

**As Introduced**

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**H. B. No. 190**

**Representative Fende**

**Cosponsors: Representatives McGregor, Williams, S., Moran, Huffman,  
Yuko, Phillips, Oelslager, Garland, Jordan, Murray, Gerberry, Brown, Bolon,  
Slesnick, Okey, Pillich, Letson, Hagan, Luckie, Mecklenborg, Blessing,  
Harwood**

**—**

**A B I L L**

To amend sections 4715.14, 4715.141, 4715.22, 1  
4715.24, and 4715.25 and to enact sections 2  
4715.241, 4715.242, 4715.36, 4715.361, 4715.362, 3  
4715.363, 4715.364, 4715.365, 4715.366, 4715.367, 4  
4715.368, 4715.369, 4715.37, 4715.371, 4715.372, 5  
4715.373, 4715.374, and 4715.375 of the Revised 6  
Code to modify certain licensing procedures for 7  
dentists and dental hygienists and to establish 8  
the Public Oral Health Supervision Program for the 9  
provision of dental hygiene services. 10

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

**Section 1.** That sections 4715.14, 4715.141, 4715.22, 4715.24, 11  
and 4715.25 be amended and sections 4715.241, 4715.242, 4715.36, 12  
4715.361, 4715.362, 4715.363, 4715.364, 4715.365, 4715.366, 13  
4715.367, 4715.368, 4715.369, 4715.37, 4715.371, 4715.372, 14  
4715.373, 4715.374, and 4715.375 of the Revised Code be enacted to 15  
read as follows: 16

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

~~(B) The~~ failure of a licensee to renew the licensee's registration in accordance with this section shall result in an automatic suspension of the licensee's license to practice dentistry.

~~(B) Any~~ The license of any dentist whose license has been suspended under this division for six months or less shall be automatically reinstated on the payment of the biennial registration fee and eighty-one dollars to cover costs of the reinstatement. The reinstated license shall be retroactively effective beginning on the first day of January of the year in which the license was reinstated.

The license of any dentist whose license has been suspended under this ~~section~~ division for more than six months may be reinstated by on the payment of the biennial registration fee and ~~in addition thereto~~ eighty-one dollars to cover costs of the reinstatement; ~~excepting that to any.~~ The reinstated license shall

be effective on the day it is reinstated. 48

(C) The board shall grant temporary retirement to any 49  
licensed dentist who desires to temporarily retire from practice, 50  
and ~~who~~ has given the board notice in writing to that effect, ~~the~~ 51  
~~board shall grant such a retirement,~~ provided only that at the 52  
time that ~~time~~ the board grants the temporary retirement all 53  
previous registration fees and additional costs of reinstatement 54  
have been paid. 55

~~(C)~~(D) Each dentist licensed to practice, whether a resident 56  
or not, shall notify the secretary in writing or electronically of 57  
any change in the dentist's office address or employment within 58  
ten days after such change has taken place. On the first day of 59  
July of every even-numbered year, the secretary shall issue a 60  
printed roster of the names and addresses so registered. 61

~~(D)~~(E) Twenty dollars of each biennial registration fee shall 62  
be paid to the dentist loan repayment fund created under section 63  
3702.95 of the Revised Code. 64

**Sec. 4715.141.** (A) Each licensed dentist shall complete 65  
biennially not less than forty hours of continuing dental 66  
education, which may include, but is not limited to, attendance at 67  
lectures, study clubs, college and postgraduate courses, or 68  
scientific sessions of conventions, research, graduate study, 69  
teaching, service as a clinician, or correspondence courses. 70  
Continuing dental education programs include, but are not limited 71  
to, programs that address any of the following: 72

(1) ~~Competency~~ Competency in treating patients who are 73  
medically compromised or who experience medical emergencies during 74  
the course of dental treatment; 75

(2) Knowledge of pharmaceutical products and the protocol of 76  
the proper use of medications; 77

