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Sub. H. B. No. 143

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Gibbs, Hartnett, Hughes, Key, Latta, Law, Miller, Oelslager, Sayre,
Stewart, D., Taylor, Yuko

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A BILL

To amend sections 2305.234, 2925.01, 3709.161,	1
3721.21, 4715.02, 4715.03, 4715.05, 4715.30,	2
4715.301, 4715.39, 4715.42, 4715.51, 4715.52,	3
4715.53, 4715.57, and 4715.99, to enact sections	4
4715.231, 4715.60, 4715.601, 4715.61, 4715.62, and	5
4715.63, and to repeal sections 4715.54, 4715.55,	6
and 4715.58 of the Revised Code to make changes to	7
the law governing dental x-ray machine operators,	8
to provide for the registration of expanded	9
function dental auxiliaries, to allow a dental	10
hygienist under the supervision of a dentist to	11
administer local anesthesia to a patient, and to	12
make changes in the composition of the State	13
Dental Board.	14

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

Section 1. That sections 2305.234, 2925.01, 3709.161,	15
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3721.21, 4715.02, 4715.03, 4715.05, 4715.30, 4715.301, 4715.39, 16
4715.42, 4715.51, 4715.52, 4715.53, 4715.57, and 4715.99 be 17
amended and sections 4715.231, 4715.60, 4715.601, 4715.61, 18
4715.62, and 4715.63 of the Revised Code be enacted to read as 19
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 facility or location" means a hospital, 31
clinic, ambulatory surgical facility, office of a health care 32
professional or associated group of health care professionals, 33
training institution for health care professionals, or any other 34
place where medical, dental, or other health-related diagnosis, 35
care, or treatment is provided to a person. 36

(5) "Health care professional" means any of the following who 37
provide medical, dental, or other health-related diagnosis, care, 38
or treatment: 39

(a) Physicians authorized under Chapter 4731. of the Revised 40
Code to practice medicine and surgery or osteopathic medicine and 41
surgery; 42

(b) Registered nurses and licensed practical nurses licensed 43
under Chapter 4723. of the Revised Code and individuals who hold a 44

certificate of authority issued under that chapter that authorizes
the practice of nursing as a certified registered nurse
anesthetist, clinical nurse specialist, certified nurse-midwife,
or certified nurse practitioner;

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

(d) Dentists ~~and~~, dental hygienists, and expanded function
dental auxiliaries licensed or registered under Chapter 4715. of
the Revised Code;

(e) Physical therapists, physical therapist assistants,
occupational therapists, and occupational therapy assistants
licensed under Chapter 4755. of the Revised Code;

(f) Chiropractors licensed under Chapter 4734. of the Revised
Code;

(g) Optometrists licensed under Chapter 4725. of the Revised
Code;

(h) Podiatrists authorized under Chapter 4731. of the Revised
Code to practice podiatry;

(i) Dietitians licensed under Chapter 4759. of the Revised
Code;

(j) Pharmacists licensed under Chapter 4729. of the Revised
Code;

(k) Emergency medical technicians-basic, emergency medical
technicians-intermediate, and emergency medical
technicians-paramedic, certified under Chapter 4765. of the
Revised Code;

(l) Respiratory care professionals licensed under Chapter
4761. of the Revised Code;

(m) Speech-language pathologists and audiologists licensed

under Chapter 4753. of the Revised Code.

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(6) "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.

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

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(a) The person's income is not greater than two hundred 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.

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

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(c) Either of the following applies:

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

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

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(8) "Nonprofit health care referral organization" means an 104
entity that is not operated for profit and refers patients to, or 105
arranges for the provision of, health-related diagnosis, care, or 106
treatment by a health care professional or health care worker. 107

(9) "Operation" means any procedure that involves cutting or 108
otherwise infiltrating human tissue by mechanical means, including 109
surgery, laser surgery, ionizing radiation, therapeutic 110
ultrasound, or the removal of intraocular foreign bodies. 111
"Operation" does not include the administration of medication by 112
injection, unless the injection is administered in conjunction 113
with a procedure infiltrating human tissue by mechanical means 114
other than the administration of medicine by injection. 115
"Operation" does not include routine dental restorative 116
procedures, the scaling of teeth, or extractions of teeth that are 117
not impacted. 118

(10) "Tort action" means a civil action for damages for 119
injury, death, or loss to person or property other than a civil 120
action for damages for a breach of contract or another agreement 121
between persons or government entities. 122

(11) "Volunteer" means an individual who provides any 123
medical, dental, or other health-care related diagnosis, care, or 124
treatment without the expectation of receiving and without receipt 125
of any compensation or other form of remuneration from an indigent 126
and uninsured person, another person on behalf of an indigent and 127
uninsured person, any health care facility or location, any 128
nonprofit health care referral organization, or any other person 129
or government entity. 130

(12) "Community control sanction" has the same meaning as in 131
section 2929.01 of the Revised Code. 132

(13) "Deep sedation" means a drug-induced depression of 133
consciousness during which a patient cannot be easily aroused but 134

responds purposefully following repeated or painful stimulation, a
patient's ability to independently maintain ventilatory function
may be impaired, a patient may require assistance in maintaining a
patent airway and spontaneous ventilation may be inadequate, and
cardiovascular function is usually maintained.

(14) "General anesthesia" means a drug-induced loss of
consciousness during which a patient is not arousable, even by
painful stimulation, the ability to independently maintain
ventilatory function is often impaired, a patient often requires
assistance in maintaining a patent airway, positive pressure
ventilation may be required because of depressed spontaneous
ventilation or drug-induced depression of neuromuscular function,
and cardiovascular function may be impaired.

(B)(1) Subject to divisions (F) and (G)(3) of this section, a
health care professional who is a volunteer and complies with
division (B)(2) 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 volunteer in the provision to an indigent and
uninsured person of medical, dental, or other health-related
diagnosis, care, or treatment, including the provision of samples
of medicine and other medical products, unless the action or
omission constitutes willful or wanton misconduct.

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

(a) Determine, in good faith, that the indigent and uninsured
person is mentally capable of giving informed consent to the
provision of the diagnosis, care, or treatment and is not subject

to duress or under undue influence; 166

(b) Inform the person of the provisions of this section, 167
including notifying the person that, by giving informed consent to 168
the provision of the diagnosis, care, or treatment, the person 169
cannot hold the health care professional liable for damages in a 170
tort or other civil action, including an action on a medical, 171
dental, chiropractic, optometric, or other health-related claim, 172
unless the action or omission of the health care professional 173
constitutes willful or wanton misconduct; 174

(c) Obtain the informed consent of the person and a written 175
waiver, signed by the person or by another individual on behalf of 176
and in the presence of the person, that states that the person is 177
mentally competent to give informed consent and, without being 178
subject to duress or under undue influence, gives informed consent 179
to the provision of the diagnosis, care, or treatment subject to 180
the provisions of this section. A written waiver under division 181
(B)(2)(c) of this section shall state clearly and in conspicuous 182
type that the person or other individual who signs the waiver is 183
signing it with full knowledge that, by giving informed consent to 184
the provision of the diagnosis, care, or treatment, the person 185
cannot bring a tort or other civil action, including an action on 186
a medical, dental, chiropractic, optometric, or other 187
health-related claim, against the health care professional unless 188
the action or omission of the health care professional constitutes 189
willful or wanton misconduct. 190

(3) A physician or podiatrist who is not covered by medical 191
malpractice insurance, but complies with division (B)(2) of this 192
section, is not required to comply with division (A) of section 193
4731.143 of the Revised Code. 194

(C) Subject to divisions (F) and (G)(3) of this section, 195
health care workers who are volunteers are not liable in damages 196

to any person or government entity in a tort or other civil 197
action, including an action upon a medical, dental, chiropractic, 198
optometric, or other health-related claim, for injury, death, or 199
loss to person or property that allegedly arises from an action or 200
omission of the health care worker in the provision to an indigent 201
and uninsured person of medical, dental, or other health-related 202
diagnosis, care, or treatment, unless the action or omission 203
constitutes willful or wanton misconduct. 204

(D) Subject to divisions (F) and (G)(3) of this section, a 205
nonprofit health care referral organization is not liable in 206
damages to any person or government entity in a tort or other 207
civil action, including an action on a medical, dental, 208
chiropractic, optometric, or other health-related claim, for 209
injury, death, or loss to person or property that allegedly arises 210
from an action or omission of the nonprofit health care referral 211
organization in referring indigent and uninsured persons to, or 212
arranging for the provision of, medical, dental, or other 213
health-related diagnosis, care, or treatment by a health care 214
professional described in division (B)(1) of this section or a 215
health care worker described in division (C) of this section, 216
unless the action or omission constitutes willful or wanton 217
misconduct. 218

(E) Subject to divisions (F) and (G)(3) of this section and 219
to the extent that the registration requirements of section 220
3701.071 of the Revised Code apply, a health care facility or 221
location associated with a health care professional described in 222
division (B)(1) of this section, a health care worker described in 223
division (C) of this section, or a nonprofit health care referral 224
organization described in division (D) of this section is not 225
liable in damages to any person or government entity in a tort or 226
other civil action, including an action on a medical, dental, 227
chiropractic, optometric, or other health-related claim, for 228

injury, death, or loss to person or property that allegedly arises 229
from an action or omission of the health care professional or 230
worker or nonprofit health care referral organization relative to 231
the medical, dental, or other health-related diagnosis, care, or 232
treatment provided to an indigent and uninsured person on behalf 233
of or at the health care facility or location, unless the action 234
or omission constitutes willful or wanton misconduct. 235

