

## As Passed by the House

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Senators Blessing, Armbruster, Randy Gardner, DiDonato, Spada, Roberts,  
Coughlin, Goodman, Harris, Miller, Brady, Fedor, Prentiss, Robert Gardner,  
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Representatives Schneider, Hollister, Beatty, Cirelli, Barrett, Harwood,  
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Raga, Schmidt, Seitz, Setzer, G. Smith, D. Stewart, J. Stewart, Wagner,  
Widowfield, Willamowski, Wilson, Woodard

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### A B I L L

To amend sections 2305.234, 3701.262, 4715.02, 1  
4715.03, 4715.12, 4715.13, 4715.14, 4715.16, 2  
4715.23, 4715.24, and 4715.39, to enact new 3  
sections 4715.10 and 4715.11 and sections 3702.85 4  
to 3702.95, and to repeal sections 4715.10, 5  
4715.11, and 4715.15 of the Revised Code to make 6  
changes to the State Dental Board, to establish 7  
the dentist loan repayment program, to make other 8  
changes to the laws governing dentists, dental 9  
hygienists, and dental assistants, and to amend 10  
the version of section 2305.234 of the Revised 11  
Code that is scheduled to take effect January 1, 12  
2004, to continue the provisions of this act on 13  
and after that effective date. 14

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

**Section 1.** That sections 2305.234, 3701.262, 4715.02, 15  
4715.03, 4715.12, 4715.13, 4715.14, 4715.16, 4715.23, 4715.24, and 16  
4715.39 be amended and new sections 4715.10 and 4715.11 and 17  
sections 3702.85, 3702.86, 3702.87, 3702.88, 3702.89, 3702.90, 18  
3702.91, 3702.92, 3702.93, 3702.94, and 3702.95 of the Revised 19  
Code be enacted to read as follows: 20

**Sec. 2305.234.** (A) As used in this section: 21

(1) "Chiropractic claim," "medical claim," and "optometric 22  
claim" have the same meanings as in section 2305.113 of the 23  
Revised Code. 24

(2) "Dental claim" has the same meaning as in section 25  
2305.113 of the Revised Code, except that it does not include any 26  
claim arising out of a dental operation or any derivative claim 27  
for relief that arises out of a dental operation. 28

(3) "Governmental health care program" has the same meaning 29  
as in section 4731.65 of the Revised Code. 30

(4) "Health care professional" means any of the following who 31  
provide medical, dental, or other health-related diagnosis, care, 32  
or treatment: 33

(a) Physicians authorized under Chapter 4731. of the Revised 34  
Code to practice medicine and surgery or osteopathic medicine and 35  
surgery; 36

(b) Registered nurses, advanced practice nurses, and licensed 37  
practical nurses licensed under Chapter 4723. of the Revised Code; 38

(c) Physician assistants authorized to practice under Chapter 39  
4730. of the Revised Code; 40

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	41 42
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	43 44
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	45 46
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	47 48
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	49 50
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	51 52
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	53 54
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	55 56 57 58
(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.	59 60 61 62 63 64 65
(6) "Indigent and uninsured person" means a person who meets all of the following requirements:	66 67
(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	68 69 70

with section 673(2) of the "Omnibus Budget Reconciliation Act of 71  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 72

(b) The person is not eligible to receive medical assistance 73  
under Chapter 5111., disability assistance medical assistance 74  
under Chapter 5115. of the Revised Code, or assistance under any 75  
other governmental health care program. 76

(c) Either of the following applies: 77

(i) The person is not a policyholder, certificate holder, 78  
insured, contract holder, subscriber, enrollee, member, 79  
beneficiary, or other covered individual under a health insurance 80  
or health care policy, contract, or plan. 81

(ii) The person is a policyholder, certificate holder, 82  
insured, contract holder, subscriber, enrollee, member, 83  
beneficiary, or other covered individual under a health insurance 84  
or health care policy, contract, or plan, but the insurer, policy, 85  
contract, or plan denies coverage or is the subject of insolvency 86  
or bankruptcy proceedings in any jurisdiction. 87

(7) "Operation" means any procedure that involves cutting or 88  
otherwise infiltrating human tissue by mechanical means, including 89  
surgery, laser surgery, ionizing radiation, therapeutic 90  
ultrasound, or the removal of intraocular foreign bodies. 91

"Operation" does not include the administration of medication by 92  
injection, unless the injection is administered in conjunction 93  
with a procedure infiltrating human tissue by mechanical means 94  
other than the administration of medicine by injection. 95

"Operation" does not include routine dental restorative 96  
procedures, the scaling of teeth, or extractions of teeth that are 97  
not impacted. 98

(8) "Nonprofit shelter or health care facility" means a 99  
charitable nonprofit corporation organized and operated pursuant 100  
to Chapter 1702. of the Revised Code, or any charitable 101

organization not organized and not operated for profit, that 102  
provides shelter, health care services, or shelter and health care 103  
services to indigent and uninsured persons, except that "shelter 104  
or health care facility" does not include a hospital as defined in 105  
section 3727.01 of the Revised Code, a facility licensed under 106  
Chapter 3721. of the Revised Code, or a medical facility that is 107  
operated for profit. 108

(9) "Tort action" means a civil action for damages for 109  
injury, death, or loss to person or property other than a civil 110  
action for damages for a breach of contract or another agreement 111  
between persons or government entities. 112

(10) "Volunteer" means an individual who provides any 113  
medical, dental, or other health-care related diagnosis, care, or 114  
treatment without the expectation of receiving and without receipt 115  
of any compensation or other form of remuneration from an indigent 116  
and uninsured person, another person on behalf of an indigent and 117  
uninsured person, any shelter or health care facility, or any 118  
other person or government entity. 119

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 120  
health care professional who is a volunteer and complies with 121  
division (B)(2) of this section is not liable in damages to any 122  
person or government entity in a tort or other civil action, 123  
including an action on a medical, dental, chiropractic, 124  
optometric, or other health-related claim, for injury, death, or 125  
loss to person or property that allegedly arises from an action or 126  
omission of the volunteer in the provision at a nonprofit shelter 127  
or health care facility to an indigent and uninsured person of 128  
medical, dental, or other health-related diagnosis, care, or 129  
treatment, including the provision of samples of medicine and 130  
other medical products, unless the action or omission constitutes 131  
willful or wanton misconduct. 132

(2) To qualify for the immunity described in division (B)(1) 133

of this section, a health care professional shall do all of the 134  
following prior to providing diagnosis, care, or treatment: 135

(a) Determine, in good faith, that the indigent and uninsured 136  
person is mentally capable of giving informed consent to the 137  
provision of the diagnosis, care, or treatment and is not subject 138  
to duress or under undue influence; 139

(b) Inform the person of the provisions of this section; 140

(c) Obtain the informed consent of the person and a written 141  
waiver, signed by the person or by another individual on behalf of 142  
and in the presence of the person, that states that the person is 143  
mentally competent to give informed consent and, without being 144  
subject to duress or under undue influence, gives informed consent 145  
to the provision of the diagnosis, care, or treatment subject to 146  
the provisions of this section. 147