(3) Competency to diagnose oral pathology;	78
(4) Awareness of currently accepted methods of infection control;	79 80
(5) Basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, and pharmacology;	81 82 83
(6) Clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;	84 85 86
(7) Subjects pertinent to health and safety.	87
Dentists shall earn continuing education credits at the rate of one-half credit for each twenty-five to thirty contact minutes of instruction and one credit hour for each fifty to sixty contact minutes of instruction.	88 89 90 91
(B) Programs meeting the general requirements of division (A) of this section may be developed and offered to dentists by any of the following agencies or organizations:	92 93 94
(1) National, state, district, or local dental associations affiliated with the American dental association or national dental association;	95 96 97
(2) Accredited dental colleges or schools;	98
(3) Other organizations, schools, or agencies approved by the state dental board.	99 100
(C) Each licensed dentist shall submit to the board at the time of biennial registration pursuant to section 4715.14 of the Revised Code a sworn affidavit, on a form acceptable to the state dental board, attesting that <del>he</del> <u>the dentist</u> has completed continuing education programs in compliance with this section and listing the date, location, sponsor, subject matter, and hours completed of the programs.	101 102 103 104 105 106 107

A licensed dentist shall retain in ~~his~~ the dentist's records 108  
for a period of at least three years such receipts, vouchers, or 109  
certificates as may be necessary to document completion of 110  
continuing education programs. With cause, the board may request 111  
such documentation from licensed dentists, and the board may 112  
request such documentation from licensed dentists selected at 113  
random without cause. 114

(D) The board may excuse licensed dentists, as a group or as 115  
individuals, from all or any part of the requirements of this 116  
section because of an unusual circumstance, emergency, or special 117  
hardship. 118

~~(E) Failure to comply with the requirements of this section 119  
constitutes a failure to renew registration pursuant to section 120  
4715.14 of the Revised Code. 121~~

**Sec. 4715.22.** (A) ~~As~~ (1) This section applies only when a 122  
licensed dental hygienist is not practicing under a permit issued 123  
pursuant to section 4715.363 of the Revised Code authorizing 124  
practice under the public oral health supervision of a dentist. 125

(2) As used in this section, "health care facility" means 126  
either of the following: 127

~~(1)~~(a) A hospital registered under section 3701.07 of the 128  
Revised Code; 129

~~(2)~~(b) A "home" as defined in section 3721.01 of the Revised 130  
Code. 131

(B) A licensed dental hygienist shall practice under the 132  
supervision, order, control, and full responsibility of a dentist 133  
licensed under this chapter. A dental hygienist may practice in a 134  
dental office, public or private school, health care facility, 135  
dispensary, or public institution. Except as provided in division 136  
(C) or (D) of this section, a dental hygienist may not provide 137

dental hygiene services to a patient when the supervising dentist 138  
is not physically present at the location where the dental 139  
hygienist is practicing. 140

(C) A dental hygienist may provide, for not more than fifteen 141  
consecutive business days, dental hygiene services to a patient 142  
when the supervising dentist is not physically present at the 143  
location at which the services are provided if all of the 144  
following requirements are met: 145

(1) The dental hygienist has at least two years and a minimum 146  
of three thousand hours of experience in the practice of dental 147  
hygiene. 148

(2) The dental hygienist has successfully completed a course 149  
approved by the state dental board in the identification and 150  
prevention of potential medical emergencies. 151

(3) The dental hygienist complies with written protocols for 152  
emergencies the supervising dentist establishes. 153

(4) The dental hygienist does not perform, while the 154  
supervising dentist is absent from the location, procedures while 155  
the patient is anesthetized, definitive root planing, definitive 156  
subgingival curettage, or other procedures identified in rules the 157  
state dental board adopts. 158

(5) The supervising dentist has evaluated the dental 159  
hygienist's skills. 160

(6) The supervising dentist examined the patient not more 161  
than seven months prior to the date the dental hygienist provides 162  
the dental hygiene services to the patient. 163

(7) The dental hygienist complies with written protocols or 164  
written standing orders that the supervising dentist establishes. 165

