

**As Reported by the Senate Health, Human Services and Aging
Committee**

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Sub. S. B. No. 51

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

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, and 4715.39, to enact new sections 3
4715.10 and 4715.11 and sections 3702.85 to 4
3702.95, and to repeal sections 4715.10, 4715.11, 5
and 4715.15 of the Revised Code to make changes to 6
the State Dental Board, to establish the dentist 7
loan repayment program, to make other changes to 8
the laws governing dentists, dental hygienists, 9
and dental assistants, and to amend the version of 10
section 2305.234 of the Revised Code that is 11
scheduled to take effect January 1, 2004, to 12
continue the provisions of this act on and after 13
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, and 4715.39 16
be amended and new sections 4715.10 and 4715.11 and sections 17
3702.85, 3702.86, 3702.87, 3702.88, 3702.89, 3702.90, 3702.91, 18
3702.92, 3702.93, 3702.94, and 3702.95 of the Revised Code be 19

enacted to read as follows:	20
Sec. 2305.234. (A) As used in this section:	21
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	22 23 24
(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.	25 26 27 28
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	29 30
(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	31 32 33
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	34 35 36
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	37 38
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	39 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	47

Code;	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 with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.	68 69 70 71 72
(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.	73 74 75 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 waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent to the provision of the diagnosis, care, or treatment subject to the provisions of this section.	141 142 143 144 145 146 147
(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.	148 149 150 151
(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.	152 153 154 155 156 157 158 159 160 161 162
(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	163 164 165 166 167 168 169 170

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 ~~section~~ 226
~~4715.12 or 4715.15~~ Chapter 4715. 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 with Chapter 119. of the Revised Code to do all of the following:	233 234
(1) Establish the Ohio cancer incidence surveillance system required by section 3701.261 of the Revised Code;	235 236
(2) Specify the types of cancer and other tumorous and precancerous diseases to be reported to the department of health under division (D) of this section;	237 238 239
(3) Establish reporting requirements for information concerning diagnosed cancer cases as the director considers necessary to conduct epidemiologic surveys of cancer in this state;	240 241 242 243
(4) Establish standards that must be met by research projects to be eligible to receive information from the department of health under division (B) of section 3701.263 of the Revised Code.	244 245 246
(C) The department of health shall record in the registry all reports of cancer received by it. In the development and administration of the cancer registry the department may use information compiled by public or private cancer registries and may contract for the collection and analysis of, and research related to, the information recorded under this section.	247 248 249 250 251 252
(D) Each physician, dentist, hospital, or person providing diagnostic or treatment services to patients with cancer shall report each case of cancer to the department. Any person required to report pursuant to this section may elect to report to the department through an existing cancer registry if the registry meets the reporting standards established by the director and reports to the department.	253 254 255 256 257 258 259
(E) All physicians, dentists, hospitals, or persons providing diagnostic or treatment services to patients with cancer shall	260 261

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.

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

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

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

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

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(2) The applicant is a dental resident in the final year of residency. 352
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(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. 354
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(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: 357
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(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; 361
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(2) The dental college the applicant is attending or attended, dates of attendance, and verification of attendance; 364
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(3) If the applicant is a dental resident, the facility or institution at which the dental residency is being performed; 366
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(4) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program; 368
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(5) If the applicant is a dentist, verification of the applicant's license issued under Chapter 4715. of the Revised Code to practice dentistry and proof of good standing; 370
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(6) Verification of the applicant's United States citizenship or status as a legal alien. 373
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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 375
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that the applicant is eligible for participation and is needed in 381
a dental health resource shortage area. 382

On approving an application, the director shall notify and 383
enter into discussions with the applicant. The object of the 384
discussions is to facilitate recruitment of the applicant to a 385
site within a dental health resource shortage area at which, 386
according to the priorities established under section 3702.88 of 387
the Revised Code, the applicant is needed. The director may pay 388
the costs incurred by the applicant and the applicant's spouse for 389
travel, meals, and lodging in making one visit to one dental 390
health resource shortage area. The director may also refer an 391
applicant to the Ohio dental association for assistance in being 392
recruited to a site within a dental health resource shortage area 393
at which the applicant will agree to be placed. 394

If the director and applicant agree on the applicant's 395
placement at a particular site within a dental health resource 396
shortage area, the applicant shall sign and deliver to the 397
director a letter of intent agreeing to that placement. 398

Sec. 3702.91. (A) An individual who has signed a letter of 399
intent under section 3702.90 of the Revised Code may enter into a 400
contract with the director of health and the Ohio board of regents 401
for participation in the dentist loan repayment program. A lending 402
institution may also be a party to the contract. 403

(B) The contract shall include all of the following 404
obligations: 405

(1) The individual agrees to provide dental services in the 406
dental health resource shortage area identified in the letter of 407
intent for at least one year. 408

(2) When providing dental services in the dental health 409
resource shortage area, the individual agrees to do all of the 410

following: 411

(a) Provide dental services for a minimum of forty hours per 412
week; 413

(b) Provide dental services without regard to a patient's 414
ability to pay; 415

(c) Meet the conditions prescribed by the "Social Security 416
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 417
department of job and family services for participation in the 418
medicaid program established under Chapter 5111. of the Revised 419
Code and enter into a contract with the department to provide 420
dental services to medicaid recipients. 421

