

# As Passed by the Senate

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Senators Gardner, Austria, Cates, Clancy, Coughlin, Mumper, Niehaus,  
Padgett, Roberts, Schuring, Armbruster, Schuler

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## A B I L L

To amend sections 4715.02, 4715.30, 4715.39, 4715.51,	1
4715.52, 4715.53, 4715.57, and 4715.99, to enact	2
sections 4715.231, 4715.61, 4715.62, 4715.63,	3
4715.64, 4715.65, and 4715.66, and to repeal	4
sections 4715.54, 4715.55, and 4715.58 of the	5
Revised Code to allow a dental hygienist under the	6
supervision of a dentist to administer local	7
anesthesia to a patient, to make changes to the	8
law governing dental x-ray machine operators, to	9
provide for the registration of expanded function	10
dental auxiliaries, and to make changes in the	11
composition of the State Dental Board.	12

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

<b>Section 1.</b> That sections 4715.02, 4715.30, 4715.39, 4715.51,	13
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4715.52, 4715.53, 4715.57, and 4715.99 be amended and sections 14  
4715.231, 4715.61, 4715.62, 4715.63, 4715.64, 4715.65, and 4715.66 15  
of the Revised Code be enacted to read as follows: 16

**Sec. 4715.02.** The governor, with the advice and consent of 17  
the senate, shall appoint a state dental board consisting of 18  
thirteen persons, nine of whom shall be graduates of a reputable 19  
dental college, citizens of the United States, and shall have been 20  
in the legal and reputable practice of dentistry in the state at 21  
least five years next preceding their appointment; three of whom 22  
shall be graduates of a reputable school of dental hygiene, 23  
citizens of the United States, and shall have been in the legal 24  
and reputable practice of dental hygiene in the state at least 25  
five years next preceding their appointment; and one of whom shall 26  
be a member of the public at large who is not associated with or 27  
financially interested in the practice of dentistry. 28

Of the nine members who are in the practice of dentistry, 29  
~~there shall be not more than two on the board at any time who are~~ 30  
shall be persons recognized as specialists pursuant to rules 31  
adopted by the board. ~~Of~~ The specialist members shall be appointed 32  
in such a manner that the same specialty is not represented by 33  
both members at the same time. When a vacancy occurs in a position 34  
held by a specialist member, the governor shall make all 35  
reasonable efforts to fill the vacancy with a person who 36  
represents a specialty that is different from the specialty that 37  
was represented by the member who vacated the position. 38

Of the three members who are in the practice of dental 39  
hygiene, not more than one may be a person employed as a full-time 40  
teacher of dental hygiene students. ~~Representation~~ 41

Representation of the various geographical areas of the state 42  
shall be considered in making appointments for members who are in 43

the practice of dentistry and for members who are in the practice 44  
of dental hygiene. 45

Terms of office shall be for four years, commencing on the 46  
seventh day of April and ending on the sixth day of April. Each 47  
member shall hold office from the date of the member's appointment 48  
until the end of the term for which the member was appointed. Any 49  
member appointed to fill a vacancy occurring prior to the 50  
expiration of the term for which the member's predecessor was 51  
appointed shall hold office for the remainder of such term. Any 52  
member shall continue in office subsequent to the expiration date 53  
of the member's term until the member's successor takes office, or 54  
until a period of sixty days has elapsed, whichever occurs first. 55  
No person so appointed shall serve to exceed two terms. 56

The Ohio dental association may submit to the governor the 57  
names of five nominees for each position to be filled by a dentist 58  
and from the names so submitted or from others, at the governor's 59  
discretion, the governor shall make such appointments; provided 60  
that all such appointees shall possess the required 61  
qualifications. The Ohio dental hygienists association, inc., may 62  
submit to the governor the names of five nominees for each 63  
position to be filled by a dental hygienist and from the names so 64  
submitted or from others, at the governor's discretion, the 65  
governor shall make such appointments; provided that all such 66  
appointees shall possess the required qualifications. No person 67  
shall be appointed to the state dental board who is employed by or 68  
practices in a corporation holding a certificate of authority 69  
under Chapter 1751. of the Revised Code with a person who is a 70  
member of the board. 71

No member of the board shall administer to a student in this 72  
state or to a graduate of a dental college located in this state 73  
an examination on behalf of any of the following: the central 74  
regional dental testing service, inc., northeast regional board of 75

dental examiners, inc., southern regional testing agency, inc., or  
western regional examining board.