(F)(1) Except as provided in division (F)(2) of this section, 236
the immunities provided by divisions (B), (C), (D), and (E) of 237
this section are not available to a health care professional, 238
health care worker, nonprofit health care referral organization, 239
or health care facility or location if, at the time of an alleged 240
injury, death, or loss to person or property, the health care 241
professionals or health care workers involved are providing one of 242
the following: 243

(a) Any medical, dental, or other health-related diagnosis, 244
care, or treatment pursuant to a community service work order 245
entered by a court under division (B) of section 2951.02 of the 246
Revised Code or imposed by a court as a community control 247
sanction; 248

(b) Performance of an operation to which any one of the 249
following applies: 250

(i) The operation requires the administration of deep 251
sedation or general anesthesia. 252

(ii) The operation is a procedure that is not typically 253
performed in an office. 254

(iii) The individual involved is a health care professional, 255
and the operation is beyond the scope of practice or the 256
education, training, and competence, as applicable, of the health 257
care professional. 258

(c) Delivery of a baby or any other purposeful termination of 259
a human pregnancy. 260

(2) Division (F)(1) of this section does not apply when a 261
health care professional or health care worker provides medical, 262
dental, or other health-related diagnosis, care, or treatment that 263
is necessary to preserve the life of a person in a medical 264
emergency. 265

(G)(1) This section does not create a new cause of action or 266
substantive legal right against a health care professional, health 267
care worker, nonprofit health care referral organization, or 268
health care facility or location. 269

(2) This section does not affect any immunities from civil 270
liability or defenses established by another section of the 271
Revised Code or available at common law to which a health care 272
professional, health care worker, nonprofit health care referral 273
organization, or health care facility or location may be entitled 274
in connection with the provision of emergency or other medical, 275
dental, or other health-related diagnosis, care, or treatment. 276

(3) This section does not grant an immunity from tort or 277
other civil liability to a health care professional, health care 278
worker, nonprofit health care referral organization, or health 279
care facility or location for actions that are outside the scope 280
of authority of health care professionals or health care workers. 281

(4) This section does not affect any legal responsibility of 282
a health care professional, health care worker, or nonprofit 283
health care referral organization to comply with any applicable 284
law of this state or rule of an agency of this state. 285

(5) This section does not affect any legal responsibility of 286
a health care facility or location to comply with any applicable 287
law of this state, rule of an agency of this state, or local code, 288
ordinance, or regulation that pertains to or regulates building, 289

housing, air pollution, water pollution, sanitation, health, fire,
zoning, or safety.

Sec. 2925.01. As used in this chapter:

(A) "Administer," "controlled substance," "dispense,"
"distribute," "hypodermic," "manufacturer," "official written
order," "person," "pharmacist," "pharmacy," "sale," "schedule I,"
"schedule II," "schedule III," "schedule IV," "schedule V," and
"wholesaler" have the same meanings as in section 3719.01 of the
Revised Code.

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

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

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

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

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

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

(c) An amount equal to or exceeding thirty grams or ten unit

doses of a compound, mixture, preparation, or substance that is or
contains any amount of a schedule I hallucinogen other than
tetrahydrocannabinol or lysergic acid amide, or a schedule I
stimulant or depressant;

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

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

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

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

(2) An amount equal to or exceeding one hundred twenty grams
or thirty times the maximum daily dose in the usual dose range

specified in a standard pharmaceutical reference manual of a 350
compound, mixture, preparation, or substance that is or contains 351
any amount of a schedule III or IV substance other than an 352
anabolic steroid or a schedule III opiate or opium derivative; 353

(3) An amount equal to or exceeding twenty grams or five 354
times the maximum daily dose in the usual dose range specified in 355
a standard pharmaceutical reference manual of a compound, mixture, 356
preparation, or substance that is or contains any amount of a 357
schedule III opiate or opium derivative; 358

(4) An amount equal to or exceeding two hundred fifty 359
milliliters or two hundred fifty grams of a compound, mixture, 360
preparation, or substance that is or contains any amount of a 361
schedule V substance; 362

(5) An amount equal to or exceeding two hundred solid dosage 363
units, sixteen grams, or sixteen milliliters of a compound, 364
mixture, preparation, or substance that is or contains any amount 365
of a schedule III anabolic steroid. 366

(E) "Unit dose" means an amount or unit of a compound, 367
mixture, or preparation containing a controlled substance that is 368
separately identifiable and in a form that indicates that it is 369
the amount or unit by which the controlled substance is separately 370
administered to or taken by an individual. 371

(F) "Cultivate" includes planting, watering, fertilizing, or 372
tilling. 373

(G) "Drug abuse offense" means any of the following: 374

(1) A violation of division (A) of section 2913.02 that 375
constitutes theft of drugs, or a violation of section 2925.02, 376
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 377
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 378
2925.37 of the Revised Code; 379

(2) A violation of an existing or former law of this or any 380
other state or of the United States that is substantially 381
equivalent to any section listed in division (G)(1) of this 382
section; 383

(3) An offense under an existing or former law of this or any 384
other state, or of the United States, of which planting, 385
cultivating, harvesting, processing, making, manufacturing, 386
producing, shipping, transporting, delivering, acquiring, 387
possessing, storing, distributing, dispensing, selling, inducing 388
another to use, administering to another, using, or otherwise 389
dealing with a controlled substance is an element; 390

(4) A conspiracy to commit, attempt to commit, or complicity 391
in committing or attempting to commit any offense under division 392
(G)(1), (2), or (3) of this section. 393

(H) "Felony drug abuse offense" means any drug abuse offense 394
that would constitute a felony under the laws of this state, any 395
other state, or the United States. 396

(I) "Harmful intoxicant" does not include beer or 397
intoxicating liquor but means any of the following: 398

(1) Any compound, mixture, preparation, or substance the gas, 399
fumes, or vapor of which when inhaled can induce intoxication, 400
excitement, giddiness, irrational behavior, depression, 401
stupefaction, paralysis, unconsciousness, asphyxiation, or other 402
harmful physiological effects, and includes, but is not limited 403
to, any of the following: 404

(a) Any volatile organic solvent, plastic cement, model 405
cement, fingernail polish remover, lacquer thinner, cleaning 406
fluid, gasoline, or other preparation containing a volatile 407
organic solvent; 408

(b) Any aerosol propellant; 409

(c) Any fluorocarbon refrigerant; 410

(d) Any anesthetic gas. 411

(2) Gamma Butyrolactone; 412

(3) 1,4 Butanediol. 413

(J) "Manufacture" means to plant, cultivate, harvest, 414
process, make, prepare, or otherwise engage in any part of the 415
production of a drug, by propagation, extraction, chemical 416
synthesis, or compounding, or any combination of the same, and 417
includes packaging, repackaging, labeling, and other activities 418
incident to production. 419

(K) "Possess" or "possession" means having control over a 420
thing or substance, but may not be inferred solely from mere 421
access to the thing or substance through ownership or occupation 422
of the premises upon which the thing or substance is found. 423

(L) "Sample drug" means a drug or pharmaceutical preparation 424
that would be hazardous to health or safety if used without the 425
supervision of a licensed health professional authorized to 426
prescribe drugs, or a drug of abuse, and that, at one time, had 427
been placed in a container plainly marked as a sample by a 428
manufacturer. 429

(M) "Standard pharmaceutical reference manual" means the 430
current edition, with cumulative changes if any, of any of the 431
following reference works: 432

(1) "The National Formulary"; 433

(2) "The United States Pharmacopeia," prepared by authority 434
of the United States Pharmacopeial Convention, Inc.; 435

(3) Other standard references that are approved by the state 436
board of pharmacy. 437

(N) "Juvenile" means a person under eighteen years of age. 438

(O) "Counterfeit controlled substance" means any of the 439
following: 440

(1) Any drug that bears, or whose container or label bears, a 441
trademark, trade name, or other identifying mark used without 442
authorization of the owner of rights to that trademark, trade 443
name, or identifying mark; 444

(2) Any unmarked or unlabeled substance that is represented 445
to be a controlled substance manufactured, processed, packed, or 446
distributed by a person other than the person that manufactured, 447
processed, packed, or distributed it; 448

(3) Any substance that is represented to be a controlled 449
substance but is not a controlled substance or is a different 450
controlled substance; 451

(4) Any substance other than a controlled substance that a 452
reasonable person would believe to be a controlled substance 453
because of its similarity in shape, size, and color, or its 454
markings, labeling, packaging, distribution, or the price for 455
which it is sold or offered for sale. 456

(P) An offense is "committed in the vicinity of a school" if 457
the offender commits the offense on school premises, in a school 458
building, or within one thousand feet of the boundaries of any 459
school premises, regardless of whether the offender knows the 460
offense is being committed on school premises, in a school 461
building, or within one thousand feet of the boundaries of any 462
school premises. 463

(Q) "School" means any school operated by a board of 464
education, any community school established under Chapter 3314. of 465
the Revised Code, or any nonpublic school for which the state 466
board of education prescribes minimum standards under section 467
3301.07 of the Revised Code, whether or not any instruction, 468
extracurricular activities, or training provided by the school is 469

being conducted at the time a criminal offense is committed. 470

(R) "School premises" means either of the following: 471

(1) The parcel of real property on which any school is 472
situated, whether or not any instruction, extracurricular 473
activities, or training provided by the school is being conducted 474
on the premises at the time a criminal offense is committed; 475

(2) Any other parcel of real property that is owned or leased 476
by a board of education of a school, the governing authority of a 477
community school established under Chapter 3314. of the Revised 478
Code, or the governing body of a nonpublic school for which the 479
state board of education prescribes minimum standards under 480
section 3301.07 of the Revised Code and on which some of the 481
instruction, extracurricular activities, or training of the school 482
is conducted, whether or not any instruction, extracurricular 483
activities, or training provided by the school is being conducted 484
on the parcel of real property at the time a criminal offense is 485
committed. 486