(3) The Ohio board of regents agrees, as provided in section 422
3702.85 of the Revised Code, to repay, so long as the individual 423
performs the service obligation agreed to under division (B)(1) of 424
this section, all or part of the principal and interest of a 425
government or other educational loan taken by the individual for 426
expenses described in section 3702.85 of the Revised Code up to 427
but not exceeding twenty thousand dollars per year of service. 428

(4) The individual agrees to pay the board the following as 429
damages if the individual fails to complete the service obligation 430
agreed to under division (B)(1) of this section: 431

(a) If the failure occurs during the first two years of the 432
service obligation, three times the total amount the board has 433
agreed to repay under division (B)(3) of this section; 434

(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; 465

(E) Three representatives of the dental profession, appointed 466
by the governor from persons nominated by the Ohio dental 467
association. 468

The governor shall appoint the dental profession 469
representatives not later than ninety days after the effective 470

date of this section. The terms of all members shall commence 471
ninety-one days after the effective date of this section. Of the 472
initial appointments made by the governor, two shall serve a term 473
of one year and one shall serve a term of two years. The initial 474
appointment made by the speaker of the house of representatives 475
shall be for a term of one year. The initial appointment made by 476
the president of the senate shall be for a term of two years. 477

Vacancies shall be filled in the manner prescribed for the 478
original appointment. A member appointed to fill a vacancy 479
occurring prior to the expiration of the term for which the 480
member's predecessor was appointed shall hold office for the 481
remainder of that term. A member shall continue in office 482
subsequent to the expiration of the member's term until a 483
successor takes office or until sixty days have elapsed, whichever 484
occurs first. No person shall be appointed to the board for more 485
than two consecutive terms. Thereafter, terms of office shall be 486
two years. Each member shall hold office from the date of 487
appointment until the end of the term for which the member was 488
appointed, except that a legislative member ceases to be a member 489
of the board on ceasing to be a member of the general assembly. 490

The governor, speaker, or president may remove a member for 491
whom the governor, speaker, or president was the appointing 492
authority, for misfeasance, malfeasance, or willful neglect of 493
duty. 494

The board shall designate a member to serve as chairperson of 495
the board. 496

The board shall meet at least once annually. The chairperson 497
shall call special meetings as needed or upon the request of six 498
members. 499

Six members of the board constitute a quorum to transact and 500
vote on all business coming before the board. 501

Members of the board shall serve without compensation, but 502
may be reimbursed for reasonable and necessary expenses incurred 503
in the discharge of their duties. 504

The department of health shall provide the board with staff 505
assistance as requested by the board. 506

Sec. 3702.93. The dentist loan repayment advisory board shall 507
determine the amounts that will be paid as loan repayments on 508
behalf of participants in the dentist loan repayment program. No 509
repayment shall exceed twenty thousand dollars in any year, except 510
that if a repayment results in an increase in the participant's 511
federal, state, or local income tax liability, the Ohio board of 512
regents, at the participant's request and with the approval of the 513
director of health, may reimburse the participant for the 514
increased tax liability, regardless of the amount of the repayment 515
in that year. Total repayment on behalf of a participant shall not 516
exceed eighty thousand dollars over the time of participation in 517
the program. 518

Sec. 3702.94. The dentist loan repayment advisory board, 519
annually on or before the first day of March, shall submit a 520
report to the general assembly describing the operations of the 521
dentist loan repayment program during the previous calendar year. 522
The report shall include information about all of the following: 523

(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 shortage areas and the payments made on behalf of those dentists under the dentist loan repayment program; 532
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(E) The dental health resource shortage areas that have not been matched with all of the dentists they need; 535
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(F) The number of dentists failing to complete their service obligations, the amount of damages owed, and the amount of damages collected. 537
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Sec. 3702.95. The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.85 to 3702.93 of the Revised Code. The Ohio board of regents may accept gifts of money from any source for implementation and administration of the dentist loan repayment program under sections 3702.85 and 3702.91 of the Revised Code. 540
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The director shall pay all gifts accepted under this section into the state treasury, to the credit of the dental health resource shortage area fund, which is hereby created. The board shall pay all gifts accepted under this section, and damages collected under division (B)(4) of section 3702.91 of the Revised Code, into the state treasury, to the credit of the dentist loan repayment fund, which is hereby created. 546
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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. 553
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Sec. 4715.02. The governor, with the advice and consent of the senate, shall appoint a state dental board consisting of ~~seven~~ fourteen persons, ~~five~~ nine of whom shall be graduates of a 559
560
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~~ two of whom shall be ~~a member~~ 569
members of the public at large who ~~is~~ are not associated with or 570
financially 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

599

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

Sec. 4715.03. (A) The state dental board shall organize by 615
the election from its members of a president and a secretary. It 616
shall hold meetings monthly at least eight months a year at such 617
times and places as the board designates. A majority of the 618
members of the board shall constitute a quorum. The board shall 619
make such reasonable rules as it determines necessary pursuant to 620
Chapter 119. of the Revised Code. 621

(B) A concurrence of a majority of the members of the board 622
shall be required to grant, refuse, suspend, place on probationary 623
status, revoke, refuse to renew, or refuse to reinstate a license 624

or censure a license holder. 625

(C) The board shall adopt rules establishing standards for 626
the safe practice of dentistry and dental hygiene by qualified 627
practitioners and shall, through its policies and activities, 628
promote such practice. 629