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

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

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(1) Successfully completed a course in the administration of  
local anesthesia approved by the board and offered by a dental or  
dental hygiene program that is accredited by the commission on  
dental accreditation of the American dental association;

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(2) Within eighteen months of completion of the anesthesia  
course, successfully passed a state or regional written  
examination on local anesthesia approved by the board.

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(C) To be approved by the board, a local anesthesia  
administration course must contain not less than fifteen hours of  
didactic instruction and not less than fourteen hours of clinical  
experience and include instruction on each of the following  
subjects:

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(1) Theory of pain control;

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(2) Selection of pain control modalities;

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(3) Anatomy;

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<u>(4) Neurophysiology;</u>	105
<u>(5) Pharmacology of local anesthetics;</u>	106
<u>(6) Pharmacology of vasoconstrictors;</u>	107
<u>(7) Psychological aspects of pain control;</u>	108
<u>(8) Systemic complications;</u>	109
<u>(9) Techniques of maxillary and mandibular anesthesia taught by a dentist or other qualified instructor;</u>	110 111
<u>(10) Infection control;</u>	112
<u>(11) Local anesthesia medical emergencies.</u>	113
<u>(D) A dental hygienist may administer local anesthesia only if the dental hygienist has obtained current certification to perform basic cardiac life-support procedures as required by section 4715.251 of the Revised Code.</u>	114 115 116 117
 <b>Sec. 4715.30.</b> (A) The holder of a certificate or license issued under this chapter is subject to disciplinary action by the state dental board for any of the following reasons:	118 119 120
(1) Employing or cooperating in fraud or material deception in applying for or obtaining a license or certificate;	121 122
(2) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;	123 124 125
(3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;	126 127 128
(4) Conviction of a misdemeanor committed in the course of practice or of any felony;	129 130
(5) Engaging in lewd or immoral conduct in connection with the provision of dental services;	131 132

(6) Selling, prescribing, giving away, or administering drugs	133
for other than legal and legitimate therapeutic purposes, or	134
conviction of violating any law of this state or the federal	135
government regulating the possession, distribution, or use of any	136
drug;	137
(7) Providing or allowing dental hygienists, <u>expanded</u>	138
<u>function dental auxiliaries</u> , or other practitioners of auxiliary	139
dental occupations working under the certificate or license	140
holder's supervision, or a dentist holding a temporary limited	141
continuing education license under division (C) of section 4715.16	142
of the Revised Code working under the certificate or license	143
holder's direct supervision, to provide dental care that departs	144
from or fails to conform to accepted standards for the profession,	145
whether or not injury to a patient results;	146
(8) Inability to practice under accepted standards of the	147
profession because of physical or mental disability, dependence on	148
alcohol or other drugs, or excessive use of alcohol or other	149
drugs;	150
(9) Violation of any provision of this chapter or any rule	151
adopted thereunder;	152
(10) Failure to use universal blood and body fluid	153
precautions established by rules adopted under section 4715.03 of	154
the Revised Code;	155
(11) Waiving the payment of all or any part of a deductible	156
or copayment that a patient, pursuant to a health insurance or	157
health care policy, contract, or plan that covers dental services,	158
would otherwise be required to pay if the waiver is used as an	159
enticement to a patient or group of patients to receive health	160
care services from that provider.	161
(12) Advertising that the certificate or license holder will	162
waive the payment of all or any part of a deductible or copayment	163

that a patient, pursuant to a health insurance or health care  
policy, contract, or plan that covers dental services, would  
otherwise be required to pay.

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

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

(1) Censure the license or certificate holder;

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

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

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

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

(3) Suspend the certificate or license;

(4) Revoke the certificate or license.

Where the board places a holder of a license or certificate  
on probationary status pursuant to division (C)(2) of this  
section, the board may subsequently suspend or revoke the license  
or certificate if it determines that the holder has not met the

requirements of the probation or continues to engage in activities 194  
that constitute grounds for discipline pursuant to division (A) or 195  
(B) of this section. 196

Any order suspending a license or certificate shall state the 197  
conditions under which the license or certificate will be 198  
restored, which may include a conditional restoration during which 199  
time the holder is in a probationary status pursuant to division 200  
(C)(2) of this section. The board shall restore the license or 201  
certificate unconditionally when such conditions are met. 202