(3) A physician or podiatrist who is not covered by medical 148  
malpractice insurance, but complies with division (B)(2) of this 149  
section, is not required to comply with division (A) of section 150  
4731.143 of the Revised Code. 151

(C) Subject to divisions (E) and (F)(3) of this section, 152  
health care workers who are volunteers are not liable in damages 153  
to any person or government entity in a tort or other civil 154  
action, including an action upon a medical, dental, chiropractic, 155  
optometric, or other health-related claim, for injury, death, or 156  
loss to person or property that allegedly arises from an action or 157  
omission of the health care worker in the provision at a nonprofit 158  
shelter or health care facility to an indigent and uninsured 159  
person of medical, dental, or other health-related diagnosis, 160  
care, or treatment, unless the action or omission constitutes 161  
willful or wanton misconduct. 162

(D) Subject to divisions (E) and (F)(3) of this section and 163  
section 3701.071 of the Revised Code, a nonprofit shelter or 164

health care facility associated with a health care professional 165  
described in division (B)(1) of this section or a health care 166  
worker described in division (C) of this section is not liable in 167  
damages to any person or government entity in a tort or other 168  
civil action, including an action on a medical, dental, 169  
chiropractic, optometric, or other health-related claim, for 170  
injury, death, or loss to person or property that allegedly arises 171  
from an action or omission of the health care professional or 172  
worker in providing for the shelter or facility medical, dental, 173  
or other health-related diagnosis, care, or treatment to an 174  
indigent and uninsured person, unless the action or omission 175  
constitutes willful or wanton misconduct. 176

(E)(1) Except as provided in division (E)(2) of this section, 177  
the immunities provided by divisions (B), (C), and (D) of this 178  
section are not available to an individual or to a nonprofit 179  
shelter or health care facility if, at the time of an alleged 180  
injury, death, or loss to person or property, the individuals 181  
involved are providing one of the following: 182

(a) Any medical, dental, or other health-related diagnosis, 183  
care, or treatment pursuant to a community service work order 184  
entered by a court under division (F) of section 2951.02 of the 185  
Revised Code as a condition of probation or other suspension of a 186  
term of imprisonment or imposed by a court as a community control 187  
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 188  
Code. 189

(b) Performance of an operation. 190

(c) Delivery of a baby. 191

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

medical emergency. 196

(F)(1) This section does not create a new cause of action or 197  
substantive legal right against a health care professional, health 198  
care worker, or nonprofit shelter or health care facility. 199

(2) This section does not affect any immunities from civil 200  
liability or defenses established by another section of the 201  
Revised Code or available at common law to which an individual or 202  
a nonprofit shelter or health care facility may be entitled in 203  
connection with the provision of emergency or other diagnosis, 204  
care, or treatment. 205

(3) This section does not grant an immunity from tort or 206  
other civil liability to an individual or a nonprofit shelter or 207  
health care facility for actions that are outside the scope of 208  
authority of health care professionals or health care workers. 209

(4) This section does not affect any legal responsibility of 210  
a health care professional or health care worker to comply with 211  
any applicable law of this state or rule of an agency of this 212  
state. 213

(5) This section does not affect any legal responsibility of 214  
a nonprofit shelter or health care facility to comply with any 215  
applicable law of this state, rule of an agency of this state, or 216  
local code, ordinance, or regulation that pertains to or regulates 217  
building, housing, air pollution, water pollution, sanitation, 218  
health, fire, zoning, or safety. 219

**Sec. 3701.262.** (A) As used in this section and section 220  
3701.263 of the Revised Code: 221

(1) "Physician" means a person who holds a valid certificate 222  
issued under Chapter 4731. of the Revised Code authorizing the 223  
person to practice medicine or surgery or osteopathic medicine and 224  
surgery. 225



(2) "Dentist" means a person who is licensed under <del>section</del>	226
<del>4715.12 or 4715.15</del> <u>Chapter 4715.</u> of the Revised Code to practice	227
dentistry.	228
(3) "Hospital" has the same meaning as in section 3727.01 of	229
the Revised Code.	230
(4) "Cancer" includes those diseases specified by rule of the	231
director of health under division (B)(2) of this section.	232
(B) The director of health shall adopt rules in accordance	233
with Chapter 119. of the Revised Code to do all of the following:	234
(1) Establish the Ohio cancer incidence surveillance system	235
required by section 3701.261 of the Revised Code;	236
(2) Specify the types of cancer and other tumorous and	237
precancerous diseases to be reported to the department of health	238
under division (D) of this section;	239
(3) Establish reporting requirements for information	240
concerning diagnosed cancer cases as the director considers	241
necessary to conduct epidemiologic surveys of cancer in this	242
state;	243
(4) Establish standards that must be met by research projects	244
to be eligible to receive information from the department of	245
health under division (B) of section 3701.263 of the Revised Code.	246
(C) The department of health shall record in the registry all	247
reports of cancer received by it. In the development and	248
administration of the cancer registry the department may use	249
information compiled by public or private cancer registries and	250
may contract for the collection and analysis of, and research	251
related to, the information recorded under this section.	252
(D) Each physician, dentist, hospital, or person providing	253
diagnostic or treatment services to patients with cancer shall	254
report each case of cancer to the department. Any person required	255

to report pursuant to this section may elect to report to the 256  
department through an existing cancer registry if the registry 257  
meets the reporting standards established by the director and 258  
reports to the department. 259

(E) All physicians, dentists, hospitals, or persons providing 260  
diagnostic or treatment services to patients with cancer shall 261  
grant to the department or its authorized representative access to 262  
all records that identify cases of cancer or establish 263  
characteristics of cancer, the treatment of cancer, or the medical 264  
status of any identified cancer patient. 265

(F) The Arthur G. James and Richard J. Solove research 266  
institute of the Ohio state university, shall analyze and evaluate 267  
the cancer reports collected pursuant to this section. The 268  
department shall publish and make available to the public reports 269  
summarizing the information collected. Reports shall be made on a 270  
calendar year basis and published not later than ninety days after 271  
the end of each calendar year. 272

(G) Furnishing information, including records, reports, 273  
statements, notes, memoranda, or other information, to the 274  
department of health, either voluntarily or as required by this 275  
section, or to a person or governmental entity designated as a 276  
medical research project by the department, does not subject a 277  
physician, dentist, hospital, or person providing diagnostic or 278  
treatment services to patients with cancer to liability in an 279  
action for damages or other relief for furnishing the information. 280

(H) This section does not affect the authority of any person 281  
or facility providing diagnostic or treatment services to patients 282  
with cancer to maintain facility-based tumor registries, in 283  
addition to complying with the reporting requirements of this 284  
section. 285

(I) No person shall fail to make the cancer reports required 286

by division (D) of this section. 287

Sec. 3702.85. There is hereby created the dentist loan 288  
repayment program, which shall be administered by the department 289  
of health in cooperation with the board of regents and the dentist 290  
loan repayment advisory board. The program shall provide loan 291  
repayment on behalf of individuals who agree to provide dental 292  
services in areas designated as dental health resource shortage 293  
areas by the director of health pursuant to section 3702.87 of the 294  
Revised Code. 295