The board shall adopt rules in accordance with Chapter 119. 630
of the Revised Code establishing universal blood and body fluid 631
precautions that shall be used by each person licensed under this 632
chapter who performs exposure prone invasive procedures. The rules 633
shall define and establish requirements for universal blood and 634
body fluid precautions that include the following: 635

(1) Appropriate use of hand washing; 636

(2) Disinfection and sterilization of equipment; 637

(3) Handling and disposal of needles and other sharp 638
instruments; 639

(4) Wearing and disposal of gloves and other protective 640
garments and devices. 641

(D) The board shall administer and enforce the provisions of 642
this chapter. The board shall investigate evidence which appears 643
to show that any person has violated any provision of this 644
chapter. Any person may report to the board under oath any 645
information such person may have appearing to show a violation of 646
any provision of this chapter. In the absence of bad faith, any 647
person who reports such information or who testifies before the 648
board in any disciplinary proceeding conducted pursuant to Chapter 649
119. of the Revised Code is not liable for civil damages as a 650
result of making the report or providing testimony. If after 651
investigation the board determines that there are reasonable 652
grounds to believe that a violation of this chapter has occurred, 653
the board shall conduct disciplinary proceedings pursuant to 654
Chapter 119. of the Revised Code or provide for a license holder 655

to participate in the quality intervention program established 656
under section 4715.031 of the Revised Code. The board shall not 657
dismiss any complaint or terminate any investigation except by a 658
majority vote of its members. For the purpose of any disciplinary 659
proceeding or any investigation conducted under this division, the 660
board may administer oaths, order the taking of depositions, issue 661
subpoenas, compel the attendance and testimony of persons at 662
depositions and compel the production of books, accounts, papers, 663
documents, or other tangible things. The hearings and 664
investigations of the board shall be considered civil actions for 665
the purposes of section 2305.252 of the Revised Code. 666
Notwithstanding section 121.22 of the Revised Code, proceedings of 667
the board relative to the investigation of a complaint or the 668
determination whether there are reasonable grounds to believe that 669
a violation of this chapter has occurred are confidential and are 670
not subject to discovery in any civil action. 671

(E)(1) The board shall examine or cause to be examined 672
eligible applicants to practice ~~dentistry and~~ dental hygiene. The 673
board may distinguish by rule different classes of qualified 674
personnel according to skill levels and require all or only 675
certain of these classes of qualified personnel to be examined and 676
certified by the board. 677

(2) The board shall administer a written jurisprudence 678
examination to each applicant for a license to practice dentistry. 679
The examination shall cover only the statutes and administrative 680
rules governing the practice of dentistry in this state. 681

(F) In accordance with Chapter 119. of the Revised Code, the 682
board shall adopt, and may amend or rescind, rules establishing 683
the eligibility criteria, the application and permit renewal 684
procedures, and safety standards applicable to a dentist licensed 685
under this chapter who applies for a permit to employ or use 686
conscious intravenous sedation. These rules shall include all of 687

the following:	688
(1) The eligibility requirements and application procedures for an eligible dentist to obtain a conscious intravenous sedation permit;	689 690 691
(2) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course;	692 693 694
(3) The facility equipment and inspection requirements;	695
(4) Safety standards;	696
(5) Requirements for reporting adverse occurrences.	697
<u>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.</u>	698 699 700 701 702
<u>(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.</u>	703 704 705 706 707 708 709 710 711
<u>(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements:</u>	712 713
<u>(1) Be at least eighteen years of age;</u>	714
<u>(2) Be of good moral character;</u>	715
<u>(3) Be a graduate of an accredited dental college or of a</u>	716

<u>dental college located outside the United States who meets the</u>	717
<u>standards adopted under section 4715.11 of the Revised Code;</u>	718
<u>(4) Have passed parts I and II of the examination given by</u>	719
<u>the national board of dental examiners;</u>	720
<u>(5) Have passed a written jurisprudence examination</u>	721
<u>administered by the state dental board under division (E)(2) of</u>	722
<u>section 4715.03 of the Revised Code;</u>	723
<u>(6) Pay the fee required by division (A)(1) of section</u>	724
<u>4715.13 of the Revised Code.</u>	725
<u>(D) To be granted a license to practice dentistry, an</u>	726
<u>applicant must meet any one of the following requirements:</u>	727
<u>(1) Have taken an examination administered by any of the</u>	728
<u>following regional testing agencies and received on each component</u>	729
<u>of the examination a passing score as specified in division (A) of</u>	730
<u>section 4713.11 of the Revised Code: the central regional dental</u>	731
<u>testing service, inc., northeast regional board of dental</u>	732
<u>examiners, inc., the southern regional dental testing agency,</u>	733
<u>inc., or the western regional examining board;</u>	734
<u>(2) Have taken an examination administered by the state</u>	735
<u>dental board and received a passing score as established by the</u>	736
<u>board;</u>	737
<u>(3) Possess a license in good standing from another state and</u>	738
<u>have actively engaged in the legal and reputable practice of</u>	739
<u>dentistry in another state or in the armed forces of the United</u>	740
<u>States, the United States public health service, or the United</u>	741
<u>States department of veterans' affairs for five years immediately</u>	742
<u>preceding application.</u>	743
<u>(E) To be granted a license to practice dentistry, a graduate</u>	744
<u>of an unaccredited dental college located outside the United</u>	745
<u>States must meet both of the following requirements:</u>	746