(D) If the physical or mental condition of a license or 203  
certificate holder is at issue in a disciplinary proceeding, the 204  
board may order the license or certificate holder to submit to 205  
reasonable examinations by an individual designated or approved by 206  
the board and at the board's expense. The physical examination may 207  
be conducted by any individual authorized by the Revised Code to 208  
do so, including a physician assistant, a clinical nurse 209  
specialist, a certified nurse practitioner, or a certified 210  
nurse-midwife. Any written documentation of the physical 211  
examination shall be completed by the individual who conducted the 212  
examination. 213

Failure to comply with an order for an examination shall be 214  
grounds for summary suspension of a license or certificate under 215  
division (E) of this section. 216

(E) If the board has reason to believe that the holder 217  
represents a clear and immediate danger to the public health and 218  
safety if the holder is allowed to continue to practice, or if the 219  
holder has failed to comply with an order under division (D) of 220  
this section, the board may apply to the court of common pleas of 221  
the county in which the holder resides for an order temporarily 222  
suspending the holder's license or certificate, without a prior 223  
hearing being afforded by the board, until the board conducts an 224



adjudication hearing pursuant to Chapter 119. of the Revised Code. 225  
If the court temporarily suspends a holder's license or 226  
certificate, the board shall give written notice of the suspension 227  
personally or by certified mail to the license or certificate 228  
holder. Such notice shall include specific facts and reasons for 229  
finding a clear and immediate danger to the public health and 230  
safety and shall inform the license or certificate holder of the 231  
right to a hearing pursuant to Chapter 119. of the Revised Code. 232

(F) Any holder of a certificate or license issued under this 233  
chapter who has pleaded guilty to, has been convicted of, or has 234  
had a judicial finding of eligibility for intervention in lieu of 235  
conviction entered against the holder in this state for aggravated 236  
murder, murder, voluntary manslaughter, felonious assault, 237  
kidnapping, rape, sexual battery, gross sexual imposition, 238  
aggravated arson, aggravated robbery, or aggravated burglary, or 239  
who has pleaded guilty to, has been convicted of, or has had a 240  
judicial finding of eligibility for treatment or intervention in 241  
lieu of conviction entered against the holder in another 242  
jurisdiction for any substantially equivalent criminal offense, is 243  
automatically suspended from practice under this chapter in this 244  
state and any certificate or license issued to the holder under 245  
this chapter is automatically suspended, as of the date of the 246  
guilty plea, conviction, or judicial finding, whether the 247  
proceedings are brought in this state or another jurisdiction. 248  
Continued practice by an individual after the suspension of the 249  
individual's certificate or license under this division shall be 250  
considered practicing without a certificate or license. The board 251  
shall notify the suspended individual of the suspension of the 252  
individual's certificate or license under this division by 253  
certified mail or in person in accordance with section 119.07 of 254  
the Revised Code. If an individual whose certificate or license is 255  
suspended under this division fails to make a timely request for 256

an adjudicatory hearing, the board shall enter a final order  
revoking the individual's certificate or license.

(G) Notwithstanding divisions (A)(11) and (12) of this  
section, sanctions shall not be imposed against any licensee who  
waives deductibles and copayments:

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

(2) For professional services rendered to any other person  
licensed pursuant to this chapter to the extent allowed by this  
chapter and the rules of the board.

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

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

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

(2) The polishing is performed only after a dentist has 287  
evaluated the patient and any calculus detected on the teeth to be 288  
polished has been removed by a dentist or dental hygienist. 289

(3) The dentist supervising the assistant supervises not more 290  
than two dental assistants engaging in polishing activities at any 291  
given time. 292

(4) The dental assistant is certified by the dental assisting 293  
national board or the Ohio commission on dental assistant 294  
certification. 295

(5) The dental assistant receives a certificate from the 296  
board authorizing the assistant to engage in the polishing 297  
activities. The board shall issue the certificate if the 298  
individual has successfully completed training in the polishing of 299  
clinical crowns through a program accredited by the commission on 300  
dental accreditation or equivalent training approved by the board. 301  
The training shall include courses in basic dental anatomy and 302  
infection control, followed by a course in coronal polishing that 303  
includes didactic, preclinical, and clinical training; any other 304  
training required by the board; and a skills assessment that 305  
includes successful completion of standardized testing. The board 306  
shall adopt rules pursuant to division (A) of this section 307  
establishing standards for approval of this training. 308