(8) The supervising dentist completed and evaluated a medical 166  
and dental history of the patient not more than one year prior to 167

the date the dental hygienist provides dental hygiene services to 168  
the patient and, except when the dental hygiene services are 169  
provided in a health care facility, the supervising dentist 170  
determines that the patient is in a medically stable condition. 171

(9) If the dental hygiene services are provided in a health 172  
care facility, a doctor of medicine and surgery or osteopathic 173  
medicine and surgery who holds a current certificate issued under 174  
Chapter 4731. of the Revised Code or a registered nurse licensed 175  
under Chapter 4723. of the Revised Code is present in the health 176  
care facility when the services are provided. 177

(10) In advance of the appointment for dental hygiene 178  
services, the patient is notified that the supervising dentist 179  
will be absent from the location and that the dental hygienist 180  
cannot diagnose the patient's dental health care status. 181

(11) The dental hygienist is employed by, or under contract 182  
with, one of the following: 183

(a) The supervising dentist; 184

(b) A dentist licensed under this chapter who is one of the 185  
following: 186

(i) The employer of the supervising dentist; 187

(ii) A shareholder in a professional association formed under 188  
Chapter 1785. of the Revised Code of which the supervising dentist 189  
is a shareholder; 190

(iii) A member or manager of a limited liability company 191  
formed under Chapter 1705. of the Revised Code of which the 192  
supervising dentist is a member or manager; 193

(iv) A shareholder in a corporation formed under division (B) 194  
of section 1701.03 of the Revised Code of which the supervising 195  
dentist is a shareholder; 196

(v) A partner or employee of a partnership or a limited 197

liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee.

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

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

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

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

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

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

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

(2) Establish or maintain an office or practice that is



primarily devoted to the provision of dental hygiene services. 228

(F) The state dental board shall adopt rules under division 229  
(C) of section 4715.03 of the Revised Code identifying procedures 230  
a dental hygienist may not perform when practicing in the absence 231  
of the supervising dentist pursuant to division (C) or (D) of this 232  
section. 233

**Sec. 4715.24.** (A) Each person who is licensed to practice as 234  
a dental hygienist in Ohio shall, on or before the first day of 235  
January of each even-numbered year, register with the state dental 236  
board, unless the person is temporarily retired pursuant to 237  
section 4715.241 of the Revised Code. The registration shall be 238  
made on a form prescribed by the board and furnished by the 239  
secretary, shall include the licensee's name, address, license 240  
number, and such other reasonable information as the board may 241  
consider necessary, and shall include payment of a biennial 242  
registration fee of one hundred five dollars. This fee shall be 243  
paid to the treasurer of state. All such registrations shall be in 244  
effect for the two-year period beginning on the first day of 245  
January of each even-numbered year and ending on the last day of 246  
December of the following odd-numbered year, and shall be renewed 247  
in accordance with the standard renewal procedure of sections 248  
4745.01 to 4745.03 of the Revised Code. The failure of a licensee 249  
to renew registration in accordance with this section shall result 250  
in the automatic suspension of the licensee's license to practice 251  
as a dental hygienist, unless the licensee is temporarily retired 252  
pursuant to section 4715.241 of the Revised Code. 253

(B) Any dental hygienist whose license has been automatically 254  
suspended under this section may be reinstated ~~by the~~ on 255  
application to the board on a form prescribed by the board for 256  
licensure reinstatement and payment of the biennial registration 257  
fee and in addition thereto thirty-one dollars to cover the costs 258

of reinstatement. 259

(C) The license of a dental hygienist shall be exhibited in a 260  
conspicuous place in the room in which the dental hygienist 261  
practices. Each dental hygienist licensed to practice, whether a 262  
resident or not, shall notify the secretary in writing or 263  
electronically of any change in the dental hygienist's office 264  
address or employment within ten days after the change takes 265  
place. 266

**Sec. 4715.241.** (A) As used in this section and sections 267  
4715.242 and 4715.25 of the Revised Code, "registration period" 268  
means the two-year period during which a dental hygienist's 269  
registration is in effect under section 4715.24 of the Revised 270  
Code. 271