Under the program, the Ohio board of regents, by means of a 296  
contract entered into under section 3702.91 of the Revised Code, 297  
may agree to repay all or part of the principal and interest of a 298  
government or other educational loan taken by an individual for 299  
the following expenses incurred while the individual was enrolled 300  
in an accredited dental college or a dental college located 301  
outside of the United States that meets the standards of section 302  
4715.11 of the Revised Code: 303

(A) Tuition; 304

(B) Other educational expenses, such as fees, books, and 305  
laboratory expenses that are for purposes and in amounts 306  
determined reasonable by the director of health; 307

(C) Room and board, in an amount determined reasonable by the 308  
director of health. 309

Sec. 3702.86. The director of health, in accordance with 310  
Chapter 119. of the Revised Code, shall adopt rules as necessary 311  
to implement and administer sections 3702.85 to 3702.95 of the 312  
Revised Code. In preparing rules, the director shall consult with 313  
the Ohio board of regents and the dentist loan repayment advisory 314  
board. 315

Sec. 3702.87. The director of health shall designate, as 316  
dental health resource shortage areas, areas in this state that 317  
experience special dental health problems and dentist practice 318  
patterns that limit access to dental care. The designations shall 319  
be made by rule and may apply to a geographic area, one or more 320  
facilities within a particular area, or a population group within 321  
a particular area. 322

Sec. 3702.88. The director of health, by rule, shall 323  
establish priorities among dental health resource shortage areas 324  
for use in recruiting dentists to sites within particular areas 325  
under the dentist loan repayment program. In establishing 326  
priorities, the director shall consider the ratio of dentists to 327  
the population in the dental health resource shortage area, the 328  
distance to dentists outside the area, dental health status 329  
indicators of the target population in the area, presence of 330  
dental health care provider sites in the area with vacancies for 331  
dentists, availability of an eligible candidate interested in 332  
being recruited to a particular site within an area, and the 333  
distribution of dental health care provider sites in urban and 334  
rural regions. The director shall give greatest priority to dental 335  
health resource shortage areas having a high ratio of population 336  
to dentists. 337

The director, by rule, shall establish priorities for use in 338  
determining eligibility among applicants for participation in the 339  
dentist loan repayment program. The priorities may include 340  
consideration of an applicant's background and career goals, the 341  
length of time the applicant is willing to provide dental services 342  
in a dental health care resource shortage area, and the amount of 343  
the educational expenses for which reimbursement is being sought 344  
through the program. 345

<u>Sec. 3702.89. (A) An individual who has not received national</u>	346
<u>health service corps tuition or student loan repayment assistance</u>	347
<u>and meets one of the following requirements may apply for</u>	348
<u>participation in the dentist loan repayment program:</u>	349
<u>(1) The applicant is a dental student enrolled in the final</u>	350
<u>year of dental college.</u>	351
<u>(2) The applicant is a dental resident in the final year of</u>	352
<u>residency.</u>	353
<u>(3) The applicant has been engaged in the practice of</u>	354
<u>dentistry in this state for not more than three years prior to</u>	355
<u>submitting the application.</u>	356
<u>(B) An application for participation in the dentist loan</u>	357
<u>repayment program shall be submitted to the director of health on</u>	358
<u>a form the director shall prescribe. The following information</u>	359
<u>shall be included or supplied:</u>	360
<u>(1) The applicant's name, permanent address or address at</u>	361
<u>which the applicant is currently residing if different from the</u>	362
<u>permanent address, and telephone number;</u>	363
<u>(2) The dental college the applicant is attending or</u>	364
<u>attended, dates of attendance, and verification of attendance;</u>	365
<u>(3) If the applicant is a dental resident, the facility or</u>	366
<u>institution at which the dental residency is being performed;</u>	367
<u>(4) A summary and verification of the educational expenses</u>	368
<u>for which the applicant seeks reimbursement under the program;</u>	369
<u>(5) If the applicant is a dentist, verification of the</u>	370
<u>applicant's license issued under Chapter 4715. of the Revised Code</u>	371
<u>to practice dentistry and proof of good standing;</u>	372
<u>(6) Verification of the applicant's United States citizenship</u>	373
<u>or status as a legal alien.</u>	374

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. 375  
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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. 383  
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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. 395  
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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. 399  
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(B) The contract shall include all of the following 404

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. 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 435  
service obligation, three times the amount the board is still 436  
obligated to repay under division (B)(3) of this section. 437

(C) The contract may include any other terms agreed upon by 438  
the parties, including an assignment to the Ohio board of regents 439  
of the individual's duty to pay the principal and interest of a 440  
government or other educational loan taken by the individual for 441  
expenses described in section 3702.85 of the Revised Code. If the 442  
board assumes the individual's duty to pay a loan, the contract 443  
shall set forth the total amount of principal and interest to be 444  
paid, an amortization schedule, and the amount of each payment to 445  
be made under the schedule. 446

(D) Not later than the thirty-first day of January of each 447  
year, the Ohio board of regents shall mail to each individual to 448  
whom or on whose behalf repayment is made under the dentist loan 449  
repayment program a statement showing the amount of principal and 450  
interest repaid by the board pursuant to the contract in the 451  
preceding year. The statement shall be sent by ordinary mail with 452  
address correction and forwarding requested in the manner 453  
prescribed by the United States postal service. 454

**Sec. 3702.92.** There is hereby created the dentist loan 455  
repayment advisory board. The board shall consist of the following 456  
members: 457

(A) One member of the house of representatives, appointed by 458  
the speaker of the house of representatives; 459

(B) One member of the senate, appointed by the president of 460  
the senate; 461

(C) A representative of the board of regents, appointed by 462  
the chancellor; 463

(D) The director of health or an employee of the department 464



of health designated by the director;

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

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

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

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

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The board shall designate a member to serve as chairperson of

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the board. 496

The board shall meet at least once annually. The chairperson shall call special meetings as needed or upon the request of six members. 497  
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Six members of the board constitute a quorum to transact and vote on all business coming before the board. 500  
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Members of the board shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the discharge of their duties. 502  
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The department of health shall provide the board with staff assistance as requested by the board. 505  
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**Sec. 3702.93.** The dentist loan repayment advisory board shall determine the amounts that will be paid as loan repayments on behalf of participants in the dentist loan repayment program. No repayment shall exceed twenty thousand dollars in any year, except that if a repayment results in an increase in the participant's federal, state, or local income tax liability, the Ohio board of regents, at the participant's request and with the approval of the director of health, may reimburse the participant for the increased tax liability, regardless of the amount of the repayment in that year. Total repayment on behalf of a participant shall not exceed eighty thousand dollars over the time of participation in the program. 507  
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**Sec. 3702.94.** The dentist loan repayment advisory board, annually on or before the first day of March, shall submit a report to the general assembly describing the operations of the dentist loan repayment program during the previous calendar year. The report shall include information about all of the following: 519  
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(A) The number of requests received by the director of health 524

that a particular area be designated as a dental health resource 525  
shortage area; 526

(B) The areas that have been designated as dental health 527  
resource shortage areas and the priorities that have been assigned 528  
to them; 529

(C) The number of applicants for participation in the dentist 530  
loan repayment program; 531

(D) The number of dentists assigned to dental health resource 532  
shortage areas and the payments made on behalf of those dentists 533  
under the dentist loan repayment program; 534