(C) Subject to this section and the applicable rules of the 309  
board, licensed dentists may assign to dental assistants and other 310  
qualified personnel dental procedures that do not require the 311  
professional competence or skill of the licensed dentist ~~or, a~~ 312  
dental hygienist, or an expanded function dental auxiliary as this 313  
section or the board by rule authorizes dental assistants and 314  
other qualified personnel to perform. The performance of dental 315  
procedures by dental assistants and other qualified personnel 316  
shall be under direct supervision and full responsibility of the 317

licensed dentist. 318

(D) Nothing in this section shall be construed by rule of the 319  
state dental board or otherwise to do the following: 320

(1) Authorize dental assistants or other qualified personnel 321  
to engage in the practice of dental hygiene as defined by sections 322  
4715.22 and 4715.23 of the Revised Code or to perform the duties 323  
of a dental hygienist, including the removal of calcarious 324  
deposits, dental cement, or accretions on the crowns and roots of 325  
teeth other than as authorized pursuant to this section; 326

(2) Authorize dental assistants or other qualified personnel 327  
to engage in the practice of an expanded function dental auxiliary 328  
as specified in section 4715.64 of the Revised Code or to perform 329  
the duties of an expanded function dental auxiliary other than as 330  
authorized pursuant to this section. 331

(3) Authorize the assignment of any of the following: 332

(a) Diagnosis; 333

(b) Treatment planning and prescription, including 334  
prescription for drugs and medicaments or authorization for 335  
restorative, prosthodontic, or orthodontic appliances; 336

(c) Surgical procedures on hard or soft tissue of the oral 337  
cavity, or any other intraoral procedure that contributes to or 338  
results in an irremediable alteration of the oral anatomy; 339

(d) The making of final impressions from which casts are made 340  
to construct any dental restoration. 341

(E) No dentist shall assign any dental assistant or other 342  
individual acting in the capacity of qualified personnel to 343  
perform any dental procedure that the assistant or other 344  
individual is not authorized by this section or by board rule to 345  
perform. No dental assistant or other individual acting in the 346  
capacity of qualified personnel shall perform any dental procedure 347

other than in accordance with this section and any applicable  
board rule or any dental procedure that the assistant or other  
individual is not authorized by this section or by board rule to  
perform.

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

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

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

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

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

(3) Students engaging in any of the activities performed by  
dental x-ray machine operators as an integral part of a program of  
study leading to receipt of a license or certificate issued under  
this chapter, a license issued under Chapter 4734.7 or Chapter  
4773. of the Revised Code~~+~~, or a certificate issued under Chapter  
4731. of the Revised Code.

Sec. 4715.53. (A) Each individual seeking a ~~license~~ 378  
certificate to practice as a dental x-ray machine operator shall 379  
apply to the state dental board on a form the board shall 380  
prescribe and provide. The application shall be accompanied by ~~the~~ 381  
~~license~~ an application fee ~~established in rules adopted under~~ 382  
~~section 4715.58 of the Revised Code~~ of twenty-five dollars. 383

(B) The board shall review all applications received and 384  
issue a dental x-ray machine operator ~~license~~ certificate to each 385  
applicant who ~~meets the following requirements~~ submits evidence 386  
satisfactory to the board of one of the following: 387

(1) ~~Is age eighteen or older.~~ 388

~~(2) Is of good moral character.~~ 389

~~(3) Except as provided in division (C) of this section,~~ 390  
~~passes the examination administered under section 4715.54 of the~~ 391  
~~Revised Code;~~ 392

~~(4) Complies with any other licensing standards established~~ 393  
~~in rules adopted under section 4715.58 of the Revised Code.~~ 394

~~(C) An applicant is not required to take a licensing~~ 395  
~~examination if any of the following apply:~~ 396

~~(1) He~~ The applicant holds certification from the dental 397  
assisting national board or the Ohio commission on dental 398  
assistant certification. 399

~~(2) He holds a conditional license issued under section~~ 400  
~~4715.55 of the Revised Code and has completed the continuing~~ 401  
~~education requirements established in rules adopted under section~~ 402  
~~4715.58 of the Revised Code.~~ 403

~~(3) He~~ The applicant holds a license, certificate, permit, 404  
registration, or other credential issued by another state that the 405  
board determines uses standards for dental x-ray machine operators 406

that are at least equal to those established under this chapter. 407

~~(D)~~(3) The applicant has successfully completed an 408  
educational program consisting of at least seven hours of 409  
instruction in dental x-ray machine operation that meets either of 410  
the following requirements: 411

(a) Has been approved by the board in accordance with section 412  
4715.57 of the Revised Code; 413

(b) Is conducted by an institution accredited by the American 414  
dental association commission on dental accreditation. 415