(1) Have taken a basic science and laboratory examination 747
consistent with rules adopted under section 4715.11 of the Revised 748
Code and received a passing score as established by the board; 749

(2) Have had sufficient clinical training in an accredited 750
institution to reasonably assure a level of competency equal to 751
that of graduates of accredited dental colleges, as determined by 752
the board. 753

Sec. 4715.11. In the state dental board's implementation of 754
section 4715.10 of the Revised Code, all of the following apply: 755

(A) For purposes of division (D)(1) of section 4715.10 of the 756
Revised Code, a passing score on a component of an examination 757
administered by a regional testing agency is the score established 758
by the agency as a passing score for the component or, if the 759
agency has not established a passing score for the component, the 760
score established by the board as a passing score for the 761
component. The board shall adopt rules establishing passing scores 762
for examination components as necessary to implement this 763
division. 764

(B) The board shall adopt rules establishing standards that 765
must be met by graduates of unaccredited dental colleges located 766
outside the United States. The standards must reasonably assure 767
that the graduates have received a level of education and training 768
equal to that provided by accredited dental colleges. 769

(C) The board shall adopt rules governing the basic sciences 770
and laboratory examination required by division (E)(1) of section 771
4715.10 of the Revised Code. 772

Sec. 4715.12. If an applicant passes the examination required 773
by section ~~4715.11~~ 4715.10 of the Revised Code, ~~he~~ the applicant 774
shall receive a license from the state dental board attested by 775
its seal and signed by the president and secretary, which shall be 776

conclusive evidence of ~~his~~ the applicant's right to practice 777
dentistry. If the loss of a license is satisfactorily shown, a 778
duplicate thereof shall be issued by the board. 779

If an applicant fails the examination required by section 780
~~4715.11~~ 4715.10 of the Revised Code, ~~he~~ the applicant may apply 781
for re-examination at a subsequent regular or special examination 782
meeting of the state dental board. No applicant shall be admitted 783
to more than two examinations without first presenting 784
satisfactory proof that ~~he~~ the applicant has successfully 785
completed such refresher courses in an accredited dental college 786
as the state dental board may prescribe. 787

Sec. 4715.13. (A) Applicants for licenses to practice 788
dentistry or for a general anesthesia permit or a conscious 789
intravenous sedation permit shall pay to the secretary of the 790
state dental board the following fees: 791

~~(A)(1)~~ For license ~~by examination to practice dentistry, one~~ 792
~~hundred ninety~~ two hundred dollars if issued in an odd-numbered 793
year or three hundred ~~seventeen~~ thirty-seven dollars if issued in 794
an even-numbered year; 795

~~(B)~~ For license ~~by endorsement, one hundred ninety dollars if~~ 796
~~issued in an odd numbered year or three hundred seventeen dollars~~ 797
~~if issued in an even numbered year;~~ 798

~~(C)(2)~~ For duplicate license, to be granted upon proof of 799
loss of the original, twenty dollars; 800

~~(D)(3)~~ For a general anesthesia permit, one hundred 801
twenty-seven dollars; 802

~~(E)(4)~~ For a conscious intravenous sedation permit, one 803
hundred twenty-seven dollars. 804

(B) Twenty dollars of each fee collected under division 805

(A)(1) of this section for a license issued in an even-numbered year and ten dollars of each fee collected under division (A)(1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code. 806
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810

(C) In the case of a person who applies for a license to practice dentistry by taking an examination administered by the state dental board, both of the following apply: 811
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813

(1) The fee in division (A)(1) of this section may be 814
refunded to an applicant who is unavoidably prevented from 815
attending the examination, or the applicant may be examined at the 816
next regular or special meeting of the board without an additional 817
fee. 818

(2) An applicant who fails the first examination may be 819
re-examined at the next regular or special meeting of the board 820
without an additional fee. 821

Sec. 4715.14. (A) Each person who is licensed to practice 822
dentistry in Ohio shall, on or before the first day of January of 823
each even-numbered year, register with the state dental board. The 824
registration shall be made on a form prescribed by the board and 825
furnished by the secretary, shall include the licensee's name, 826
address, license number, and such other reasonable information as 827
the board may consider necessary, and shall include payment of a 828
biennial registration fee of two hundred ~~twenty~~ forty dollars. 829
~~This~~ Except as provided in division (D) of this section, this fee 830
shall be paid to the treasurer of state. All such registrations 831
shall be in effect for the two-year period beginning on the first 832
day of January of the even-numbered year and ending on the last 833
day of December of the following odd-numbered year, and shall be 834
renewed in accordance with the standard renewal procedure of 835
sections 4745.01 to 4745.03 of the Revised Code. The failure of a 836

licensee to renew the licensee's registration in accordance with 837
this section shall result in an automatic suspension of the 838
licensee's license to practice dentistry. 839

(B) Any dentist whose license has been suspended under this 840
section may be reinstated by the payment of the biennial 841
registration fee and in addition thereto eighty-one dollars to 842
cover costs of the reinstatement; excepting that to any licensed 843
dentist who desires to temporarily retire from practice, and who 844
has given the board notice in writing to that effect, the board 845
shall grant such a retirement, provided only that at that time all 846
previous registration fees and additional costs of reinstatement 847
have been paid. 848