(S) "School building" means any building in which any of the 487
instruction, extracurricular activities, or training provided by a 488
school is conducted, whether or not any instruction, 489
extracurricular activities, or training provided by the school is 490
being conducted in the school building at the time a criminal 491
offense is committed. 492

(T) "Disciplinary counsel" means the disciplinary counsel 493
appointed by the board of commissioners on grievances and 494
discipline of the supreme court under the Rules for the Government 495
of the Bar of Ohio. 496

(U) "Certified grievance committee" means a duly constituted 497
and organized committee of the Ohio state bar association or of 498
one or more local bar associations of the state of Ohio that 499
complies with the criteria set forth in Rule V, section 6 of the 500

Rules for the Government of the Bar of Ohio. 501

(V) "Professional license" means any license, permit, 502
certificate, registration, qualification, admission, temporary 503
license, temporary permit, temporary certificate, or temporary 504
registration that is described in divisions (W)(1) to (36) of this 505
section and that qualifies a person as a professionally licensed 506
person. 507

(W) "Professionally licensed person" means any of the 508
following: 509

(1) A person who has obtained a license as a manufacturer of 510
controlled substances or a wholesaler of controlled substances 511
under Chapter 3719. of the Revised Code; 512

(2) A person who has received a certificate or temporary 513
certificate as a certified public accountant or who has registered 514
as a public accountant under Chapter 4701. of the Revised Code and 515
who holds an Ohio permit issued under that chapter; 516

(3) A person who holds a certificate of qualification to 517
practice architecture issued or renewed and registered under 518
Chapter 4703. of the Revised Code; 519

(4) A person who is registered as a landscape architect under 520
Chapter 4703. of the Revised Code or who holds a permit as a 521
landscape architect issued under that chapter; 522

(5) A person licensed under Chapter 4707. of the Revised 523
Code; 524

(6) A person who has been issued a certificate of 525
registration as a registered barber under Chapter 4709. of the 526
Revised Code; 527

(7) A person licensed and regulated to engage in the business 528
of a debt pooling company by a legislative authority, under 529
authority of Chapter 4710. of the Revised Code; 530

(8) A person who has been issued a cosmetologist's license, 531
hair designer's license, manicurist's license, esthetician's 532
license, natural hair stylist's license, managing cosmetologist's 533
license, managing hair designer's license, managing manicurist's 534
license, managing esthetician's license, managing natural hair 535
stylist's license, cosmetology instructor's license, hair design 536
instructor's license, manicurist instructor's license, esthetics 537
instructor's license, natural hair style instructor's license, 538
independent contractor's license, or tanning facility permit under 539
Chapter 4713. of the Revised Code; 540

(9) A person who has been issued a license to practice 541
dentistry, a general anesthesia permit, a conscious intravenous 542
sedation permit, a limited resident's license, a limited teaching 543
license, a dental hygienist's license, or a dental hygienist's 544
teacher's certificate or who has been registered as an expanded 545
function dental auxiliary under Chapter 4715. of the Revised Code; 546

(10) A person who has been issued an embalmer's license, a 547
funeral director's license, a funeral home license, or a crematory 548
license, or who has been registered for an embalmer's or funeral 549
director's apprenticeship under Chapter 4717. of the Revised Code; 550

(11) A person who has been licensed as a registered nurse or 551
practical nurse, or who has been issued a certificate for the 552
practice of nurse-midwifery under Chapter 4723. of the Revised 553
Code; 554

(12) A person who has been licensed to practice optometry or 555
to engage in optical dispensing under Chapter 4725. of the Revised 556
Code; 557

(13) A person licensed to act as a pawnbroker under Chapter 558
4727. of the Revised Code; 559

(14) A person licensed to act as a precious metals dealer 560
under Chapter 4728. of the Revised Code; 561

(15) A person licensed as a pharmacist, a pharmacy intern, a	562
wholesale distributor of dangerous drugs, or a terminal	563
distributor of dangerous drugs under Chapter 4729. of the Revised	564
Code;	565
(16) A person who is authorized to practice as a physician	566
assistant under Chapter 4730. of the Revised Code;	567
(17) A person who has been issued a certificate to practice	568
medicine and surgery, osteopathic medicine and surgery, a limited	569
branch of medicine, or podiatry under Chapter 4731. of the Revised	570
Code;	571
(18) A person licensed as a psychologist or school	572
psychologist under Chapter 4732. of the Revised Code;	573
(19) A person registered to practice the profession of	574
engineering or surveying under Chapter 4733. of the Revised Code;	575
(20) A person who has been issued a license to practice	576
chiropractic under Chapter 4734. of the Revised Code;	577
(21) A person licensed to act as a real estate broker or real	578
estate salesperson under Chapter 4735. of the Revised Code;	579
(22) A person registered as a registered sanitarian under	580
Chapter 4736. of the Revised Code;	581
(23) A person licensed to operate or maintain a junkyard	582
under Chapter 4737. of the Revised Code;	583
(24) A person who has been issued a motor vehicle salvage	584
dealer's license under Chapter 4738. of the Revised Code;	585
(25) A person who has been licensed to act as a steam	586
engineer under Chapter 4739. of the Revised Code;	587
(26) A person who has been issued a license or temporary	588
permit to practice veterinary medicine or any of its branches, or	589
who is registered as a graduate animal technician under Chapter	590

4741. of the Revised Code;	591
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	592 593 594
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	595 596 597
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	598 599 600
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	601 602 603
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	604 605
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	606 607 608 609
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	610 611
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	612 613 614
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	615 616
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	617 618 619
(X) "Cocaine" means any of the following:	620

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

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

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

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

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

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

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

the Revised Code. 651

(DD) "Major drug offender" has the same meaning as in section 652
2929.01 of the Revised Code. 653

(EE) "Minor drug possession offense" means either of the 654
following: 655

(1) A violation of section 2925.11 of the Revised Code as it 656
existed prior to July 1, 1996; 657

(2) A violation of section 2925.11 of the Revised Code as it 658
exists on and after July 1, 1996, that is a misdemeanor or a 659
felony of the fifth degree. 660

(FF) "Mandatory prison term" has the same meaning as in 661
section 2929.01 of the Revised Code. 662

(GG) "Crack cocaine" means a compound, mixture, preparation, 663
or substance that is or contains any amount of cocaine that is 664
analytically identified as the base form of cocaine or that is in 665
a form that resembles rocks or pebbles generally intended for 666
individual use. 667

(HH) "Adulterate" means to cause a drug to be adulterated as 668
described in section 3715.63 of the Revised Code. 669

(II) "Public premises" means any hotel, restaurant, tavern, 670
store, arena, hall, or other place of public accommodation, 671
business, amusement, or resort. 672

Sec. 3709.161. (A) The board of health of a city or general 673
health district may procure a policy or policies of insurance 674
insuring the members of the board, the health commissioner, and 675
the employees of the board against liability on account of damage 676
or injury to persons and property resulting from any act or 677
omission that occurs in the individual's official capacity as a 678
member or employee of the board or resulting solely out of such 679

membership or employment. 680

(B)(1) As used in this division, "health care professional" 681
means all of the following: 682

(a) A dentist ~~or~~, dental hygienist, or expanded function 683
dental auxiliary licensed or registered under Chapter 4715. of the 684
Revised Code; 685

(b) A registered nurse or licensed practical nurse licensed 686
under Chapter 4723. of the Revised Code; 687

(c) A person licensed under Chapter 4729. of the Revised Code 688
to practice as a pharmacist; 689

(d) A person authorized under Chapter 4730. of the Revised 690
Code to practice as a physician assistant; 691

(e) A person authorized under Chapter 4731. of the Revised 692
Code to practice medicine and surgery, osteopathic medicine and 693
surgery, or podiatry; 694

(f) A psychologist licensed under Chapter 4732. of the 695
Revised Code; 696

(g) A veterinarian licensed under Chapter 4741. of the 697
Revised Code; 698

(h) A speech-language pathologist or audiologist licensed 699
under Chapter 4753. of the Revised Code; 700

(i) An occupational therapist, physical therapist, physical 701
therapist assistant, or athletic trainer licensed under Chapter 702
4755. of the Revised Code; 703

(j) A professional clinical counselor, professional 704
counselor, independent social worker, or social worker licensed 705
under Chapter 4757. of the Revised Code; 706

(k) A dietitian licensed under Chapter 4759. of the Revised 707
Code. 708

(2) The board of health of a city or general health district 709
may purchase liability insurance for a health care professional 710
with whom the board contracts for the provision of health care 711
services against liability on account of damage or injury to 712
persons and property arising from the health care professional's 713
performance of services under the contract. The policy shall be 714
purchased from an insurance company licensed to do business in 715
this state, if such a policy is available from such a company. The 716
board of health of a city or general health district shall report 717
the cost of the liability insurance policy and subsequent 718
increases in the cost to the director of health on a form 719
prescribed by the director. 720

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 721
Revised Code: 722

(A) "Long-term care facility" means either of the following: 723

(1) A nursing home as defined in section 3721.01 of the 724
Revised Code, other than a nursing home or part of a nursing home 725
certified as an intermediate care facility for the mentally 726
retarded under Title XIX of the "Social Security Act," 49 Stat. 727
620 (1935), 42 U.S.C.A. 301, as amended; 728

(2) A facility or part of a facility that is certified as a 729
skilled nursing facility or a nursing facility under Title XVIII 730
or XIX of the "Social Security Act." 731

(B) "Residential care facility" has the same meaning as in 732
section 3721.01 of the Revised Code. 733

