

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 131**

**Representative McGregor, R.**

**Cosponsors: Representatives Stewart, J., Chandler, Seitz, McGregor, J.,  
Bubp, Oelslager, Miller, Harwood, Wagoner, Peterson, Fessler, Bacon**

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**A B I L L**

To amend section 4715.22 of the Revised Code to 1  
permit dental hygienists to practice in certain 2  
places and to make appropriations to the 3  
Departments of Development and Health. 4

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

**Section 1.** That section 4715.22 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 4715.22.** (A) As used in this section, "health care 7  
facility" means either of the following: 8

(1) A hospital registered under section 3701.07 of the 9  
Revised Code; 10

(2) A "home" as defined in section 3721.01 of the Revised 11  
Code. 12

(B) A licensed dental hygienist shall practice under the 13  
supervision, order, control, and full responsibility of a dentist 14  
licensed under this chapter. A dental hygienist may practice in a 15  
dental office, public or private school, health care facility, 16  
dispensary, ~~or~~ public institution, nursing home, public or private 17

clinic, mobile dental unit, headstart program or facility, patient 18  
home, or other location approved by the state dental board. Except 19  
as provided in division (C) or (D) of this section, a dental 20  
hygienist may not provide dental hygiene services to a patient 21  
when the supervising dentist is not physically present at the 22  
location where the dental hygienist is practicing. 23

(C) A dental hygienist may provide, for not more than fifteen 24  
consecutive business days, dental hygiene services to a patient 25  
when the supervising dentist is not physically present at the 26  
location at which the services are provided if all of the 27  
following requirements are met: 28

(1) The dental hygienist has at least two years and a minimum 29  
of three thousand hours of experience in the practice of dental 30  
hygiene. 31

(2) The dental hygienist has successfully completed a course 32  
approved by the state dental board in the identification and 33  
prevention of potential medical emergencies. 34

(3) The dental hygienist complies with written protocols for 35  
emergencies the supervising dentist establishes. 36

(4) The dental hygienist does not perform, while the 37  
supervising dentist is absent from the location, procedures while 38  
the patient is anesthetized, definitive root planing, definitive 39  
subgingival curettage, or other procedures identified in rules the 40  
state dental board adopts. 41

(5) The supervising dentist has evaluated the dental 42  
hygienist's skills. 43

(6) The supervising dentist examined the patient not more 44  
than seven months prior to the date the dental hygienist provides 45  
the dental hygiene services to the patient. 46

(7) The dental hygienist complies with written protocols or 47

written standing orders that the supervising dentist establishes. 48

(8) The supervising dentist completed and evaluated a medical 49  
and dental history of the patient not more than one year prior to 50  
the date the dental hygienist provides dental hygiene services to 51  
the patient and, except when the dental hygiene services are 52  
provided in a health care facility, the supervising dentist 53  
determines that the patient is in a medically stable condition. 54

(9) If the dental hygiene services are provided in a health 55  
care facility, a doctor of medicine and surgery or osteopathic 56  
medicine and surgery who holds a current certificate issued under 57  
Chapter 4731. of the Revised Code or a registered nurse licensed 58  
under Chapter 4723. of the Revised Code is present in the health 59  
care facility when the services are provided. 60

(10) In advance of the appointment for dental hygiene 61  
services, the patient is notified that the supervising dentist 62  
will be absent from the location and that the dental hygienist 63  
cannot diagnose the patient's dental health care status. 64

(11) The dental hygienist is employed by, or under contract 65  
with, one of the following: 66

(a) The supervising dentist; 67

(b) A dentist licensed under this chapter who is one of the 68  
following: 69

(i) The employer of the supervising dentist; 70

(ii) A shareholder in a professional association formed under 71  
Chapter 1785. of the Revised Code of which the supervising dentist 72  
is a shareholder; 73

(iii) A member or manager of a limited liability company 74  
formed under Chapter 1705. of the Revised Code of which the 75  
supervising dentist is a member or manager; 76

(iv) A shareholder in a corporation formed under division (B) 77

of section 1701.03 of the Revised Code of which the supervising 78  
dentist is a shareholder; 79

(v) A partner or employee of a partnership or a limited 80  
liability partnership formed under Chapter 1775. of the Revised 81  
Code of which the supervising dentist is a partner or employee. 82

(c) A government entity that employs the dental hygienist to 83  
provide dental hygiene services in a public school or in 84  
connection with other programs the government entity administers. 85

(D) A dental hygienist may provide dental hygiene services to 86  
a patient when the supervising dentist is not physically present 87  
at the location at which the services are provided if the services 88  
are provided as part of a dental hygiene program that is approved 89  
by the state dental board and all of the following requirements 90  
are met: 91