(E) The dental health resource shortage areas that have not 535  
been matched with all of the dentists they need; 536

(F) The number of dentists failing to complete their service 537  
obligations, the amount of damages owed, and the amount of damages 538  
collected. 539

**Sec. 3702.95.** The director of health may accept gifts of 540  
money from any source for the implementation and administration of 541  
sections 3702.85 to 3702.93 of the Revised Code. The Ohio board of 542  
regents may accept gifts of money from any source for 543  
implementation and administration of the dentist loan repayment 544  
program under sections 3702.85 and 3702.91 of the Revised Code. 545

The director shall pay all gifts accepted under this section 546  
into the state treasury, to the credit of the dental health 547  
resource shortage area fund, which is hereby created. The board 548  
shall pay all gifts accepted under this section, and damages 549  
collected under division (B)(4) of section 3702.91 of the Revised 550  
Code, into the state treasury, to the credit of the dentist loan 551  
repayment fund, which is hereby created. 552

The director shall use the dental health resource shortage 553  
area fund for the implementation and administration of sections 554

3702.85 and 3702.87 to 3702.93 of the Revised Code. The board 555  
shall use the dentist loan repayment fund for the implementation 556  
and administration of the dentist loan repayment program under 557  
sections 3702.85 and 3702.91 of the Revised Code. 558

**Sec. 4715.02.** The governor, with the advice and consent of 559  
the senate, shall appoint a state dental board consisting of ~~seven~~ 560  
thirteen persons, ~~five~~ nine of whom shall be graduates of a 561  
reputable dental college, citizens of the United States, and shall 562  
have been in the legal and reputable practice of dentistry in the 563  
state at least five years next preceding their appointment; ~~one~~ 564  
three of whom shall be ~~a graduate~~ graduates of a reputable school 565  
of dental hygiene, ~~a citizen~~ citizens of the United States, and 566  
shall have been in the legal and reputable practice of dental 567  
hygiene in the state at least five years next preceding ~~the~~ 568  
~~person's~~ their appointment; and one of whom shall be a member of 569  
the public at large who is not associated with or financially 570  
interested in the practice of dentistry. ~~Terms~~ 571

Of the nine members who are in the practice of dentistry, 572  
there shall be not more than two on the board at any time who are 573  
recognized as specialists pursuant to rules adopted by the board. 574  
Of the three members who are in the practice of dental hygiene, 575  
not more than one may be a person employed as a full-time teacher 576  
of dental hygiene students. Representation of the various 577  
geographical areas of the state shall be considered in making 578  
appointments for members who are in the practice of dentistry and 579  
for members who are in the practice of dental hygiene. 580

Terms of office shall be for ~~five~~ four years, commencing on 581  
the seventh day of April and ending on the sixth day of April, 582  
~~except that upon expiration of the term ending April 25, 1978, the~~ 583  
~~new term which succeeds it shall commence on April 26, 1978 and~~ 584  
~~end on April 6, 1983; upon expiration of the term ending July 23,~~ 585

~~1974, the new term which succeeds it shall commence on July 24,~~ 586  
~~1974 and end on April 6, 1979; and upon expiration of the term~~ 587  
~~ending June 24, 1975, the new term which succeeds it shall~~ 588  
~~commence on June 25, 1975 and end on April 6, 1980.~~ Each member 589  
shall hold office from the date of the member's appointment until 590  
the end of the term for which the member was appointed. Any member 591  
appointed to fill a vacancy occurring prior to the expiration of 592  
the term for which the member's predecessor was appointed shall 593  
hold office for the remainder of such term. Any member shall 594  
continue in office subsequent to the expiration date of the 595  
member's term until the member's successor takes office, or until 596  
a period of sixty days has elapsed, whichever occurs first. No 597  
person so appointed shall serve to exceed two terms. ~~The~~ 598

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The Ohio dental association may submit to the governor the 600  
names of five nominees for each position to be filled by a dentist 601  
and from the names so submitted or from others, at the governor's 602  
discretion, the governor shall make such appointments; provided 603  
that all such appointees shall possess the required 604  
qualifications. The Ohio dental hygienists association, inc., may 605  
submit to the governor the names of five nominees for each 606  
position to be filled by a dental hygienist and from the names so 607  
submitted or from others, at the governor's discretion, the 608  
governor shall make such appointments; provided that all such 609  
appointees shall possess the required qualifications. No person 610  
shall be appointed to the state dental board who is employed by or 611  
practices in a corporation holding a certificate of authority 612  
under Chapter 1751. of the Revised Code with a person who is a 613  
member of the board. 614

No member of the board shall administer to a student in this 615  
state or to a graduate of a dental college located in this state 616  
an examination on behalf of any of the following: the central 617

regional dental testing service, inc., northeast regional board of 618  
dental examiners, inc., southern regional testing agency, inc., or 619  
western regional examining board. 620

**Sec. 4715.03.** (A) The state dental board shall organize by 621  
the election from its members of a president and a secretary. It 622  
shall hold meetings monthly at least eight months a year at such 623  
times and places as the board designates. A majority of the 624  
members of the board shall constitute a quorum. The board shall 625  
make such reasonable rules as it determines necessary pursuant to 626  
Chapter 119. of the Revised Code. 627

(B) A concurrence of a majority of the members of the board 628  
shall be required to grant, refuse, suspend, place on probationary 629  
status, revoke, refuse to renew, or refuse to reinstate a license 630  
or censure a license holder. 631

(C) The board shall adopt rules establishing standards for 632  
the safe practice of dentistry and dental hygiene by qualified 633  
practitioners and shall, through its policies and activities, 634  
promote such practice. 635

The board shall adopt rules in accordance with Chapter 119. 636  
of the Revised Code establishing universal blood and body fluid 637  
precautions that shall be used by each person licensed under this 638  
chapter who performs exposure prone invasive procedures. The rules 639  
shall define and establish requirements for universal blood and 640  
body fluid precautions that include the following: 641

(1) Appropriate use of hand washing; 642

(2) Disinfection and sterilization of equipment; 643

(3) Handling and disposal of needles and other sharp 644  
instruments; 645

(4) Wearing and disposal of gloves and other protective 646  
garments and devices. 647

(D) The board shall administer and enforce the provisions of 648  
this chapter. The board shall investigate evidence which appears 649  
to show that any person has violated any provision of this 650  
chapter. Any person may report to the board under oath any 651  
information such person may have appearing to show a violation of 652  
any provision of this chapter. In the absence of bad faith, any 653  
person who reports such information or who testifies before the 654  
board in any disciplinary proceeding conducted pursuant to Chapter 655  
119. of the Revised Code is not liable for civil damages as a 656  
result of making the report or providing testimony. If after 657  
investigation the board determines that there are reasonable 658  
grounds to believe that a violation of this chapter has occurred, 659  
the board shall conduct disciplinary proceedings pursuant to 660  
Chapter 119. of the Revised Code or provide for a license holder 661  
to participate in the quality intervention program established 662  
under section 4715.031 of the Revised Code. The board shall not 663  
dismiss any complaint or terminate any investigation except by a 664  
majority vote of its members. For the purpose of any disciplinary 665  
proceeding or any investigation conducted under this division, the 666  
board may administer oaths, order the taking of depositions, issue 667  
subpoenas, compel the attendance and testimony of persons at 668  
depositions and compel the production of books, accounts, papers, 669  
documents, or other tangible things. The hearings and 670  
investigations of the board shall be considered civil actions for 671  
the purposes of section 2305.252 of the Revised Code. 672  
Notwithstanding section 121.22 of the Revised Code, proceedings of 673  
the board relative to the investigation of a complaint or the 674  
determination whether there are reasonable grounds to believe that 675  
a violation of this chapter has occurred are confidential and are 676  
not subject to discovery in any civil action. 677