(C) Each dentist licensed to practice, whether a resident or 849
not, shall notify the secretary in writing of any change in the 850
dentist's office address or employment within ten days after such 851
change has taken place. On the first day of July of every 852
even-numbered year, the secretary shall issue a printed roster of 853
the names and addresses so registered. 854

(D) Twenty dollars of each biennial registration fee shall be 855
paid to the dentist loan repayment fund created under section 856
3702.95 of the Revised Code. 857

Sec. 4715.16. (A) Upon payment of a fee of ten dollars, the 858
state dental board may without examination issue a limited 859
resident's license to any person who is a graduate of a dental 860
college, is authorized to practice in another state or country or 861
qualified to take the regular licensing examination in this state, 862
and furnishes the board satisfactory proof of having been 863
appointed a dental resident at an accredited dental college in 864
this state or at an accredited program of a hospital in this 865
state, but has not yet been licensed as a dentist by the board. 866

Any person receiving a limited resident's license may practice 867
dentistry only in connection with programs operated by the dental 868
college or hospital at which the person is appointed as a resident 869
as designated on the person's limited resident's license, and only 870
under the direction of a licensed dentist who is a member of the 871
dental staff of the college or hospital or a dentist holding a 872
current limited teaching license issued under division (B) of this 873
section, and only on bona fide patients of such programs. The 874
holder of a limited resident's license may be disciplined by the 875
board pursuant to section 4715.30 of the Revised Code. 876

(B) Upon payment of one hundred one dollars and upon 877
application endorsed by an accredited dental college in this 878
state, the board may without examination issue a limited teaching 879
license to a dentist who is a graduate of a dental college, is 880
authorized to practice dentistry in another state or country, and 881
has full-time appointment to the faculty of the endorsing dental 882
college. A limited teaching license is subject to annual renewal 883
in accordance with the standard renewal procedure of Chapter 4745. 884
of the Revised Code, and automatically expires upon termination of 885
the full-time faculty appointment. A person holding a limited 886
teaching license may practice dentistry only in connection with 887
programs operated by the endorsing dental college. The board may 888
discipline the holder of a limited teaching license pursuant to 889
section 4715.30 of the Revised Code. 890

(C)(1) As used in this division: 891

(a) "Continuing dental education practicum" or "practicum" 892
means a course of instruction, approved by the American dental 893
association, Ohio dental association, or academy of general 894
dentistry, that is designed to improve the clinical skills of a 895
dentist by requiring the dentist to participate in clinical 896
exercises on patients. 897

(b) "Director" means the person responsible for the operation 898
of a practicum. 899

(2) Upon payment of one hundred one dollars and application 900
endorsed by the director of a continuing dental education 901
practicum, the board shall, without examination, issue a temporary 902
limited continuing education license to a resident of a state 903
other than Ohio who is licensed to practice dentistry in such 904
state and is in good standing, is a graduate of an accredited 905
dental college, and is registered to participate in the endorsing 906
practicum. The determination of whether a dentist is in good 907
standing shall be made by the board. 908

A dentist holding a temporary limited continuing education 909
license may practice dentistry only on residents of the state in 910
which the dentist is permanently licensed or on patients referred 911
by a dentist licensed pursuant to section 4715.12 ~~or 4715.15~~ of 912
the Revised Code to an instructing dentist licensed pursuant to 913
~~one of those sections~~ that section, and only while participating 914
in a required clinical exercise of the endorsing practicum on the 915
premises of the facility where the practicum is being conducted. 916

Practice under a temporary limited continuing education 917
license shall be under the direct supervision and full 918
professional responsibility of an instructing dentist licensed 919
pursuant to section 4715.12 ~~or 4715.15~~ of the Revised Code, shall 920
be limited to the performance of those procedures necessary to 921
complete the endorsing practicum, and shall not exceed thirty days 922
of actual patient treatment in any year. 923

(3) A director of a continuing dental education practicum who 924
endorses an application for a temporary limited continuing 925
education license shall, prior to making the endorsement, notify 926
the state dental board in writing of the identity of the sponsors 927
and the faculty of the practicum and the dates and locations at 928

which it will be offered. The notice shall also include a brief 929
description of the course of instruction. The board may prohibit a 930
continuing dental education practicum from endorsing applications 931
for temporary limited continuing education licenses if the board 932
determines that the practicum is engaged in activities that 933
constitute a threat to public health and safety or do not 934
constitute bona fide continuing dental education, or that the 935
practicum permits activities which otherwise violate this chapter. 936
Any continuing dental education practicum prohibited from 937
endorsing applications may request an adjudication pursuant to 938
Chapter 119. of the Revised Code. 939

A temporary limited continuing education license shall be 940
valid only when the dentist is participating in the endorsing 941
continuing dental education practicum and shall expire at the end 942
of one year. If the dentist fails to complete the endorsing 943
practicum in one year, the board may, upon the dentist's 944
application and payment of a fee of seventy-five dollars, renew 945
the temporary limited continuing education license for a 946
consecutive one-year period. Only two renewals may be granted. The 947
holder of a temporary limited continuing education license may be 948
disciplined by the board pursuant to section 4715.30 of the 949
Revised Code. 950

(D) The board shall act either to approve or to deny any 951
application for a limited license pursuant to division (A), (B), 952
or (C) of this section not later than sixty days of the date the 953
board receives the application. 954