(C) "Abuse" means knowingly causing physical harm or 734
recklessly causing serious physical harm to a resident by physical 735
contact with the resident or by use of physical or chemical 736
restraint, medication, or isolation as punishment, for staff 737
convenience, excessively, as a substitute for treatment, or in 738

amounts that preclude habilitation and treatment. 739

(D) "Neglect" means recklessly failing to provide a resident 740
with any treatment, care, goods, or service necessary to maintain 741
the health or safety of the resident when the failure results in 742
serious physical harm to the resident. "Neglect" does not include 743
allowing a resident, at the resident's option, to receive only 744
treatment by spiritual means through prayer in accordance with the 745
tenets of a recognized religious denomination. 746

(E) "Misappropriation" means depriving, defrauding, or 747
otherwise obtaining the real or personal property of a resident by 748
any means prohibited by the Revised Code, including violations of 749
Chapter 2911. or 2913. of the Revised Code. 750

(F) "Resident" includes a resident, patient, former resident 751
or patient, or deceased resident or patient of a long-term care 752
facility or a residential care facility. 753

(G) "Physical restraint" has the same meaning as in section 754
3721.10 of the Revised Code. 755

(H) "Chemical restraint" has the same meaning as in section 756
3721.10 of the Revised Code. 757

(I) "Nursing and nursing-related services" means the personal 758
care services and other services not constituting skilled nursing 759
care that are specified in rules the public health council shall 760
adopt in accordance with Chapter 119. of the Revised Code. 761

(J) "Personal care services" has the same meaning as in 762
section 3721.01 of the Revised Code. 763

(K) "Nurse aide" means an individual, other than a licensed 764
health professional practicing within the scope of the 765
professional's license, who provides nursing and nursing-related 766
services to residents in a long-term care facility, either as a 767
member of the staff of the facility for monetary compensation or 768

as a volunteer without monetary compensation. 769

(L) "Licensed health professional" means all of the 770
following: 771

(1) An occupational therapist or occupational therapy 772
assistant licensed under Chapter 4755. of the Revised Code; 773

(2) A physical therapist or physical therapy assistant 774
licensed under Chapter 4755. of the Revised Code; 775

(3) A physician authorized under Chapter 4731. of the Revised 776
Code to practice medicine and surgery, osteopathic medicine and 777
surgery, or podiatry; 778

(4) A physician assistant authorized under Chapter 4730. of 779
the Revised Code to practice as a physician assistant; 780

(5) A registered nurse or licensed practical nurse licensed 781
under Chapter 4723. of the Revised Code; 782

(6) A social worker or independent social worker licensed 783
under Chapter 4757. of the Revised Code or a social work assistant 784
registered under that chapter; 785

(7) A speech-language pathologist or audiologist licensed 786
under Chapter 4753. of the Revised Code; 787

(8) A dentist ~~or~~, dental hygienist, or expanded function 788
dental auxiliary licensed or registered under Chapter 4715. of the 789
Revised Code; 790

(9) An optometrist licensed under Chapter 4725. of the 791
Revised Code; 792

(10) A pharmacist licensed under Chapter 4729. of the Revised 793
Code; 794

(11) A psychologist licensed under Chapter 4732. of the 795
Revised Code; 796

(12) A chiropractor licensed under Chapter 4734. of the 797

Revised Code; 798

(13) A nursing home administrator licensed or temporarily 799
licensed under Chapter 4751. of the Revised Code; 800

(14) A professional counselor or professional clinical 801
counselor licensed under Chapter 4757. of the Revised Code. 802

(M) "Competency evaluation program" means a program through 803
which the competency of a nurse aide to provide nursing and 804
nursing-related services is evaluated. 805

(N) "Training and competency evaluation program" means a 806
program of nurse aide training and evaluation of competency to 807
provide nursing and nursing-related services. 808

Sec. 4715.02. The governor, with the advice and consent of 809
the senate, shall appoint a state dental board consisting of 810
thirteen persons, nine of whom shall be graduates of a reputable 811
dental college, citizens of the United States, and shall have been 812
in the legal and reputable practice of dentistry in the state at 813
least five years next preceding their appointment; three of whom 814
shall be graduates of a reputable school of dental hygiene, 815
citizens of the United States, and shall have been in the legal 816
and reputable practice of dental hygiene in the state at least 817
five years next preceding their appointment; and one of whom shall 818
be a member of the public at large who is not associated with or 819
financially interested in the practice of dentistry. 820

Of the nine members who are in the practice of dentistry, 821
~~there shall be not more than two on the board at any time who are~~ 822
shall be recognized as specialists pursuant to rules adopted by 823
the board. Of The specialists shall not represent the same 824
specialty, and at no time shall a specialty that a board member 825
represents be represented for two or more consecutive terms. 826

Of the three members who are in the practice of dental 827

hygiene, not more than one may be a person employed as a full-time 828
teacher of dental hygiene students. ~~Representation~~ 829

Representation of the various geographical areas of the state 830
shall be considered in making appointments for members who are in 831
the practice of dentistry and for members who are in the practice 832
of dental hygiene. 833

Terms of office shall be for four years, commencing on the 834
seventh day of April and ending on the sixth day of April. Each 835
member shall hold office from the date of the member's appointment 836
until the end of the term for which the member was appointed. Any 837
member appointed to fill a vacancy occurring prior to the 838
expiration of the term for which the member's predecessor was 839
appointed shall hold office for the remainder of such term. Any 840
member shall continue in office subsequent to the expiration date 841
of the member's term until the member's successor takes office, or 842
until a period of sixty days has elapsed, whichever occurs first. 843
No person so appointed shall serve to exceed two terms. 844

The Ohio dental association may submit to the governor the 845
names of five nominees for each position to be filled by a dentist 846
and from the names so submitted or from others, at the governor's 847
discretion, the governor shall make such appointments; provided 848
that all such appointees shall possess the required 849
qualifications. The Ohio dental hygienists association, inc., may 850
submit to the governor the names of five nominees for each 851
position to be filled by a dental hygienist and from the names so 852
submitted or from others, at the governor's discretion, the 853
governor shall make such appointments; provided that all such 854
appointees shall possess the required qualifications. No person 855
shall be appointed to the state dental board who is employed by or 856
practices in a corporation holding a certificate of authority 857
under Chapter 1751. of the Revised Code with a person who is a 858
member of the board. 859

No member of the board shall administer to a student in this state or to a graduate of a dental college located in this state an examination on behalf of any of the following: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., southern regional testing agency, inc., or western regional examining board.

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

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

(C) The board shall adopt rules establishing standards for the safe practice of dentistry and dental hygiene and activities that may be performed by qualified practitioners and shall, through its policies and activities, promote such practice.

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

(1) Appropriate use of hand washing;

(2) Disinfection and sterilization of equipment; 890

(3) Handling and disposal of needles and other sharp 891
instruments; 892

(4) Wearing and disposal of gloves and other protective 893
garments and devices. 894

(D) The board shall administer and enforce the provisions of 895
this chapter. The board shall investigate evidence which appears 896
to show that any person has violated any provision of this 897
chapter. Any person may report to the board under oath any 898
information such person may have appearing to show a violation of 899
any provision of this chapter. In the absence of bad faith, any 900
person who reports such information or who testifies before the 901
board in any disciplinary proceeding conducted pursuant to Chapter 902
119. of the Revised Code is not liable for civil damages as a 903
result of making the report or providing testimony. If after 904
investigation the board determines that there are reasonable 905
grounds to believe that a violation of this chapter has occurred, 906
the board shall conduct disciplinary proceedings pursuant to 907
Chapter 119. of the Revised Code or provide for a license, 908
certificate, or registration holder to participate in the quality 909
intervention program established under section 4715.031 of the 910
Revised Code. The board shall not dismiss any complaint or 911
terminate any investigation except by a majority vote of its 912
members. For the purpose of any disciplinary proceeding or any 913
investigation conducted under this division, the board may 914
administer oaths, order the taking of depositions, issue 915
subpoenas, compel the attendance and testimony of persons at 916
depositions and compel the production of books, accounts, papers, 917
documents, or other tangible things. The hearings and 918
investigations of the board shall be considered civil actions for 919
the purposes of section 2305.252 of the Revised Code. 920
Notwithstanding section 121.22 of the Revised Code, proceedings of 921

the board relative to the investigation of a complaint or the 922
determination whether there are reasonable grounds to believe that 923
a violation of this chapter has occurred are confidential and are 924
not subject to discovery in any civil action. 925

(E)(1) The board shall examine or cause to be examined 926
eligible applicants to practice dental hygiene. The board may 927
distinguish by rule different classes of qualified personnel 928
according to skill levels and require all or only certain of these 929
classes of qualified personnel to be examined and certified or 930
registered by the board. 931

(2) The board shall administer a written jurisprudence 932
examination to each applicant for a license to practice dentistry. 933
The examination shall cover only the statutes and administrative 934
rules governing the practice of dentistry in this state. 935

(F) In accordance with Chapter 119. of the Revised Code, the 936
board shall adopt, and may amend or rescind, rules establishing 937
the eligibility criteria, the application and permit renewal 938
procedures, and safety standards applicable to a dentist licensed 939
under this chapter who applies for a permit to employ or use 940
conscious intravenous sedation. These rules shall include all of 941
the following: 942

(1) The eligibility requirements and application procedures 943
for an eligible dentist to obtain a conscious intravenous sedation 944
permit; 945

(2) The minimum educational and clinical training standards 946
required of applicants, which shall include satisfactory 947
completion of an advanced cardiac life support course; 948

(3) The facility equipment and inspection requirements; 949

(4) Safety standards; 950

(5) Requirements for reporting adverse occurrences. 951

Sec. 4715.05. The prosecuting attorney of a county, or the 952
village solicitor or city director of law of a municipal 953
corporation, wherein a violation of this chapter allegedly occurs, 954
shall, when so requested by the state dental board, take charge of 955
and conduct the prosecution. 956