(1) The program is operated through a school district board 92  
of education or the governing board of an educational service 93  
center; the board of health of a city or general health district 94  
or the authority having the duties of a board of health under 95  
section 3709.05 of the Revised Code; a national, state, district, 96  
or local dental association; or any other public or private entity 97  
recognized by the state dental board. 98

(2) The supervising dentist is employed by or a volunteer 99  
for, and the patients are referred by, the entity through which 100  
the program is operated. 101

(3) The services are performed after examination and 102  
diagnosis by the dentist and in accordance with the dentist's 103  
written treatment plan. 104

(E) No person shall do either of the following: 105

(1) Practice dental hygiene in a manner that is separate or 106  
otherwise independent from the dental practice of a supervising 107

dentist;	108
(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.	109 110
(F) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence of the supervising dentist pursuant to division (C) or (D) of this section.	111 112 113 114 115
<b>Section 2.</b> That existing section 4715.22 of the Revised Code is hereby repealed.	116 117
<b>Section 3.</b> All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the General Revenue Fund. For all appropriations made in this act, those in the first column are for fiscal year 2008 and those in the second column are for fiscal year 2009. The appropriations made in this act are in addition to any other appropriations made for the FY 2008-2009 biennium.	118 119 120 121 122 123 124
DOD Department of Development	125
Appropriations	
General Revenue Fund	126
GRF 195-442 Dental Equipment Loans \$ 1,000,000 \$ 1,000,000	127
TOTAL GRF General Revenue Fund \$ 1,000,000 \$ 1,000,000	128
TOTAL ALL BUDGET FUND GROUPS \$ 1,000,000 \$ 1,000,000	129
DENTAL EQUIPMENT LOANS	130
The foregoing appropriation item 195-442, Dental Equipment Loans, shall be used by the Department of Development to provide no-interest loans for the purchase of dental equipment to be used in state defined Dental Professional Shortage Areas to treat underserved populations.	131 132 133 134 135

DOH Department of Health 136

Appropriations

General Revenue Fund				137	
GRF 440-433 Dental Program	\$	1,250,000	\$	1,000,000	138
TOTAL GRF General Revenue Fund	\$	1,250,000	\$	1,000,000	139
TOTAL ALL BUDGET FUND GROUPS	\$	1,250,000	\$	1,000,000	140

DENTAL PROGRAM 141

Of the foregoing appropriation item 440-433, Dental Program, 142  
\$500,000 shall be allocated in fiscal year 2008 and \$250,000 shall 143  
be allocated in fiscal year 2009 for the purchase of portable 144  
dental equipment by county and city health departments that agree 145  
to make the portable equipment available to local dental 146  
professionals providing basic dental services in facilities such 147  
as nursing homes, clinics, hospitals, schools, or other locations; 148  
\$250,000 shall be allocated in each fiscal year for use in 149  
providing financial support for the creation or expansion of 150  
accredited dental residency programs that provide dental services 151  
to underserved populations; \$300,000 shall be granted in each 152  
fiscal year to the Ohio State University College of Dentistry for 153  
the support of the Ohio Project mobile dental unit; \$100,000 shall 154  
be granted in each fiscal year to the Ohio State University 155  
College of Dentistry for the support of mobile outreach programs 156  
designed to provide dental services to underserved populations, 157  
including geriatric and indigent patients; \$40,000 shall be 158  
granted in each fiscal year to the Case School of Dental Medicine 159  
for the creation or expansion of mobile outreach programs designed 160  
to provide dental services to underserved populations, including 161  
geriatric and indigent patients; and \$60,000 shall be used in each 162  
fiscal year to expand the Dentist Loan Repayment Program operated 163  
by the Department of Health. 164

Within the limits set forth in this act, the Director of 165  
Budget and Management shall establish accounts indicating the 166

source and amount of funds for each appropriation made in this 167  
act, and shall determine the form and manner in which 168  
appropriation accounts shall be maintained. Expenditures from 169  
appropriations contained in this act shall be accounted for as 170  
though made in the main operating appropriations act of the 127th 171  
General Assembly. 172

The appropriations made in this act are subject to all 173  
provisions of the main operating appropriations act of the 127th 174  
General Assembly that are generally applicable to such 175  
appropriations. 176

**Section 4.** This section and Section 3 of this act are not 177  
subject to the referendum. Therefore, under Ohio Constitution, 178  
Article II, Section 1d and section 1.471 of the Revised Code, the 179  
sections go into immediate effect when this act becomes law. 180