(E)(1) The board shall examine or cause to be examined 678  
eligible applicants to practice ~~dentistry and~~ dental hygiene. The 679

board may distinguish by rule different classes of qualified 680  
personnel according to skill levels and require all or only 681  
certain of these classes of qualified personnel to be examined and 682  
certified by the board. 683

(2) The board shall administer a written jurisprudence 684  
examination to each applicant for a license to practice dentistry. 685  
The examination shall cover only the statutes and administrative 686  
rules governing the practice of dentistry in this state. 687

(F) In accordance with Chapter 119. of the Revised Code, the 688  
board shall adopt, and may amend or rescind, rules establishing 689  
the eligibility criteria, the application and permit renewal 690  
procedures, and safety standards applicable to a dentist licensed 691  
under this chapter who applies for a permit to employ or use 692  
conscious intravenous sedation. These rules shall include all of 693  
the following: 694

(1) The eligibility requirements and application procedures 695  
for an eligible dentist to obtain a conscious intravenous sedation 696  
permit; 697

(2) The minimum educational and clinical training standards 698  
required of applicants, which shall include satisfactory 699  
completion of an advanced cardiac life support course; 700

(3) The facility equipment and inspection requirements; 701

(4) Safety standards; 702

(5) Requirements for reporting adverse occurrences. 703

Sec. 4715.10. (A) As used in this section, "accredited dental 704  
college" means a dental college accredited by the commission on 705  
dental accreditation or a dental college that has educational 706  
standards recognized by the commission on dental accreditation and 707  
is approved by the state dental board. 708

(B) Each person who desires to practice dentistry in this 709



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.

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

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(1) Be at least eighteen years of age;

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(2) Be of good moral character;

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

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

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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;

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

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

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

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inc., or the western regional examining board; 740

(2) Have taken an examination administered by the state dental board and received a passing score as established by the board; 741  
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(3) 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. 744  
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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: 750  
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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; 753  
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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. 756  
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**Sec. 4715.11.** In the state dental board's implementation of section 4715.10 of the Revised Code, all of the following apply: 760  
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(A) For purposes of division (D)(1) of section 4715.10 of the Revised Code, a passing score on a component of an examination administered by a regional testing agency is the score established by the agency as a passing score for the component or, if the agency has not established a passing score for the component, the score established by the board as a passing score for the component. The board shall adopt rules establishing passing scores for examination components as necessary to implement this 762  
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division.

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

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

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**Sec. 4715.12.** If an applicant passes the examination required by section ~~4715.11~~ 4715.10 of the Revised Code, ~~he~~ the applicant shall receive a license from the state dental board attested by its seal and signed by the president and secretary, which shall be conclusive evidence of ~~his~~ the applicant's right to practice dentistry. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the board.

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If an applicant fails the examination required by section ~~4715.11~~ 4715.10 of the Revised Code, ~~he~~ the applicant may apply for re-examination at a subsequent regular or special examination meeting of the state dental board. No applicant shall be admitted to more than two examinations without first presenting satisfactory proof that ~~he~~ the applicant has successfully completed such refresher courses in an accredited dental college as the state dental board may prescribe.

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

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~~(A)(1)~~ For license ~~by examination to practice dentistry, one~~ hundred ninety two hundred dollars if issued in an odd-numbered

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year or three hundred ~~seventeen~~ thirty-seven dollars if issued in 800  
an even-numbered year; 801

~~(B) For license by endorsement, one hundred ninety dollars if 802  
issued in an odd numbered year or three hundred seventeen dollars 803  
if issued in an even numbered year; 804~~

~~(C)(2) For duplicate license, to be granted upon proof of 805  
loss of the original, twenty dollars; 806~~

~~(D)(3) For a general anesthesia permit, one hundred 807  
twenty-seven dollars; 808~~

~~(E)(4) For a conscious intravenous sedation permit, one 809  
hundred twenty-seven dollars. 810~~

(B) Twenty dollars of each fee collected under division 811  
(A)(1) of this section for a license issued in an even-numbered 812  
year and ten dollars of each fee collected under division (A)(1) 813  
of this section in an odd-numbered year shall be paid to the 814  
dentist loan repayment fund established under section 3702.95 of 815  
the Revised Code. 816

(C) In the case of a person who applies for a license to 817  
practice dentistry by taking an examination administered by the 818  
state dental board, both of the following apply: 819

(1) The fee in division (A)(1) of this section may be 820  
refunded to an applicant who is unavoidably prevented from 821  
attending the examination, or the applicant may be examined at the 822  
next regular or special meeting of the board without an additional 823  
fee. 824

(2) An applicant who fails the first examination may be 825  
re-examined at the next regular or special meeting of the board 826  
without an additional fee. 827

**Sec. 4715.14.** (A) Each person who is licensed to practice 828  
dentistry in Ohio shall, on or before the first day of January of 829

each even-numbered year, register with the state dental board. The 830  
registration shall be made on a form prescribed by the board and 831  
furnished by the secretary, shall include the licensee's name, 832  
address, license number, and such other reasonable information as 833  
the board may consider necessary, and shall include payment of a 834  
biennial registration fee of two hundred ~~twenty~~ forty-five 835  
dollars. ~~This~~ Except as provided in division (D) of this section, 836  
this fee shall be paid to the treasurer of state. All such 837  
registrations shall be in effect for the two-year period beginning 838  
on the first day of January of the even-numbered year and ending 839  
on the last day of December of the following odd-numbered year, 840  
and shall be renewed in accordance with the standard renewal 841  
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 842  
failure of a licensee to renew the licensee's registration in 843  
accordance with this section shall result in an automatic 844  
suspension of the licensee's license to practice dentistry. 845

(B) Any dentist whose license has been suspended under this 846  
section may be reinstated by the payment of the biennial 847  
registration fee and in addition thereto eighty-one dollars to 848  
cover costs of the reinstatement; excepting that to any licensed 849  
dentist who desires to temporarily retire from practice, and who 850  
has given the board notice in writing to that effect, the board 851  
shall grant such a retirement, provided only that at that time all 852  
previous registration fees and additional costs of reinstatement 853  
have been paid. 854

(C) Each dentist licensed to practice, whether a resident or 855  
not, shall notify the secretary in writing of any change in the 856  
dentist's office address or employment within ten days after such 857  
change has taken place. On the first day of July of every 858  
even-numbered year, the secretary shall issue a printed roster of 859  
the names and addresses so registered. 860

(D) Twenty dollars of each biennial registration fee shall be 861  
paid to the dentist loan repayment fund created under section 862  
3702.95 of the Revised Code. 863