In addition to any other remedy provided in this chapter, the 957
state dental board may request the attorney general, or the 958
prosecuting attorney of any county where a person is practicing 959
~~dentistry or dental hygiene~~ without a license ~~or~~, certificate, or 960
registration from the board as required by this chapter, to apply 961
to the court of common pleas of the county where the unauthorized 962
practice occurs for any injunction to restrain such practice. The 963
court shall grant injunctive relief upon a showing that the 964
respondent named in the petition is practicing ~~dentistry or dental~~ 965
~~hygiene~~ without a valid license ~~or~~, certificate, or registration, 966
or without an exemption from licensure granted pursuant to this 967
chapter from the required licensure, certification, or 968
registration. 969

Sec. 4715.231. (A) As used in this section, "direct 970
supervision" means a dentist licensed under this chapter is 971
present, for purposes of consultation and direction, at the 972
location where a dental hygienist performs the administration of 973
local anesthesia to a patient. "Direct supervision" does not mean 974
that the dentist must observe the administration of local 975
anesthesia to a patient. 976

(B) Under the direct supervision of a dentist, a dental 977
hygienist may administer intraoral block and infiltration local 978
anesthesia to a patient if the dental hygienist is in compliance 979
with division (D) of this section and has done both of the 980
following: 981

<u>(1) Successfully completed a course in the administration of</u>	982
<u>local anesthesia approved by the board and offered by a dental or</u>	983
<u>dental hygiene program that is accredited by the commission on</u>	984
<u>dental accreditation of the American dental association;</u>	985
<u>(2) Within eighteen months of completion of the anesthesia</u>	986
<u>course, successfully passed a state or regional written</u>	987
<u>examination on local anesthesia approved by the board.</u>	988
<u>(C) To be approved by the board, a local anesthesia</u>	989
<u>administration course must contain not less than fifteen hours of</u>	990
<u>didactic instruction and not less than fourteen hours of clinical</u>	991
<u>experience and include instruction on each of the following</u>	992
<u>subjects:</u>	993
<u>(1) Theory of pain control;</u>	994
<u>(2) Selection of pain control modalities;</u>	995
<u>(3) Anatomy;</u>	996
<u>(4) Neurophysiology;</u>	997
<u>(5) Pharmacology of local anesthetics;</u>	998
<u>(6) Pharmacology of vasoconstrictors;</u>	999
<u>(7) Psychological aspects of pain control;</u>	1000
<u>(8) Systemic complications;</u>	1001
<u>(9) Techniques of maxillary and mandibular anesthesia taught</u>	1002
<u>by a dentist or other qualified instructor;</u>	1003
<u>(10) Infection control;</u>	1004
<u>(11) Local anesthesia medical emergencies.</u>	1005
<u>(D) A dental hygienist may administer local anesthesia only</u>	1006
<u>if the dental hygienist has obtained current certification to</u>	1007
<u>perform basic cardiac life-support procedures as required by</u>	1008
<u>section 4715.251 of the Revised Code.</u>	1009

Sec. 4715.30. (A) The holder of a certificate ~~or~~, license, or 1010
registration issued under this chapter is subject to disciplinary 1011
action by the state dental board for any of the following reasons: 1012
1013

(1) Employing or cooperating in fraud or material deception 1014
in applying for or obtaining a license ~~or~~, certificate, or 1015
registration; 1016

(2) Obtaining or attempting to obtain money or anything of 1017
value by intentional misrepresentation or material deception in 1018
the course of practice; 1019

(3) Advertising services in a false or misleading manner or 1020
violating the board's rules governing time, place, and manner of 1021
advertising; 1022

(4) Conviction of a misdemeanor committed in the course of 1023
practice or of any felony; 1024

(5) Engaging in lewd or immoral conduct in connection with 1025
the provision of dental services; 1026

(6) Selling, prescribing, giving away, or administering drugs 1027
for other than legal and legitimate therapeutic purposes, or 1028
conviction of violating any law of this state or the federal 1029
government regulating the possession, distribution, or use of any 1030
drug; 1031

(7) Providing or allowing dental hygienists, expanded 1032
function dental auxiliaries, or other practitioners of auxiliary 1033
dental occupations working under the certificate or license 1034
holder's supervision, or a dentist holding a temporary limited 1035
continuing education license under division (C) of section 4715.16 1036
of the Revised Code working under the certificate or license 1037
holder's direct supervision, to provide dental care that departs 1038
from or fails to conform to accepted standards for the profession, 1039

whether or not injury to a patient results; 1040

(8) Inability to practice under accepted standards of the 1041
profession because of physical or mental disability, dependence on 1042
alcohol or other drugs, or excessive use of alcohol or other 1043
drugs; 1044

(9) Violation of any provision of this chapter or any rule 1045
adopted thereunder; 1046

(10) Failure to use universal blood and body fluid 1047
precautions established by rules adopted under section 4715.03 of 1048
the Revised Code; 1049

(11) Waiving ~~Except as provided in division (G) of this~~ 1050
section: 1051

(a) Waiving the payment of all or any part of a deductible or 1052
copayment that a patient, pursuant to a health insurance or health 1053
care policy, contract, or plan that covers dental services, would 1054
otherwise be required to pay if the waiver is used as an 1055
enticement to a patient or group of patients to receive health 1056
care services from that provider. 1057

~~(12)~~ (b) Advertising that the certificate ~~or~~, license, or 1058
registration holder will waive the payment of all or any part of a 1059
deductible or copayment that a patient, pursuant to a health 1060
insurance or health care policy, contract, or plan that covers 1061
dental services, would otherwise be required to pay. 1062

(B) A manager, proprietor, operator, or conductor of a dental 1063
facility shall be subject to disciplinary action if any dentist, 1064
dental hygienist, expanded function dental auxiliary, or qualified 1065
personnel providing services in the facility is found to have 1066
committed a violation listed in division (A) of this section and 1067
the manager, proprietor, operator, or conductor knew of the 1068
violation and permitted it to occur on a recurring basis. 1069

(C) Subject to Chapter 119. of the Revised Code, the board 1070
may take one or more of the following disciplinary actions if one 1071
or more of the grounds for discipline listed in divisions (A) and 1072
(B) of this section exist: 1073

(1) Censure the license ~~or~~, certificate, or registration 1074
holder; 1075

(2) Place the license ~~or~~, certificate, or registration on 1076
probationary status for such period of time the board determines 1077
necessary and require the holder to: 1078

(a) Report regularly to the board upon the matters which are 1079
the basis of probation; 1080

(b) Limit practice to those areas specified by the board; 1081

(c) Continue or renew professional education until a 1082
satisfactory degree of knowledge or clinical competency has been 1083
attained in specified areas. 1084

(3) Suspend the certificate ~~or~~, license, or registration; 1085

(4) Revoke the certificate ~~or~~, license, or registration. 1086

Where the board places a holder of a license ~~or~~, certificate, 1087
or registration on probationary status pursuant to division (C)(2) 1088
of this section, the board may subsequently suspend or revoke the 1089
license ~~or~~, certificate, or registration if it determines that the 1090
holder has not met the requirements of the probation or continues 1091
to engage in activities that constitute grounds for discipline 1092
pursuant to division (A) or (B) of this section. 1093

Any order suspending a license ~~or~~, certificate, or 1094
registration shall state the conditions under which the license 1095
~~or~~, certificate, or registration will be restored, which may 1096
include a conditional restoration during which time the holder is 1097
in a probationary status pursuant to division (C)(2) of this 1098
section. The board shall restore the license ~~or~~, certificate, or 1099

registration unconditionally when such conditions are met. 1100

(D) If the physical or mental condition of a license ~~or~~, 1101
certificate, or registration holder is at issue in a disciplinary 1102
proceeding, the board may order the license ~~or~~, certificate, or 1103
registration holder to submit to reasonable examinations by an 1104
individual designated or approved by the board and at the board's 1105
expense. The physical examination may be conducted by any 1106
individual authorized by the Revised Code to do so, including a 1107
physician assistant, a clinical nurse specialist, a certified 1108
nurse practitioner, or a certified nurse-midwife. Any written 1109
documentation of the physical examination shall be completed by 1110
the individual who conducted the examination. 1111

Failure to comply with an order for an examination shall be 1112
grounds for summary suspension of a license ~~or~~, certificate, or 1113
registration under division (E) of this section. 1114

(E) If the board has reason to believe that the holder 1115
represents a clear and immediate danger to the public health and 1116
safety if the holder is allowed to continue to practice, or if the 1117
holder has failed to comply with an order under division (D) of 1118
this section, the board may apply to the court of common pleas of 1119
the county in which the holder resides for an order temporarily 1120
suspending the holder's license ~~or~~, certificate, or registration, 1121
without a prior hearing being afforded by the board, until the 1122
board conducts an adjudication hearing pursuant to Chapter 119. of 1123
the Revised Code. If the court temporarily suspends a holder's 1124
license ~~or~~, certificate, or registration, the board shall give 1125
written notice of the suspension personally or by certified mail 1126
to the license ~~or~~, certificate, or registration holder. Such 1127
notice shall include specific facts and reasons for finding a 1128
clear and immediate danger to the public health and safety and 1129
shall inform the license ~~or~~, certificate, or registration holder 1130
of the right to a hearing pursuant to Chapter 119. of the Revised 1131