(C) A license certificate issued under this section expires 416  
two years after it is issued and may be renewed if the license 417  
certificate holder completes the continuing education requirements 418  
specified in rules adopted by the board under section 4715.58 of 419  
the Revised Code. Applications for license renewal shall be 420  
accompanied by the renewal fee established in rules adopted under 421  
section 4715.58 of the Revised Code. Renewals does both of the 422  
following: 423

(1) Certifies to the board that the certificate holder has 424  
completed at least two hours of instruction in dental x-ray 425  
machine operation approved by the board in accordance with section 426  
4715.57 of the Revised Code during the two-year period preceding 427  
the date the renewal application is received by the board. 428

(2) Submits a renewal fee of twenty-five dollars to the 429  
board. 430

Renewals shall be made in accordance with the standard 431  
renewal procedure established under Chapter 4745. of the Revised 432  
Code. 433

~~(E) The board shall refuse to issue or renew and may suspend~~ 434  
~~or revoke a dental x ray machine operator license if the applicant~~ 435  
~~or license holder does not comply with the applicable requirements~~ 436

~~of this chapter or rules adopted under it.~~

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

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(B) The board shall ~~accredit~~ approve educational programs ~~and~~  
~~approve continuing education programs~~ that meet the standards  
established in rules adopted under division (C) of this section  
~~4715.58 of the Revised Code.~~ The ~~accreditation or~~ approval shall  
be valid until surrendered by the program or suspended or revoked  
by the board. A program's ~~accreditation or~~ approval may be  
suspended or revoked if the program does not comply with  
applicable requirements of this chapter or rules adopted under it.

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(C) The board shall adopt rules to implement and administer  
this section. The rules shall be adopted in accordance with  
Chapter 119. of the Revised Code and shall be no less stringent  
than any applicable standards specified in 42 C.F.R. 75. The rules  
shall do at least both of the following:

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(1) Establish the fee that must accompany each application  
for approval of an educational program;

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(2) Establish standards that an educational program must meet  
to be approved by the board.

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**Sec. 4715.61.** (A) Except as provided in division (B) of this  
section, no person shall practice as an expanded function dental  
auxiliary without being registered under this chapter as an  
expanded function dental auxiliary.

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(B) Division (A) of this section does not apply to any of the 466  
following: 467

(1) A dentist licensed under this chapter; 468

(2) A dental student who engages in any activities performed 469  
by expanded function dental auxiliaries as an integral part of a 470  
program of study leading to the receipt of a license to practice 471  
as a dentist under this chapter; 472

(3) An expanded function dental auxiliary student when the 473  
student participates in an educational or training activity of an 474  
accredited educational institution or a training program that does 475  
both of the following: 476

(a) Provides the education or training necessary to practice 477  
as an expanded function dental auxiliary; 478

(b) Ensures that a dentist licensed under this chapter, or a 479  
dentist who holds a limited teaching license issued under this 480  
chapter, is physically present in the facility where the expanded 481  
function dental auxiliary performs clinical dental procedures on 482  
patients. 483

**Sec. 4715.62. (A) Each individual seeking to register with** 484  
**the state dental board as an expanded function dental auxiliary** 485  
**shall file with the secretary of the board a written application** 486  
**for registration, under oath, on a form the board shall prescribe** 487  
**and provide. An applicant shall include with the completed** 488  
**application all of the following:** 489

(1) An application fee of twenty dollars; 490

(2) Proof satisfactory to the board that the applicant has 491  
successfully completed, at an educational institution accredited 492  
by the commission on dental accreditation of the American dental 493  
association or the higher learning commission of the north central 494  
association of colleges and schools, the education or training 495

specified by the board in rules adopted under section 4715.66 of  
the Revised Code as the education or training that is necessary to  
obtain registration under this chapter to practice as an expanded  
function dental auxiliary, as evidenced by a diploma or other  
certificate of graduation or completion that has been signed by an  
appropriate official of the accredited institution that provided  
education or training;

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(3) Proof satisfactory to the board that the applicant has  
passed an examination that meets the standards established by the  
board in rules adopted under section 4715.66 of the Revised Code  
to be accepted by the board as an examination of competency to  
practice as an expanded function dental auxiliary;

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(4) Proof that the applicant holds current certification to  
perform basic life-support procedures, evidenced by documentation  
showing the successful completion of a basic life-support training  
course certified by either the American red cross or the American  
heart association.