**Sec. 4715.16.** (A) Upon payment of a fee of ten dollars, the 864  
state dental board may without examination issue a limited 865  
resident's license to any person who is a graduate of a dental 866  
college, is authorized to practice in another state or country or 867  
qualified to take the regular licensing examination in this state, 868  
and furnishes the board satisfactory proof of having been 869  
appointed a dental resident at an accredited dental college in 870  
this state or at an accredited program of a hospital in this 871  
state, but has not yet been licensed as a dentist by the board. 872  
Any person receiving a limited resident's license may practice 873  
dentistry only in connection with programs operated by the dental 874  
college or hospital at which the person is appointed as a resident 875  
as designated on the person's limited resident's license, and only 876  
under the direction of a licensed dentist who is a member of the 877  
dental staff of the college or hospital or a dentist holding a 878  
current limited teaching license issued under division (B) of this 879  
section, and only on bona fide patients of such programs. The 880  
holder of a limited resident's license may be disciplined by the 881  
board pursuant to section 4715.30 of the Revised Code. 882

(B) Upon payment of one hundred one dollars and upon 883  
application endorsed by an accredited dental college in this 884  
state, the board may without examination issue a limited teaching 885  
license to a dentist who is a graduate of a dental college, is 886  
authorized to practice dentistry in another state or country, and 887  
has full-time appointment to the faculty of the endorsing dental 888  
college. A limited teaching license is subject to annual renewal 889  
in accordance with the standard renewal procedure of Chapter 4745. 890  
of the Revised Code, and automatically expires upon termination of 891

the full-time faculty appointment. A person holding a limited 892  
teaching license may practice dentistry only in connection with 893  
programs operated by the endorsing dental college. The board may 894  
discipline the holder of a limited teaching license pursuant to 895  
section 4715.30 of the Revised Code. 896

(C)(1) As used in this division: 897

(a) "Continuing dental education practicum" or "practicum" 898  
means a course of instruction, approved by the American dental 899  
association, Ohio dental association, or academy of general 900  
dentistry, that is designed to improve the clinical skills of a 901  
dentist by requiring the dentist to participate in clinical 902  
exercises on patients. 903

(b) "Director" means the person responsible for the operation 904  
of a practicum. 905

(2) Upon payment of one hundred one dollars and application 906  
endorsed by the director of a continuing dental education 907  
practicum, the board shall, without examination, issue a temporary 908  
limited continuing education license to a resident of a state 909  
other than Ohio who is licensed to practice dentistry in such 910  
state and is in good standing, is a graduate of an accredited 911  
dental college, and is registered to participate in the endorsing 912  
practicum. The determination of whether a dentist is in good 913  
standing shall be made by the board. 914

A dentist holding a temporary limited continuing education 915  
license may practice dentistry only on residents of the state in 916  
which the dentist is permanently licensed or on patients referred 917  
by a dentist licensed pursuant to section 4715.12 ~~or 4715.15~~ of 918  
the Revised Code to an instructing dentist licensed pursuant to 919  
~~one of those sections~~ that section, and only while participating 920  
in a required clinical exercise of the endorsing practicum on the 921  
premises of the facility where the practicum is being conducted. 922

Practice under a temporary limited continuing education 923  
license shall be under the direct supervision and full 924  
professional responsibility of an instructing dentist licensed 925  
pursuant to section 4715.12 ~~or 4715.15~~ of the Revised Code, shall 926  
be limited to the performance of those procedures necessary to 927  
complete the endorsing practicum, and shall not exceed thirty days 928  
of actual patient treatment in any year. 929

(3) A director of a continuing dental education practicum who 930  
endorses an application for a temporary limited continuing 931  
education license shall, prior to making the endorsement, notify 932  
the state dental board in writing of the identity of the sponsors 933  
and the faculty of the practicum and the dates and locations at 934  
which it will be offered. The notice shall also include a brief 935  
description of the course of instruction. The board may prohibit a 936  
continuing dental education practicum from endorsing applications 937  
for temporary limited continuing education licenses if the board 938  
determines that the practicum is engaged in activities that 939  
constitute a threat to public health and safety or do not 940  
constitute bona fide continuing dental education, or that the 941  
practicum permits activities which otherwise violate this chapter. 942  
Any continuing dental education practicum prohibited from 943  
endorsing applications may request an adjudication pursuant to 944  
Chapter 119. of the Revised Code. 945

A temporary limited continuing education license shall be 946  
valid only when the dentist is participating in the endorsing 947  
continuing dental education practicum and shall expire at the end 948  
of one year. If the dentist fails to complete the endorsing 949  
practicum in one year, the board may, upon the dentist's 950  
application and payment of a fee of seventy-five dollars, renew 951  
the temporary limited continuing education license for a 952  
consecutive one-year period. Only two renewals may be granted. The 953  
holder of a temporary limited continuing education license may be 954



disciplined by the board pursuant to section 4715.30 of the Revised Code.

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

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

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

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

engaged in school health activities or employed by public 986  
agencies. 987

**Sec. 4715.24.** (A) Each person who is licensed to practice as 988  
a dental hygienist in Ohio shall, on or before the first day of 989  
January of each even-numbered year, register with the state dental 990  
board. The registration shall be made on a form prescribed by the 991  
board and furnished by the secretary, shall include the licensee's 992  
name, address, license number, and such other reasonable 993  
information as the board may consider necessary, and shall include 994  
payment of a biennial registration fee of one hundred ~~one~~ five 995  
dollars. This fee shall be paid to the treasurer of state. All 996  
such registrations shall be in effect for the two-year period 997  
beginning on the first day of January of each even-numbered year 998  
and ending on the last day of December of the following 999  
odd-numbered year, and shall be renewed in accordance with the 1000  
standard renewal procedure of sections 4745.01 to 4745.03 of the 1001  
Revised Code. The failure of a licensee to renew registration in 1002  
accordance with this section shall result in the automatic 1003  
suspension of the licensee's license to practice as a dental 1004  
hygienist. 1005

(B) Any dental hygienist whose license has been suspended 1006  
under this section may be reinstated by the payment of the 1007  
biennial registration fee and in addition thereto thirty-one 1008  
dollars to cover the costs of reinstatement. 1009

(C) The license of a dental hygienist shall be exhibited in a 1010  
conspicuous place in the room in which the dental hygienist 1011  
practices. Each dental hygienist licensed to practice, whether a 1012  
resident or not, shall notify the secretary in writing of any 1013  
change in the dental hygienist's office address or employment 1014  
within ten days after the change takes place. 1015

**Sec. 4715.39.** (A) The state dental board may define the 1016  
duties that may be performed by dental assistants and other 1017  
individuals designated by the board as qualified personnel. If 1018  
defined, the duties shall be defined in rules adopted in 1019  
accordance with Chapter 119. of the Revised Code. The rules may 1020  
include training and practice standards for dental assistants and 1021  
other qualified personnel. The standards may include examination 1022  
and issuance of a certificate. If the board issues a certificate, 1023  
the recipient shall display the certificate in a conspicuous 1024  
location in any office in which the recipient is employed to 1025  
perform the duties authorized by the certificate. 1026

~~The board's rules may allow a~~ (B) A dental assistant ~~to~~ may 1027  
polish the clinical crowns of teeth if all of the following 1028  
requirements are met: 1029