Code. 1132

(F) Any holder of a certificate ~~or~~, license, or registration 1133
issued under this chapter who has pleaded guilty to, has been 1134
convicted of, or has had a judicial finding of eligibility for 1135
intervention in lieu of conviction entered against the holder in 1136
this state for aggravated murder, murder, voluntary manslaughter, 1137
felonious assault, kidnapping, rape, sexual battery, gross sexual 1138
imposition, aggravated arson, aggravated robbery, or aggravated 1139
burglary, or who has pleaded guilty to, has been convicted of, or 1140
has had a judicial finding of eligibility for treatment or 1141
intervention in lieu of conviction entered against the holder in 1142
another jurisdiction for any substantially equivalent criminal 1143
offense, is automatically suspended from practice under this 1144
chapter in this state and any certificate ~~or~~, license, or 1145
registration issued to the holder under this chapter is 1146
automatically suspended, as of the date of the guilty plea, 1147
conviction, or judicial finding, whether the proceedings are 1148
brought in this state or another jurisdiction. Continued practice 1149
by an individual after the suspension of the individual's 1150
certificate ~~or~~, license, or registration under this division shall 1151
be considered practicing without a certificate ~~or~~, license, or 1152
registration. The board shall notify the suspended individual of 1153
the suspension of the individual's certificate ~~or~~, license, or 1154
registration under this division by certified mail or in person in 1155
accordance with section 119.07 of the Revised Code. If an 1156
individual whose certificate ~~or~~, license, or registration is 1157
suspended under this division fails to make a timely request for 1158
an adjudicatory hearing, the board shall enter a final order 1159
revoking the individual's certificate ~~or~~, license, or 1160
registration. 1161

(G) ~~Notwithstanding divisions (A)(11) and (12) of this~~ 1162
~~section, sanctions~~ Sanctions shall not be imposed under division 1163

(A)(11) of this section against any ~~licensee~~ license, certificate, 1164
or registration holder who waives deductibles and copayments as 1165
follows: 1166

(1) In compliance with the health benefit plan that expressly 1167
allows such a practice. Waiver of the deductibles or ~~copays~~ 1168
copayments shall be made only with the full knowledge and consent 1169
of the plan purchaser, payer, and third-party administrator. ~~Such~~ 1170
Documentation of the consent shall be made available to the board 1171
upon request. 1172

(2) For professional services rendered to any other person 1173
licensed, certified, or registered pursuant to this chapter to the 1174
extent allowed by this chapter and the rules of the board. 1175

Sec. 4715.301. The state dental board shall adopt rules in 1176
accordance with Chapter 119. of the Revised Code establishing 1177
standards for approving and designating physicians and facilities 1178
as treatment providers for ~~dentists or dental hygienists~~ license, 1179
certificate, or registration holders under this chapter with 1180
substance abuse problems and shall approve and designate treatment 1181
providers in accordance with the rules. The rules shall include 1182
standards for both inpatient and outpatient treatment. The rules 1183
shall provide that to be approved, a treatment provider must be 1184
capable of making an initial examination to determine the type of 1185
treatment required for a ~~dentist or dental hygienist~~ license, 1186
certificate, or registration holder with substance abuse problems. 1187
Subject to the rules, the board shall review and approve treatment 1188
providers on a regular basis and may, at its discretion, withdraw 1189
or deny approval. 1190

An approved treatment provider shall: 1191

(A) Report to the board the name of any ~~dentist or dental~~ 1192
~~hygienist~~ license, certificate, or registration holder suffering 1193
or showing evidence of suffering inability to practice under 1194

accepted standards as described in division (A)(8) of section 1195
4715.30 of the Revised Code who fails to comply within one week 1196
with a referral for examination; 1197

(B) Report to the board the name of any impaired ~~dentist or~~ 1198
~~dental hygienist~~ license, certificate, or registration holder who 1199
fails to enter treatment within forty-eight hours following the 1200
provider's determination that treatment is needed; 1201

(C) Require every ~~dentist or dental hygienist~~ license, 1202
certificate, or registration holder who enters treatment to agree 1203
to a treatment contract establishing the terms of treatment and 1204
aftercare, including any required supervision or restrictions of 1205
practice during treatment or aftercare; 1206

(D) Require a ~~dentist or dental hygienist~~ license, 1207
certificate, or registration holder to suspend practice on 1208
entering any required inpatient treatment; 1209

(E) Report to the board any failure by an impaired ~~dentist or~~ 1210
~~dental hygienist~~ license, certificate, or registration holder to 1211
comply with the terms of the treatment contract during inpatient 1212
or outpatient treatment or aftercare; 1213

(F) Report to the board the resumption of practice of any 1214
impaired ~~dentist or dental hygienist~~ license, certificate, or 1215
registration holder before the treatment provider has made a clear 1216
determination that the ~~individual~~ holder is capable of practicing 1217
according to accepted standards of the profession; 1218

(G) Require a ~~dentist or dental hygienist~~ license, 1219
certificate, or registration holder who resumes practice after 1220
completion of treatment to comply with an aftercare contract that 1221
meets the requirements of rules adopted by the board for approval 1222
of treatment providers; 1223

(H) Report to the board any ~~dentist or dental hygienist~~ 1224
license, certificate, or registration holder who suffers a relapse 1225

at any time during or following aftercare. 1226

Any ~~dentist or dental hygienist~~ license, certificate, or 1227
registration holder who enters into treatment by an approved 1228
treatment provider shall be deemed to have waived any 1229
confidentiality requirements that would otherwise prevent the 1230
treatment provider from making reports required under this 1231
section. 1232

In the absence of fraud or bad faith, no professional 1233
association of ~~dentists or dental hygienists licensed under this~~ 1234
~~chapter~~ license, certificate, or registration holders that 1235
sponsors a committee or program to provide peer assistance to 1236
~~dentists or dental hygienists~~ license, certificate, or 1237
registration holders with substance abuse problems, no 1238
representative or agent of such a committee or program, and no 1239
member of the state dental board shall be liable to any person for 1240
damages in a civil action by reason of actions taken to refer a 1241
~~dentist or dental hygienist~~ license, certificate, or registration 1242
holder to a treatment provider designated by the board or actions 1243
or omissions of the provider in treating a ~~dentist or dental~~ 1244
~~hygienist~~ license, certificate, or registration holder. 1245

In the absence of fraud or bad faith, no person who reports 1246
to the board a ~~dentist or dental hygienist~~ license, certificate, 1247
or registration holder with a suspected substance abuse problem 1248
shall be liable to any person for damages in a civil action as a 1249
result of making the report. 1250

Sec. 4715.39. (A) The state dental board may define the 1251
duties that may be performed by dental assistants and other 1252
individuals designated by the board as qualified personnel. If 1253
defined, the duties shall be defined in rules adopted in 1254
accordance with Chapter 119. of the Revised Code. The rules may 1255
include training and practice standards for dental assistants and 1256

other qualified personnel. The standards may include examination 1257
and issuance of a certificate. If the board issues a certificate, 1258
the recipient shall display the certificate in a conspicuous 1259
location in any office in which the recipient is employed to 1260
perform the duties authorized by the certificate. 1261

(B) A dental assistant may polish the clinical crowns of 1262
teeth if all of the following requirements are met: 1263

(1) The dental assistant's polishing activities are limited 1264
to the use of a rubber cup attached to a slow-speed rotary dental 1265
hand piece to remove soft deposits that build up over time on the 1266
crowns of teeth. 1267

(2) The polishing is performed only after a dentist has 1268
evaluated the patient and any calculus detected on the teeth to be 1269
polished has been removed by a dentist or dental hygienist. 1270

(3) The dentist supervising the assistant supervises not more 1271
than two dental assistants engaging in polishing activities at any 1272
given time. 1273

(4) The dental assistant is certified by the dental assisting 1274
national board or the Ohio commission on dental assistant 1275
certification. 1276

(5) The dental assistant receives a certificate from the 1277
board authorizing the assistant to engage in the polishing 1278
activities. The board shall issue the certificate if the 1279
individual has successfully completed training in the polishing of 1280
clinical crowns through a program accredited by the commission on 1281
dental accreditation or equivalent training approved by the board. 1282
The training shall include courses in basic dental anatomy and 1283
infection control, followed by a course in coronal polishing that 1284
includes didactic, preclinical, and clinical training; any other 1285
training required by the board; and a skills assessment that 1286
includes successful completion of standardized testing. The board 1287

shall adopt rules pursuant to division (A) of this section 1288
establishing standards for approval of this training. 1289

(C) Subject to this section and the applicable rules of the 1290
board, licensed dentists may assign to dental assistants and other 1291
qualified personnel dental procedures that do not require the 1292
professional competence or skill of the licensed dentist ~~or, a~~ 1293
dental hygienist, or an expanded function dental auxiliary as this 1294
section or the board by rule authorizes dental assistants and 1295
other qualified personnel to perform. The performance of dental 1296
procedures by dental assistants and other qualified personnel 1297
shall be under direct supervision and full responsibility of the 1298
licensed dentist. 1299

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

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

(2) Authorize dental assistants or other qualified personnel 1308
to engage in the practice of an expanded function dental auxiliary 1309
as specified in section 4715.62 of the Revised Code or to perform 1310
the duties of an expanded function dental auxiliary other than as 1311
authorized pursuant to this section. 1312

(3) Authorize the assignment of any of the following: 1313

(a) Diagnosis; 1314

(b) Treatment planning and prescription, including 1315
prescription for drugs and medicaments or authorization for 1316
restorative, prosthodontic, or orthodontic appliances; 1317

(c) Surgical procedures on hard or soft tissue of the oral 1318
cavity, or any other intraoral procedure that contributes to or 1319
results in an irremediable alteration of the oral anatomy; 1320

(d) The making of final impressions from which casts are made 1321
to construct any dental restoration. 1322

(E) No dentist shall assign any dental assistant or other 1323
individual acting in the capacity of qualified personnel to 1324
perform any dental procedure that the assistant or other 1325
individual is not authorized by this section or by board rule to 1326
perform. No dental assistant or other individual acting in the 1327
capacity of qualified personnel shall perform any dental procedure 1328
other than in accordance with this section and any applicable 1329
board rule or any dental procedure that the assistant or other 1330
individual is not authorized by this section or by board rule to 1331
perform. 1332