Sec. 4715.23. The practice of a dental hygienist shall 955
consist of those prophylactic, preventive, and other procedures 956
that licensed dentists are authorized by this chapter and rules of 957
the dental board to assign only to licensed dental hygienists or 958
to qualified personnel under section 4715.39 of the Revised Code. 959

Licensed dentists may assign to dental hygienists intraoral 960
tasks that do not require the professional competence or skill of 961
the licensed dentist and that are authorized by board rule. Such 962
performance of intraoral tasks by dental hygienists shall be under 963
supervision and full responsibility of the licensed dentist, and 964
at no time shall more than three dental hygienists be practicing 965
clinical hygiene under the supervision of the same dentist. The 966
foregoing shall not be construed as authorizing the assignment of 967
diagnosis, treatment planning and prescription (including 968
prescriptions for drugs and medicaments or authorizations for 969
restorative, prosthodontic, or orthodontic appliances); or, except 970
when done in conjunction with the removal of calcarious deposits, 971
dental cement, or accretions on the crowns and roots of teeth, 972
surgical procedures on hard and soft tissues within the oral 973
cavity or any other intraoral procedure that contributes to or 974
results in an irremediable alteration of the oral anatomy; or the 975
making of final impressions from which casts are made to construct 976
any dental restoration. 977

The state dental board shall issue rules defining the 978
procedures that may be performed by licensed dental hygienists 979
engaged in school health activities or employed by public 980
agencies. 981

Sec. 4715.39. (A) The state dental board may define the 982
duties that may be performed by dental assistants and other 983
individuals designated by the board as qualified personnel. If 984
defined, the duties shall be defined in rules adopted in 985
accordance with Chapter 119. of the Revised Code. The rules may 986
include training and practice standards for dental assistants and 987
other qualified personnel. The standards may include examination 988
and issuance of a certificate. If the board issues a certificate, 989
the recipient shall display the certificate in a conspicuous 990

location in any office in which the recipient is employed to 991
perform the duties authorized by the certificate. 992

~~The board's rules may allow a~~ (B) A dental assistant ~~to~~ may 993
polish the clinical crowns of teeth if all of the following 994
requirements are met: 995

(1) The dental assistant's polishing activities are limited 996
to the use of a rubber cup attached to a slow-speed rotary dental 997
hand piece to remove soft deposits that build up over time on the 998
crowns of teeth. 999

(2) The polishing is performed only after a dentist has 1000
evaluated the patient and any calculus detected on the teeth to be 1001
polished has been removed by a dentist or dental hygienist. 1002

(3) The dentist supervising the assistant supervises not more 1003
than two dental assistants engaging in polishing activities at any 1004
given time. 1005

~~(3)~~(4) The dental assistant is certified by the dental 1006
assisting national board or the Ohio commission on dental 1007
assistant certification. 1008

~~(4)~~(5) The dental assistant receives a certificate from the 1009
board authorizing the assistant to engage in the polishing 1010
activities. The board ~~may~~ shall issue the certificate ~~only~~ if the 1011
individual has successfully completed training in the polishing of 1012
clinical crowns through a program accredited by the commission on 1013
dental accreditation or equivalent training approved by the board. 1014
The training shall include courses in basic dental anatomy and 1015
infection control, followed by a course in coronal polishing that 1016
includes didactic, preclinical, and clinical training; any other 1017
training required by the board; and a skills assessment that 1018
includes successful completion of standardized testing. The board 1019
shall adopt rules pursuant to division (A) of this section 1020

establishing standards for approval of this training. 1021

~~(B)~~(C) Subject to this section and the applicable rules of 1022
the board, licensed dentists may assign to dental assistants and 1023
other qualified personnel dental procedures that do not require 1024
the professional competence or skill of the licensed dentist or 1025
dental hygienist as this section or the board by rule authorizes 1026
dental assistants and other qualified personnel to perform. The 1027
performance of dental procedures by dental assistants and other 1028
qualified personnel shall be under direct supervision and full 1029
responsibility of the licensed dentist. 1030

~~(C)~~(D) Nothing in this section shall be construed by rule of 1031
the state dental board or otherwise to do the following: 1032

(1) Authorize dental assistants or other qualified personnel 1033
to engage in the practice of dental hygiene as defined by sections 1034
4715.22 and 4715.23 of the Revised Code or to perform the duties 1035
of a dental hygienist, including the removal of calcarious 1036
deposits, dental cement, or accretions on the crowns and roots of 1037
teeth other than as authorized pursuant to this section; 1038

(2) Authorize the assignment of any of the following: 1039

(a) Diagnosis; 1040

(b) Treatment planning and prescription, including 1041
prescription for drugs and medicaments or authorization for 1042
restorative, prosthodontic, or orthodontic appliances; 1043

(c) Surgical procedures on hard or soft tissue of the oral 1044
cavity, or any other intraoral procedure that contributes to or 1045
results in an irremediable alteration of the oral anatomy; 1046

(d) The making of final impressions from which casts are made 1047
to construct any dental restoration. 1048

~~(D)~~(E) No dentist shall assign any dental assistant or other 1049
individual acting in the capacity of qualified personnel to 1050

perform any dental procedure that the assistant or other 1051
individual is not authorized by this section or by board rule to 1052
perform. No dental assistant or other individual acting in the 1053
capacity of qualified personnel shall perform any dental procedure 1054
other than in accordance with this section and any applicable 1055
board rule or any dental procedure that the assistant or other 1056
individual is not authorized by this section or by board rule to 1057
perform. 1058