(1) The dental assistant's polishing activities are limited 1030  
to the use of a rubber cup attached to a slow-speed rotary dental 1031  
hand piece to remove soft deposits that build up over time on the 1032  
crowns of teeth. 1033

(2) The polishing is performed only after a dentist has 1034  
evaluated the patient and any calculus detected on the teeth to be 1035  
polished has been removed by a dentist or dental hygienist. 1036

(3) The dentist supervising the assistant supervises not more 1037  
than two dental assistants engaging in polishing activities at any 1038  
given time. 1039

~~(3)~~(4) The dental assistant is certified by the dental 1040  
assisting national board or the Ohio commission on dental 1041  
assistant certification. 1042

~~(4)~~(5) The dental assistant receives a certificate from the 1043  
board authorizing the assistant to engage in the polishing 1044  
activities. The board ~~may~~ shall issue the certificate ~~only~~ if the 1045

individual has successfully completed training in the polishing of 1046  
clinical crowns through a program accredited by the commission on 1047  
dental accreditation or equivalent training approved by the board. 1048  
The training shall include courses in basic dental anatomy and 1049  
infection control, followed by a course in coronal polishing that 1050  
includes didactic, preclinical, and clinical training; any other 1051  
training required by the board; and a skills assessment that 1052  
includes successful completion of standardized testing. The board 1053  
shall adopt rules pursuant to division (A) of this section 1054  
establishing standards for approval of this training. 1055

~~(B)~~(C) Subject to this section and the applicable rules of 1056  
the board, licensed dentists may assign to dental assistants and 1057  
other qualified personnel dental procedures that do not require 1058  
the professional competence or skill of the licensed dentist or 1059  
dental hygienist as this section or the board by rule authorizes 1060  
dental assistants and other qualified personnel to perform. The 1061  
performance of dental procedures by dental assistants and other 1062  
qualified personnel shall be under direct supervision and full 1063  
responsibility of the licensed dentist. 1064

~~(C)~~(D) Nothing in this section shall be construed by rule of 1065  
the state dental board or otherwise to do the following: 1066

(1) Authorize dental assistants or other qualified personnel 1067  
to engage in the practice of dental hygiene as defined by sections 1068  
4715.22 and 4715.23 of the Revised Code or to perform the duties 1069  
of a dental hygienist, including the removal of calcarious 1070  
deposits, dental cement, or accretions on the crowns and roots of 1071  
teeth other than as authorized pursuant to this section; 1072

(2) Authorize the assignment of any of the following: 1073

(a) Diagnosis; 1074

(b) Treatment planning and prescription, including 1075  
prescription for drugs and medicaments or authorization for 1076

restorative, prosthodontic, or orthodontic appliances; 1077

(c) Surgical procedures on hard or soft tissue of the oral 1078  
cavity, or any other intraoral procedure that contributes to or 1079  
results in an irremediable alteration of the oral anatomy; 1080

(d) The making of final impressions from which casts are made 1081  
to construct any dental restoration. 1082

~~(D)~~(E) No dentist shall assign any dental assistant or other 1083  
individual acting in the capacity of qualified personnel to 1084  
perform any dental procedure that the assistant or other 1085  
individual is not authorized by this section or by board rule to 1086  
perform. No dental assistant or other individual acting in the 1087  
capacity of qualified personnel shall perform any dental procedure 1088  
other than in accordance with this section and any applicable 1089  
board rule or any dental procedure that the assistant or other 1090  
individual is not authorized by this section or by board rule to 1091  
perform. 1092

**Section 2.** That existing sections 2305.234, 3701.262, 1093  
4715.02, 4715.03, 4715.12, 4715.13, 4715.14, 4715.16, 4715.23, 1094  
4715.24, and 4715.39 and sections 4715.10, 4715.11, and 4715.15 of 1095  
the Revised Code are hereby repealed. 1096

**Section 3.** That the version of section 2305.234 of the 1097  
Revised Code that is scheduled to take effect January 1, 2004, be 1098  
amended to read as follows: 1099

**Sec. 2305.234.** (A) As used in this section: 1100

(1) "Chiropractic claim," "medical claim," and "optometric 1101  
claim" have the same meanings as in section 2305.113 of the 1102  
Revised Code. 1103

(2) "Dental claim" has the same meaning as in section 1104  
2305.113 of the Revised Code, except that it does not include any 1105

claim arising out of a dental operation or any derivative claim	1106
for relief that arises out of a dental operation.	1107
(3) "Governmental health care program" has the same meaning	1108
as in section 4731.65 of the Revised Code.	1109
(4) "Health care professional" means any of the following who	1110
provide medical, dental, or other health-related diagnosis, care,	1111
or treatment:	1112
(a) Physicians authorized under Chapter 4731. of the Revised	1113
Code to practice medicine and surgery or osteopathic medicine and	1114
surgery;	1115
(b) Registered nurses, advanced practice nurses, and licensed	1116
practical nurses licensed under Chapter 4723. of the Revised Code;	1117
(c) Physician assistants authorized to practice under Chapter	1118
4730. of the Revised Code;	1119
(d) Dentists and dental hygienists licensed under Chapter	1120
4715. of the Revised Code;	1121
(e) Physical therapists licensed under Chapter 4755. of the	1122
Revised Code;	1123
(f) Chiropractors licensed under Chapter 4734. of the Revised	1124
Code;	1125
(g) Optometrists licensed under Chapter 4725. of the Revised	1126
Code;	1127
(h) Podiatrists authorized under Chapter 4731. of the Revised	1128
Code to practice podiatry;	1129
(i) Dietitians licensed under Chapter 4759. of the Revised	1130
Code;	1131
(j) Pharmacists licensed under Chapter 4729. of the Revised	1132
Code;	1133
(k) Emergency medical technicians-basic, emergency medical	1134

technicians-intermediate, and emergency medical 1135  
technicians-paramedic, certified under Chapter 4765. of the 1136  
Revised Code. 1137

(5) "Health care worker" means a person other than a health 1138  
care professional who provides medical, dental, or other 1139  
health-related care or treatment under the direction of a health 1140  
care professional with the authority to direct that individual's 1141  
activities, including medical technicians, medical assistants, 1142  
dental assistants, orderlies, aides, and individuals acting in 1143  
similar capacities. 1144

(6) "Indigent and uninsured person" means a person who meets 1145  
all of the following requirements: 1146

(a) The person's income is not greater than one hundred fifty 1147  
per cent of the current poverty line as defined by the United 1148  
States office of management and budget and revised in accordance 1149  
with section 673(2) of the "Omnibus Budget Reconciliation Act of 1150  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 1151

(b) The person is not eligible to receive medical assistance 1152  
under Chapter 5111., disability assistance medical assistance 1153  
under Chapter 5115. of the Revised Code, or assistance under any 1154  
other governmental health care program. 1155

(c) Either of the following applies: 1156

(i) The person is not a policyholder, certificate holder, 1157  
insured, contract holder, subscriber, enrollee, member, 1158  
beneficiary, or other covered individual under a health insurance 1159  
or health care policy, contract, or plan. 1160