Sec. 4715.42. (A)(1) As used in this section, "indigent and 1333
uninsured person" and "operation" have the same meanings as in 1334
section 2305.234 of the Revised Code. 1335

(2) For the purposes of this section, a person shall be 1336
considered retired from practice if the person's license or 1337
registration has been surrendered or allowed to expire with the 1338
intention of ceasing to practice as a dentist ~~or~~, dental 1339
hygienist, or expanded function dental auxiliary for remuneration. 1340

(B) Within thirty days after receiving an application for a 1341
volunteer's certificate that includes all of the items listed in 1342
divisions (C)(1), (2), and (3) of this section, the state dental 1343
board shall issue, without examination, a volunteer's certificate 1344
to a person who is retired from practice so that the person may 1345
provide dental services to indigent and uninsured persons. 1346

(C) An application for a volunteer's certificate shall 1347

include all of the following: 1348

(1) A copy of the applicant's degree from dental college ~~or~~, 1349
degree from dental hygiene school, or diploma or other certificate 1350
of graduation or completion from the accredited educational 1351
institution or training program that provided the education or 1352
training necessary to obtain registration under this chapter to 1353
practice as an expanded function dental auxiliary. 1354

(2) One of the following, as applicable: 1355

(a) A copy of the applicant's most recent license or 1356
registration to practice dentistry or dental hygiene as a dentist, 1357
dental hygienist, or expanded function dental auxiliary issued by 1358
a jurisdiction in the United States that licenses or registers 1359
persons to practice dentistry ~~or~~, dental hygiene, or expanded 1360
function dental auxiliary. 1361

(b) A copy of the applicant's most recent license or 1362
registration equivalent to a license or registration to practice 1363
dentistry ~~or~~, dental hygiene, or as an expanded function dental 1364
auxiliary in one or more branches of the United States armed 1365
services that the United States government issued. 1366

(3) Evidence of one of the following, as applicable: 1367

(a) The applicant has maintained for at least ten years prior 1368
to retirement full licensure or registration in good standing in 1369
any jurisdiction in the United States that licenses or registers 1370
persons to practice dentistry ~~or~~, dental hygiene, or as an 1371
expanded function dental auxiliary. 1372

(b) The applicant has practiced as a dentist ~~or~~, dental 1373
hygienist, or expanded function dental auxiliary in good standing 1374
for at least ten years prior to retirement in one or more branches 1375
of the United States armed services. 1376

(D) The holder of a volunteer's certificate may provide 1377

dental services only to indigent and uninsured persons. The holder
shall not accept any form of remuneration for providing dental
services while in possession of the certificate. Except in a
dental emergency, the holder shall not perform any operation. The
board may revoke a volunteer's certificate on receiving proof
satisfactory to the board that the holder has engaged in practice
in this state outside the scope of the holder's certificate or
that there are grounds for action against the person under section
4715.30 of the Revised Code.

(E)(1) A volunteer's certificate shall be valid for a period
of three years, and may be renewed upon the application of the
holder, unless the certificate was previously revoked under
division (D) of this section. The board shall maintain a register
of all persons who hold volunteer's certificates. The board shall
not charge a fee for issuing or renewing a certificate pursuant to
this section.

(2) To be eligible for renewal of a volunteer's certificate,
the holder of the certificate shall certify to the board
completion of ~~sixty~~ one of the following:

(a) Sixty hours of continuing dental education that meets the
requirements of section 4715.141 of the Revised Code and the rules
adopted under that section, ~~or completion of eighteen;~~

(b) Eighteen hours of continuing dental hygiene education
that meets the requirements of section 4715.25 of the Revised Code
and the rules adopted under that section, ~~as the case may be;~~

(c) The number of hours of continuing expanded function
dental auxiliary education that meets the requirements specified
in rules adopted under section 4715.62 of the Revised Code. The
board may not renew a certificate if the holder has not complied
with the appropriate continuing education requirements. Any entity
for which the holder provides dental services may pay for or

reimburse the holder for any costs incurred in obtaining the 1409
required continuing education credits. 1410

(3) The board shall issue to each person who qualifies under 1411
this section for a volunteer's certificate a wallet certificate 1412
and a wall certificate that state that the certificate holder is 1413
authorized to provide dental services pursuant to the laws of this 1414
state. The holder shall keep the wallet certificate on the 1415
holder's person while providing dental services and shall display 1416
the wall certificate prominently at the location where the holder 1417
primarily practices. 1418

(4) The holder of a volunteer's certificate issued pursuant 1419
to this section is subject to the immunity provisions in section 1420
2305.234 of the Revised Code. 1421

(F) The board shall adopt rules in accordance with Chapter 1422
119. of the Revised Code to administer and enforce this section. 1423

(G) Within ninety days after ~~the effective date of this~~ 1424
~~amendment~~ April 7,, 2005, the state dental board shall make 1425
available through the board's website the application form for a 1426
volunteer's certificate under this section, a description of the 1427
application process, and a list of all items that are required by 1428
division (C) of this section to be submitted with the application. 1429

Sec. 4715.51. As used in sections 4715.52 to ~~4715.58~~ 4715.57 1430
of the Revised Code, "dental x-ray machine operator" means an 1431
individual who, under the direct supervision of a dentist, 1432
performs standard, diagnostic, radiologic procedures for the 1433
purpose of contributing to the provision of dental care to a 1434
dental patient. As used in this section, "standard, diagnostic, 1435
radiologic procedures" means those procedures involved in using 1436
dental equipment that emits ionizing radiation, as defined in 1437
section 4773.01 of the Revised Code. 1438

Sec. 4715.52. (A) Except as provided in division (B) of this 1439
section, no person shall practice or hold himself out as a dental 1440
x-ray machine operator without a valid ~~license~~ certificate issued 1441
under section 4715.53 of the Revised Code. 1442

(B) Division (A) of this section does not apply to any of the 1443
following: 1444

(1) Dentists or dental hygienists licensed under this 1445
chapter; 1446

(2) As specified in 42 C.F.R. 75, radiologic personnel 1447
employed by the federal government or serving in a branch of the 1448
armed forces of the United States; 1449

(3) Students engaging in any of the activities performed by 1450
dental x-ray machine operators as an integral part of a program of 1451
study leading to receipt of a license issued under this chapter, 1452
Chapter 4734., or Chapter 4773. of the Revised Code; or a 1453
certificate issued under this chapter or Chapter 4731. of the 1454
Revised Code. 1455

Sec. 4715.53. (A) Each individual seeking a ~~license~~ 1456
certificate to practice as a dental x-ray machine operator shall 1457
apply to the state dental board on a form the board shall 1458
prescribe and provide. The application shall be accompanied by ~~the~~ 1459
~~license~~ an application fee ~~established in rules adopted under~~ 1460
~~section 4715.58 of the Revised Code of twenty-five dollars.~~ 1461

(B) The board shall review all applications received and 1462
issue a dental x-ray machine operator ~~license~~ certificate to each 1463
applicant who ~~meets the following requirements~~ submits evidence 1464
satisfactory to the board of at least one of the following: 1465

(1) ~~Is age eighteen or older.~~ 1466

(2) ~~Is of good moral character.~~ 1467

~~(3) Except as provided in division (C) of this section,~~ 1468
~~passes the examination administered under section 4715.54 of the~~ 1469
~~Revised Code;~~ 1470

~~(4) Complies with any other licensing standards established~~ 1471
~~in rules adopted under section 4715.58 of the Revised Code.~~ 1472

~~(C) An applicant is not required to take a licensing~~ 1473
~~examination if any of the following apply:~~ 1474

~~(1) He~~ The applicant holds certification from the dental 1475
assisting national board or the Ohio commission on dental 1476
assistant certification. 1477

~~(2) He holds a conditional license issued under section~~ 1478
~~4715.55 of the Revised Code and has completed the continuing~~ 1479
~~education requirements established in rules adopted under section~~ 1480
~~4715.58 of the Revised Code.~~ 1481

~~(3) He~~ The applicant holds a license, certificate, permit, 1482
registration, or other credential issued by another state that the 1483
board determines uses standards for dental x-ray machine operators 1484
that are at least equal to those established under this chapter. 1485

(3) The applicant has successfully completed an educational 1486
program consisting of at least seven hours of instruction in 1487
dental x-ray machine operation that meets either of the following 1488
requirements: 1489

(a) Has been approved by the board in accordance with section 1490
4715.57 of the Revised Code; 1491

(b) Is conducted by an institution accredited by the American 1492
dental association commission on dental accreditation. 1493

(D) A license certificate issued under this section expires 1494
two years after it is issued and may be renewed if the license 1495
certificate holder ~~completes the continuing education requirements~~ 1496
~~specified in rules adopted by the board under section 4715.58 of~~ 1497

~~the Revised Code. Applications for license renewal shall be~~ 1498
~~accompanied by the renewal fee established in rules adopted under~~ 1499
~~section 4715.58 of the Revised Code. Renewals~~ does both of the 1500
following: 1501

(1) Certifies to the board that the certificate holder has 1502
completed at least two hours of instruction in dental x-ray 1503
machine operation approved by the board in accordance with section 1504
4715.57 of the Revised Code during the two-year period preceding 1505
the date the renewal application is received by the board. 1506

(2) Submits a renewal fee of twenty-five dollars to the 1507
board. 1508

Renewals shall be made in accordance with the standard 1509
renewal procedure established under Chapter 4745. of the Revised 1510
Code. 1511