Section 2. That existing sections 2305.234, 3701.262, 1059
4715.02, 4715.03, 4715.12, 4715.13, 4715.14, 4715.16, 4715.23, and 1060
4715.39 and sections 4715.10, 4715.11, and 4715.15 of the Revised 1061
Code are hereby repealed. 1062

Section 3. That the version of section 2305.234 of the 1063
Revised Code that is scheduled to take effect January 1, 2004, be 1064
amended to read as follows: 1065

Sec. 2305.234. (A) As used in this section: 1066

(1) "Chiropractic claim," "medical claim," and "optometric 1067
claim" have the same meanings as in section 2305.113 of the 1068
Revised Code. 1069

(2) "Dental claim" has the same meaning as in section 1070
2305.113 of the Revised Code, except that it does not include any 1071
claim arising out of a dental operation or any derivative claim 1072
for relief that arises out of a dental operation. 1073

(3) "Governmental health care program" has the same meaning 1074
as in section 4731.65 of the Revised Code. 1075

(4) "Health care professional" means any of the following who 1076
provide medical, dental, or other health-related diagnosis, care, 1077
or treatment: 1078

(a) Physicians authorized under Chapter 4731. of the Revised 1079

Code to practice medicine and surgery or osteopathic medicine and surgery;	1080 1081
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	1082 1083
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	1084 1085
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	1086 1087
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	1088 1089
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	1090 1091
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	1092 1093
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	1094 1095
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	1096 1097
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	1098 1099
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	1100 1101 1102 1103
(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	1104 1105 1106 1107 1108 1109

similar capacities. 1110

(6) "Indigent and uninsured person" means a person who meets 1111
all of the following requirements: 1112

(a) The person's income is not greater than one hundred fifty 1113
per cent of the current poverty line as defined by the United 1114
States office of management and budget and revised in accordance 1115
with section 673(2) of the "Omnibus Budget Reconciliation Act of 1116
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 1117

(b) The person is not eligible to receive medical assistance 1118
under Chapter 5111., disability assistance medical assistance 1119
under Chapter 5115. of the Revised Code, or assistance under any 1120
other governmental health care program. 1121

(c) Either of the following applies: 1122

(i) The person is not a policyholder, certificate holder, 1123
insured, contract holder, subscriber, enrollee, member, 1124
beneficiary, or other covered individual under a health insurance 1125
or health care policy, contract, or plan. 1126

(ii) The person is a policyholder, certificate holder, 1127
insured, contract holder, subscriber, enrollee, member, 1128
beneficiary, or other covered individual under a health insurance 1129
or health care policy, contract, or plan, but the insurer, policy, 1130
contract, or plan denies coverage or is the subject of insolvency 1131
or bankruptcy proceedings in any jurisdiction. 1132

(7) "Operation" means any procedure that involves cutting or 1133
otherwise infiltrating human tissue by mechanical means, including 1134
surgery, laser surgery, ionizing radiation, therapeutic 1135
ultrasound, or the removal of intraocular foreign bodies. 1136
"Operation" does not include the administration of medication by 1137
injection, unless the injection is administered in conjunction 1138
with a procedure infiltrating human tissue by mechanical means 1139
other than the administration of medicine by injection. 1140

"Operation" does not include routine dental restorative 1141
procedures, the scaling of teeth, or extractions of teeth that are 1142
not impacted. 1143

(8) "Nonprofit shelter or health care facility" means a 1144
charitable nonprofit corporation organized and operated pursuant 1145
to Chapter 1702. of the Revised Code, or any charitable 1146
organization not organized and not operated for profit, that 1147
provides shelter, health care services, or shelter and health care 1148
services to indigent and uninsured persons, except that "shelter 1149
or health care facility" does not include a hospital as defined in 1150
section 3727.01 of the Revised Code, a facility licensed under 1151
Chapter 3721. of the Revised Code, or a medical facility that is 1152
operated for profit. 1153

(9) "Tort action" means a civil action for damages for 1154
injury, death, or loss to person or property other than a civil 1155
action for damages for a breach of contract or another agreement 1156
between persons or government entities. 1157

(10) "Volunteer" means an individual who provides any 1158
medical, dental, or other health-care related diagnosis, care, or 1159
treatment without the expectation of receiving and without receipt 1160
of any compensation or other form of remuneration from an indigent 1161
and uninsured person, another person on behalf of an indigent and 1162
uninsured person, any shelter or health care facility, or any 1163
other person or government entity. 1164

(11) "Community control sanction" has the same meaning as in 1165
section 2929.01 of the Revised Code. 1166

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 1167
health care professional who is a volunteer and complies with 1168
division (B)(2) of this section is not liable in damages to any 1169
person or government entity in a tort or other civil action, 1170
including an action on a medical, dental, chiropractic, 1171

optometric, or other health-related claim, for injury, death, or 1172
loss to person or property that allegedly arises from an action or 1173
omission of the volunteer in the provision at a nonprofit shelter 1174
or health care facility to an indigent and uninsured person of 1175
medical, dental, or other health-related diagnosis, care, or 1176
treatment, including the provision of samples of medicine and 1177
other medical products, unless the action or omission constitutes 1178
willful or wanton misconduct. 1179