(ii) The person is a policyholder, certificate holder, 1161  
insured, contract holder, subscriber, enrollee, member, 1162  
beneficiary, or other covered individual under a health insurance 1163  
or health care policy, contract, or plan, but the insurer, policy, 1164  
contract, or plan denies coverage or is the subject of insolvency 1165

or bankruptcy proceedings in any jurisdiction. 1166

(7) "Operation" means any procedure that involves cutting or 1167  
otherwise infiltrating human tissue by mechanical means, including 1168  
surgery, laser surgery, ionizing radiation, therapeutic 1169  
ultrasound, or the removal of intraocular foreign bodies. 1170  
"Operation" does not include the administration of medication by 1171  
injection, unless the injection is administered in conjunction 1172  
with a procedure infiltrating human tissue by mechanical means 1173  
other than the administration of medicine by injection. 1174  
"Operation" does not include routine dental restorative 1175  
procedures, the scaling of teeth, or extractions of teeth that are 1176  
not impacted. 1177

(8) "Nonprofit shelter or health care facility" means a 1178  
charitable nonprofit corporation organized and operated pursuant 1179  
to Chapter 1702. of the Revised Code, or any charitable 1180  
organization not organized and not operated for profit, that 1181  
provides shelter, health care services, or shelter and health care 1182  
services to indigent and uninsured persons, except that "shelter 1183  
or health care facility" does not include a hospital as defined in 1184  
section 3727.01 of the Revised Code, a facility licensed under 1185  
Chapter 3721. of the Revised Code, or a medical facility that is 1186  
operated for profit. 1187

(9) "Tort action" means a civil action for damages for 1188  
injury, death, or loss to person or property other than a civil 1189  
action for damages for a breach of contract or another agreement 1190  
between persons or government entities. 1191

(10) "Volunteer" means an individual who provides any 1192  
medical, dental, or other health-care related diagnosis, care, or 1193  
treatment without the expectation of receiving and without receipt 1194  
of any compensation or other form of remuneration from an indigent 1195  
and uninsured person, another person on behalf of an indigent and 1196  
uninsured person, any shelter or health care facility, or any 1197



other person or government entity. 1198

(11) "Community control sanction" has the same meaning as in 1199  
section 2929.01 of the Revised Code. 1200

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 1201  
health care professional who is a volunteer and complies with 1202  
division (B)(2) of this section is not liable in damages to any 1203  
person or government entity in a tort or other civil action, 1204  
including an action on a medical, dental, chiropractic, 1205  
optometric, or other health-related claim, for injury, death, or 1206  
loss to person or property that allegedly arises from an action or 1207  
omission of the volunteer in the provision at a nonprofit shelter 1208  
or health care facility to an indigent and uninsured person of 1209  
medical, dental, or other health-related diagnosis, care, or 1210  
treatment, including the provision of samples of medicine and 1211  
other medical products, unless the action or omission constitutes 1212  
willful or wanton misconduct. 1213

(2) To qualify for the immunity described in division (B)(1) 1214  
of this section, a health care professional shall do all of the 1215  
following prior to providing diagnosis, care, or treatment: 1216

(a) Determine, in good faith, that the indigent and uninsured 1217  
person is mentally capable of giving informed consent to the 1218  
provision of the diagnosis, care, or treatment and is not subject 1219  
to duress or under undue influence; 1220

(b) Inform the person of the provisions of this section; 1221

(c) Obtain the informed consent of the person and a written 1222  
waiver, signed by the person or by another individual on behalf of 1223  
and in the presence of the person, that states that the person is 1224  
mentally competent to give informed consent and, without being 1225  
subject to duress or under undue influence, gives informed consent 1226  
to the provision of the diagnosis, care, or treatment subject to 1227  
the provisions of this section. 1228

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

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

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

(E)(1) Except as provided in division (E)(2) of this section, the immunities provided by divisions (B), (C), and (D) of this section are not available to an individual or to a nonprofit

shelter or health care facility if, at the time of an alleged 1261  
injury, death, or loss to person or property, the individuals 1262  
involved are providing one of the following: 1263

(a) Any medical, dental, or other health-related diagnosis, 1264  
care, or treatment pursuant to a community service work order 1265  
entered by a court under division (B) of section 2951.02 of the 1266  
Revised Code or imposed by a court as a community control 1267  
sanction; 1268

(b) Performance of an operation; 1269

(c) Delivery of a baby. 1270

(2) Division (E)(1) of this section does not apply to an 1271  
individual who provides, or a nonprofit shelter or health care 1272  
facility at which the individual provides, diagnosis, care, or 1273  
treatment that is necessary to preserve the life of a person in a 1274  
medical emergency. 1275

(F)(1) This section does not create a new cause of action or 1276  
substantive legal right against a health care professional, health 1277  
care worker, or nonprofit shelter or health care facility. 1278

(2) This section does not affect any immunities from civil 1279  
liability or defenses established by another section of the 1280  
Revised Code or available at common law to which an individual or 1281  
a nonprofit shelter or health care facility may be entitled in 1282  
connection with the provision of emergency or other diagnosis, 1283  
care, or treatment. 1284

(3) This section does not grant an immunity from tort or 1285  
other civil liability to an individual or a nonprofit shelter or 1286  
health care facility for actions that are outside the scope of 1287  
authority of health care professionals or health care workers. 1288

(4) This section does not affect any legal responsibility of 1289  
a health care professional or health care worker to comply with 1290

any applicable law of this state or rule of an agency of this state. 1291  
1292

(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety. 1293  
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**Section 4.** That the existing version of section 2305.234 of the Revised Code that is scheduled to take effect January 1, 2004, is hereby repealed. 1299  
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**Section 5.** Sections 3 and 4 of this act shall take effect January 1, 2004. 1302  
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**Section 6.** The six members added to the State Dental Board by this act shall be appointed by the Governor in accordance with section 4715.02 of the Revised Code not later than 90 days after the effective date of this section. Notwithstanding the provision of section 4715.02 of the Revised Code that terms of office commence on the seventh day of April, terms of office of the members added by this act shall commence on the ninetieth day after the effective date of this section. 1304  
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Of the four new members who are in the practice of dentistry, two shall hold office until April 6, 2006, and two shall hold office until April 6, 2007. Of the two new members who are in the practice of dental hygiene, one shall hold office until April 6, 2006, and the other shall hold office until April 6, 2007. After these terms of office, members of the board shall be appointed to four-year terms. 1312  
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**Section 7.** Each member of the State Dental Board who is in 1319

office as a board member on the effective date of this section 1320  
shall hold office until the end of the five-year term for which 1321  
the member was appointed. If a member is reappointed or the 1322  
member's successor takes office, the member or the member's 1323  
successor shall hold office for a four-year term. 1324

**Section 8.** Section 2305.234 of the Revised Code is presented 1325  
in Section 3 of this act as a composite of the section as amended 1326  
by both Am. Sub. H.B. 490 and Am. Sub. S.B. 281 of the 124th 1327  
General Assembly. The General Assembly, applying the principle 1328  
stated in division (B) of section 1.52 of the Revised Code that 1329  
amendments are to be harmonized if reasonably capable of 1330  
simultaneous operation, finds that the composite is the resulting 1331  
version of the section in effect prior to the effective date of 1332  
the section as presented in Section 3 of this act. 1333