~~(E) The board shall refuse to issue or renew and may suspend~~ 1512
~~or revoke a dental x ray machine operator license if the applicant~~ 1513
~~or license holder does not comply with the applicable requirements~~ 1514
~~of this chapter or rules adopted under it.~~ 1515

Sec. 4715.57. (A) Each person seeking accreditation approval 1516
for an educational program ~~or approval for a continuing education~~ 1517
~~program~~ in dental x-ray machine operation shall apply to the state 1518
dental board on a form the board shall prescribe and provide. The 1519
application shall be accompanied by ~~the accreditation or approval~~ 1520
a fee established in rules adopted under division (C) of this 1521
~~section 4715.58 of the Revised Code.~~ 1522

(B) The board shall ~~accredit~~ approve educational programs ~~and~~ 1523
~~approve continuing education programs~~ that meet the standards 1524
established in rules adopted under division (C) of this section 1525
~~4715.58 of the Revised Code.~~ The ~~accreditation or~~ approval shall 1526
be valid until surrendered by the program or suspended or revoked 1527

by the board. A program's ~~accreditation or~~ approval may be 1528
suspended or revoked if the program does not comply with 1529
applicable requirements of this chapter or rules adopted under it. 1530

(C) The board shall adopt rules in accordance with Chapter 1531
119. of the Revised Code that are no less stringent than any of 1532
the applicable standards specified in 42 C.F.R. 75 to do both of 1533
the following: 1534

(1) For purposes of division (A) of this section, establish a 1535
fee that must accompany each application for approval of an 1536
educational program. 1537

(2) For purposes of division (B) of this section, establish 1538
standards that an educational program must meet to be approved by 1539
the board. 1540

Sec. 4715.60. (A) Except as provided in division (C) of this 1541
section, each individual seeking to practice as an expanded 1542
function dental auxiliary shall file with the secretary of the 1543
state dental board a written application for registration, under 1544
oath, on a form the board shall prescribe and provide. An 1545
applicant shall include with the completed application all of the 1546
following: 1547

(1) An application fee of twenty dollars; 1548

(2) Proof that the individual holds current certification to 1549
perform basic life-support procedures, evidenced by documentation 1550
showing the successful completion of a basic life-support training 1551
course certified by either the American red cross or the American 1552
heart association; 1553

(3) Evidence satisfactory to the board that the individual 1554
has successfully completed, at an educational institution 1555
accredited by the commission on dental accreditation of the 1556
American dental association or the higher learning commission of 1557

the north central association of colleges and schools, the 1558
education or training specified by the board in rules adopted 1559
under section 4715.63 of the Revised Code as the education or 1560
training that is necessary to obtain registration under this 1561
chapter to practice as an expanded function dental auxiliary, as 1562
evidenced by a diploma or other certificate of graduation or 1563
completion that has been signed by an appropriate official of the 1564
accredited institution that provided education or training. 1565

(4) Evidence satisfactory to the board that the individual 1566
has passed an examination approved by the board in rules adopted 1567
under section 4715.63 of the Revised Code; 1568

(5) Evidence satisfactory to the board that the individual is 1569
one of the following: 1570

(a) An unlicensed dentist who has graduated from an 1571
accredited dental college, as specified in section 4715.10 of the 1572
Revised Code, and does not have a dental license under suspension 1573
or revocation by the board; 1574

(b) A dental student who is enrolled in an accredited dental 1575
college, as specified in section 4715.10 of the Revised Code, and 1576
is considered by the dean of the college to be in good standing as 1577
a dental student; 1578

(c) A graduate of a dental college located outside of the 1579
United States; 1580

(d) A dental assistant who is certified by the dental 1581
assisting national board or the Ohio commission on dental 1582
assistant certification; 1583

(e) A dental hygienist licensed under this chapter whose 1584
license is in good standing; 1585

(f) An unlicensed dental hygienist who has graduated from an 1586
accredited dental hygiene school, as specified in section 4715.21 1587

of the Revised Code, and does not have a dental hygienist license 1588
under suspension or revocation by the board. 1589

(B) If an applicant complies with division (A) of this 1590
section, the board shall register the individual as an expanded 1591
function dental auxiliary. 1592

(C) The following individuals may engage in the practice of 1593
expanded function dental auxiliary without complying with division 1594
(A) of this section: 1595

(1) A dentist licensed under this chapter; 1596

(2) A dental student who engages in any activities performed 1597
by expanded function dental auxiliaries as an integral part of a 1598
program of study leading to the receipt of a license to practice 1599
as a dentist under this chapter; 1600

(3) An expanded function dental auxiliary student when the 1601
student participates in an educational or training activity of an 1602
accredited educational institution or a training program that does 1603
both of the following: 1604

(a) Provides the education or training necessary to practice 1605
as an expanded function dental auxiliary; 1606

(b) Ensures that a dentist licensed under this chapter, or a 1607
dentist who holds a limited teaching license issued under this 1608
chapter, is physically present in the facility where the expanded 1609
function dental auxiliary performs clinical dental procedures on 1610
patients. 1611

Sec. 4715.601. (A) Registration under section 4715.60 of the 1612
Revised Code expires on the thirty-first day of December of the 1613
year following the year in which the registration occurs. An 1614
individual may renew a registration for subsequent two-year 1615
periods by submitting both of the following to the secretary of 1616
the state dental board each time the individual seeks to renew a 1617

registration: 1618

(1) A completed application for renewal, under oath, on a 1619
form the board shall prescribe and provide. 1620

(2) A renewal fee of twenty dollars. 1621

(B) If an individual complies with division (A) of this 1622
section and is not in violation of any section of this chapter or 1623
rule adopted under it, the board shall renew the individual's 1624
registration for a two-year period that expires on the 1625
thirty-first day of December of the year following the year in 1626
which the registration was renewed. 1627

(C) Registration renewals under this section shall be in 1628
accordance with the standard renewal procedure established under 1629
Chapter 4745. of the Revised Code. 1630

Sec. 4715.61. (A) The practice of an expanded function dental 1631
auxiliary shall consist of the following: 1632

(1) The procedures involved in the placement of restorative 1633
materials limited to amalgam restorative materials and 1634
non-metallic restorative materials, including direct-bonded 1635
restorative materials; 1636

(2) The procedures involved in the placement of sealants; 1637

(3) Any additional procedures authorized by the state dental 1638
board in rules adopted under section 4715.63 of the Revised Code. 1639

(B) An expanded function dental auxiliary shall practice 1640
under the direct supervision, order, control, and full 1641
responsibility of a dentist licensed under this chapter. At no 1642
time shall more than two expanded function dental auxiliaries be 1643
practicing as expanded function dental auxiliaries under the 1644
direct supervision of the same dentist. An expanded function 1645
dental auxiliary shall not practice as an expanded function dental 1646

auxiliary when the supervising dentist is not physically present 1647
at the location where the expanded function dental auxiliary is 1648
practicing. 1649

(C) Nothing in this section shall be construed by rule of the 1650
board or otherwise to authorize an expanded function dental 1651
auxiliary to engage in the practice of dental hygiene as defined 1652
by sections 4715.22 and 4715.23 of the Revised Code. 1653

Sec. 4715.62. The secretary of the state dental board shall 1654
keep a record of all persons registered under this chapter as 1655
expanded function dental auxiliaries. For each expanded function 1656
dental auxiliary, the record shall identify the location where the 1657
person primarily practices and the person's one or more 1658
supervising dentists. 1659

Sec. 4715.63. (A) The state dental board shall adopt rules as 1660
the board considers necessary to implement and administer sections 1661
4715.60 to 4715.62 of the Revised Code. The rules shall be adopted 1662
in accordance with Chapter 119. of the Revised Code. 1663

(B) In adopting rules under this section, all of the 1664
following apply: 1665

(1) For purposes of section 4715.60 of the Revised Code, the 1666
board shall adopt rules specifying the education or training 1667
necessary and the examination that must be passed for an 1668
individual to register as an expanded function dental auxiliary 1669
under this chapter. 1670

(2) For purposes of section 4715.42 of the Revised Code, the 1671
board shall adopt rules specifying the number of hours of 1672
continuing expanded function dental auxiliary education an 1673
individual needs to renew a volunteer's certificate to practice as 1674
an expanded function dental auxiliary. 1675

(3) For purposes of section 4715.61 of the Revised Code, the 1676
board may adopt rules specifying additional procedures an expanded 1677
function dental auxiliary may perform. 1678

Sec. 4715.99. (A) Whoever violates section 4715.17 of the 1679
Revised Code is guilty of a minor misdemeanor on a first offense 1680
and a misdemeanor of the fourth degree on each subsequent offense. 1681

(B) Whoever violates section 4715.18 of the Revised Code is 1682
guilty of a misdemeanor of the fourth degree. 1683

(C) Whoever violates section 4715.09, 4715.19, 4715.20, 1684
4715.29, 4715.32, 4715.39, ~~or~~ 4715.52, or 4715.60 of the Revised 1685
Code is guilty of a misdemeanor of the first degree on a first 1686
offense and a felony of the fifth degree on each subsequent 1687
offense. 1688

(D) Whoever violates any provision of ~~sections 4715.01 to~~ 1689
~~4715.39 of the Revised Code~~ this chapter for which no specific 1690
penalty has been prescribed is guilty of a misdemeanor of the 1691
fourth degree on a first offense and a misdemeanor of the second 1692
degree on each subsequent offense. 1693

Section 2. That existing sections 2305.234, 2925.01, 1694
3709.161, 3721.21, 4715.02, 4715.03, 4715.05, 4715.30, 4715.301, 1695
4715.39, 4715.42, 4715.51, 4715.52, 4715.53, 4715.57, and 4715.99, 1696
and sections 4715.54, 4715.55, and 4715.58 of the Revised Code are 1697
hereby repealed. 1698