(2) To qualify for the immunity described in division (B)(1) 1180
of this section, a health care professional shall do all of the 1181
following prior to providing diagnosis, care, or treatment: 1182

(a) Determine, in good faith, that the indigent and uninsured 1183
person is mentally capable of giving informed consent to the 1184
provision of the diagnosis, care, or treatment and is not subject 1185
to duress or under undue influence; 1186

(b) Inform the person of the provisions of this section; 1187

(c) Obtain the informed consent of the person and a written 1188
waiver, signed by the person or by another individual on behalf of 1189
and in the presence of the person, that states that the person is 1190
mentally competent to give informed consent and, without being 1191
subject to duress or under undue influence, gives informed consent 1192
to the provision of the diagnosis, care, or treatment subject to 1193
the provisions of this section. 1194

(3) A physician or podiatrist who is not covered by medical 1195
malpractice insurance, but complies with division (B)(2) of this 1196
section, is not required to comply with division (A) of section 1197
4731.143 of the Revised Code. 1198

(C) Subject to divisions (E) and (F)(3) of this section, 1199
health care workers who are volunteers are not liable in damages 1200
to any person or government entity in a tort or other civil 1201
action, including an action upon a medical, dental, chiropractic, 1202

optometric, or other health-related claim, for injury, death, or 1203
loss to person or property that allegedly arises from an action or 1204
omission of the health care worker in the provision at a nonprofit 1205
shelter or health care facility to an indigent and uninsured 1206
person of medical, dental, or other health-related diagnosis, 1207
care, or treatment, unless the action or omission constitutes 1208
willful or wanton misconduct. 1209

(D) Subject to divisions (E) and (F)(3) of this section and 1210
section 3701.071 of the Revised Code, a nonprofit shelter or 1211
health care facility associated with a health care professional 1212
described in division (B)(1) of this section or a health care 1213
worker described in division (C) of this section is not liable in 1214
damages to any person or government entity in a tort or other 1215
civil action, including an action on a medical, dental, 1216
chiropractic, optometric, or other health-related claim, for 1217
injury, death, or loss to person or property that allegedly arises 1218
from an action or omission of the health care professional or 1219
worker in providing for the shelter or facility medical, dental, 1220
or other health-related diagnosis, care, or treatment to an 1221
indigent and uninsured person, unless the action or omission 1222
constitutes willful or wanton misconduct. 1223

(E)(1) Except as provided in division (E)(2) of this section, 1224
the immunities provided by divisions (B), (C), and (D) of this 1225
section are not available to an individual or to a nonprofit 1226
shelter or health care facility if, at the time of an alleged 1227
injury, death, or loss to person or property, the individuals 1228
involved are providing one of the following: 1229

(a) Any medical, dental, or other health-related diagnosis, 1230
care, or treatment pursuant to a community service work order 1231
entered by a court under division (B) of section 2951.02 of the 1232
Revised Code or imposed by a court as a community control 1233
sanction; 1234

(b) Performance of an operation;	1235
(c) Delivery of a baby.	1236
(2) Division (E)(1) of this section does not apply to an individual who provides, or a nonprofit shelter or health care facility at which the individual provides, diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.	1237 1238 1239 1240 1241
(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility.	1242 1243 1244
(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.	1245 1246 1247 1248 1249 1250
(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers.	1251 1252 1253 1254
(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.	1255 1256 1257 1258
(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.	1259 1260 1261 1262 1263 1264

Section 4. That the existing version of section 2305.234 of 1265
the Revised Code that is scheduled to take effect January 1, 2004, 1266
is hereby repealed. 1267

Section 5. Sections 3 and 4 of this act shall take effect 1268
January 1, 2004. 1269

Section 6. The seven members added to the State Dental Board 1270
by this act shall be appointed by the Governor in accordance with 1271
section 4715.02 of the Revised Code not later than 90 days after 1272
the effective date of this section. Notwithstanding the provision 1273
of section 4715.02 of the Revised Code that terms of office 1274
commence on the seventh day of April, terms of office of the seven 1275
members added by this act shall commence on the ninetieth day 1276
after the effective date of this section. 1277

Of the four new members who are in the practice of dentistry, 1278
two shall hold office until April 6, 2006, and two shall hold 1279
office until April 6, 2007. Of the two new members who are in the 1280
practice of dental hygiene, one shall hold office until April 6, 1281
2006, and the other shall hold office until April 6, 2007. The new 1282
member who is of the public at large shall hold office until April 1283
6, 2007. After these terms of office, members of the board shall 1284
be appointed to four-year terms. 1285

Section 7. Each member of the State Dental Board who is in 1286
office as a board member on the effective date of this section 1287
shall hold office until the end of the five-year term for which 1288
the member was appointed. If a member is reappointed or the 1289
member's successor takes office, the member or the member's 1290
successor shall hold office for a four-year term. 1291

Section 8. Section 2305.234 of the Revised Code is presented 1292
in Section 3 of this act as a composite of the section as amended 1293

by both Am. Sub. H.B. 490 and Am. Sub. S.B. 281 of the 124th 1294
General Assembly. The General Assembly, applying the principle 1295
stated in division (B) of section 1.52 of the Revised Code that 1296
amendments are to be harmonized if reasonably capable of 1297
simultaneous operation, finds that the composite is the resulting 1298
version of the section in effect prior to the effective date of 1299
the section as presented in Section 3 of this act. 1300