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

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**Sec. 4715.63.** (A) Registration under section 4715.62 of the  
Revised Code expires on the thirty-first day of December of the  
year following the year in which the registration occurs. An  
individual may renew a registration for subsequent two-year  
periods by submitting both of the following to the secretary of  
the state dental board each time the individual seeks to renew a  
registration:

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

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(2) A renewal fee of twenty dollars.

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(B) If an individual complies with division (A) of this 526  
section and is not in violation of any section of this chapter or 527  
rule adopted under it, the board shall renew the individual's 528  
registration for a two-year period that expires on the 529  
thirty-first day of December of the year following the year in 530  
which the registration was renewed. 531

(C) Registration renewals shall be made in accordance with 532  
the standard renewal procedure established under Chapter 4745. of 533  
the Revised Code. 534

**Sec. 4715.64.** (A) The practice of an expanded function dental 535  
auxiliary shall consist of the following: 536

(1) The procedures involved in the placement of restorative 537  
materials limited to amalgam restorative materials and 538  
non-metallic restorative materials, including direct-bonded 539  
restorative materials; 540

(2) The procedures involved in the placement of sealants; 541

(3) Any additional procedures authorized by the state dental 542  
board in rules adopted under section 4715.66 of the Revised Code. 543

(B) An expanded function dental auxiliary shall practice 544  
under the direct supervision, order, control, and full 545  
responsibility of a dentist licensed under this chapter. At no 546  
time shall more than two expanded function dental auxiliaries be 547  
practicing as expanded function dental auxiliaries under the 548  
direct supervision of the same dentist. An expanded function 549  
dental auxiliary shall not practice as an expanded function dental 550  
auxiliary when the supervising dentist is not physically present 551  
at the location where the expanded function dental auxiliary is 552  
practicing. 553

(C) Nothing in this section shall be construed by rule of the 554  
board or otherwise to authorize an expanded function dental 555

auxiliary to engage in the practice of dental hygiene as defined  
by sections 4715.22 and 4715.23 of the Revised Code.

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Sec. 4715.65. The secretary of the state dental board shall  
keep a record of all persons registered under this chapter as  
expanded function dental auxiliaries. For each expanded function  
dental auxiliary, the record shall identify the location where the  
person primarily practices and the person's one or more  
supervising dentists.

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Sec. 4715.66. (A) The state dental board shall adopt rules as  
the board considers necessary to implement and administer sections  
4715.61 to 4715.64 of the Revised Code. The rules shall be adopted  
in accordance with Chapter 119. of the Revised Code.

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

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(1) The board shall adopt rules specifying the education or  
training necessary for an individual to register as an expanded  
function dental auxiliary under this chapter.

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(2) The board shall adopt rules specifying the standards that  
must be met for an examination to be accepted by the board as an  
examination of competency to practice as an expanded function  
dental auxiliary. In specifying the standards, the board shall  
provide that an examination will be accepted only if the entity  
that administered the examination required an individual to be one  
of the following as a condition of admission to the examination:

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

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(b) A dental student who is enrolled in an accredited dental

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college, as specified in section 4715.10 of the Revised Code, and  
is considered by the dean of the college to be in good standing as  
a dental student;

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

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

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

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(f) An unlicensed dental hygienist who has graduated from an  
accredited dental hygiene school, as specified in section 4715.21  
of the Revised Code, and does not have a dental hygienist license  
under suspension or revocation by the board.

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(3) The board may adopt rules specifying procedures an  
expanded function dental auxiliary may perform that are in  
addition to the procedures specified in divisions (A)(1) and (2)  
of section 4715.64 of the Revised Code.

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

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

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(C) Whoever violates section 4715.09, 4715.19, 4715.20,  
4715.29, 4715.32, 4715.39, ~~or~~ 4715.52, or 4715.61 of the Revised  
Code is guilty of a misdemeanor of the first degree on a first  
offense and a felony of the fifth degree on each subsequent  
offense.

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(D) Whoever violates any provision of ~~sections 4715.01 to~~

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~~4715.39 of the Revised Code~~ this chapter for which no specific 614  
penalty has been prescribed is guilty of a misdemeanor of the 615  
fourth degree on a first offense and a misdemeanor of the second 616  
degree on each subsequent offense. 617

**Section 2.** That existing sections 4715.02, 4715.30, 4715.39, 618  
4715.51, 4715.52, 4715.53, 4715.57, and 4715.99, and sections 619  
4715.54, 4715.55, and 4715.58 of the Revised Code are hereby 620  
repealed. 621

**Section 3.** Section 4715.61 of the Revised Code shall take 622  
effect one year after the effective date of this act. 623