of the public at large, one 1236  
shall hold office until 2006, and one shall hold office until 1237  
2007. Thereafter, members of the public at large shall be 1238  
appointed to five-year terms. 1239

**Section 7.** Each member of the State Dental Board who is in 1240  
office as a board member on the effective date of this section 1241  
shall hold office until the end of the five-year term for which 1242  
the member was appointed. If a member who is in the practice of 1243  
dentistry or dental hygiene is reappointed or the member's 1244  
successor takes office, the member who is in the practice of 1245  
dentistry or dental hygiene or the member's successor shall hold 1246  
office for a three-year term. If the member who is of the public 1247  
at large is reappointed or the member's successor take office, the 1248  
member of the public at large or the member's successor shall hold 1249  
office for a five-year term. 1250

**Section 8.** Section 2305.234 of the Revised Code is presented 1251  
in Section 3 of this act as a composite of the section as amended 1252  
by both Am. Sub. H.B. 490 and Am. Sub. S.B. 281 of the 124th 1253  
General Assembly. The General Assembly, applying the principle 1254  
stated in division (B) of section 1.52 of the Revised Code that 1255  
amendments are to be harmonized if reasonably capable of 1256  
simultaneous operation, finds that the composite is the resulting 1257  
version of the section in effect prior to the effective date of 1258  
the section as presented in Section 3 of this act. 1259