(B) A dental hygienist seeking to retire temporarily from the 272  
practice of dental hygiene shall provide written notice of that 273  
intent to the state dental board. Except as provided in division 274  
(C) of this section, the board shall grant temporary retirement if 275  
the dental hygienist has paid the registration fee required by 276  
section 4715.24 of the Revised Code for the registration period 277  
that includes the day immediately before the day that the 278  
temporary retirement is to begin. The license of a dental 279  
hygienist who is granted temporary retirement shall be inactive. 280

(C) The board may deny temporary retirement to a dental 281  
hygienist who is, at the time that the board denies the temporary 282  
retirement, the subject of a disciplinary action initiated by the 283  
board under section 4715.30 of the Revised Code. 284

**Sec. 4715.242.** (A) A dental hygienist who is temporarily 285  
retired pursuant to section 4715.241 of the Revised Code may 286  
submit a written request to the state dental board at any time for 287  
reinstatement of the dental hygienist's license. The board shall 288

reinstate the license if the dental hygienist does both of the 289  
following: 290

(1) Pays the biennial registration fee established under 291  
section 4715.24 of the Revised Code for the period that includes 292  
the day on which the temporary retirement is to cease; 293

(2) Provides the board satisfactory evidence of both of the 294  
following: 295

(a) If the dental hygienist's license is to be reinstated in 296  
an even-numbered year, that the dental hygienist, during the 297  
registration period preceding the current registration period, 298  
completed the continuing education requirement established under 299  
section 4715.25 of the Revised Code for that registration period; 300

(b) If the dental hygienist's license is to be reinstated in 301  
an odd-numbered year, that the dental hygienist, during the 302  
current registration period, completed the current registration 303  
period's continuing education requirement established by section 304  
4715.25 of the Revised Code. 305

(B) The state dental board shall register each dental 306  
hygienist whose license is reinstated under this section. The 307  
registration expires at the end of the registration period during 308  
which the license is reinstated. 309

**Sec. 4715.25.** (A) Every person licensed to practice as a 310  
dental hygienist and required to register with the state dental 311  
board shall certify to the board at the time of applying for a 312  
renewal of registration that in the two-year period preceding ~~two~~ 313  
~~years~~ the registration period for which renewal is sought the 314  
registrant ~~has~~ completed a minimum of ~~twelve~~ twenty-four hours of 315  
continuing dental hygiene education. Certification shall be made 316  
upon the application for registration prescribed by the board 317  
pursuant to section 4715.24 of the Revised Code. 318

(B)(1) The board shall apply toward the satisfaction of a registrant's continuing dental hygiene education requirement any course required by statute for registration that the registrant completed, including any of the following: 319  
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(a) The basic life-support training course required by section 4715.251 of the Revised Code; 323  
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(b) Any course required by rule of the board as a condition of performing a particular function; 325  
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(c) Any other course that the board determines acceptable. 327

(2) In the case of a registrant whose license is reinstated in an odd-numbered year under section 4715.242 of the Revised Code, the board shall apply toward the satisfaction of the registrant's continuing dental hygiene education requirement any course that the board applied toward the continuing dental hygiene education requirement for reinstatement of the license. 328  
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(C) Continuing education programs may be developed and offered to dental hygienists by any of the following agencies or organizations: 334  
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(1) National, state, district, or local dental hygienists' associations affiliated with the American dental hygienists' association; 337  
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(2) National, state, district, or local dental associations affiliated with the American dental association or national dental association; 340  
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(3) Accredited dental hygiene colleges or schools; 343

(4) Accredited dental colleges or schools; 344

(5) Other organizations, schools, paraprofessional programs, or agencies approved by the state dental board. 345  
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~~(B)~~(D) A licensed dental hygienist shall retain in his the dental hygienist's records for a period of at least three four 347  
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years such receipts, vouchers, or certificates as may be necessary 349  
to document completion of continuing education programs. With 350  
cause, the board may request such documentation from licensed 351  
dental hygienists, and the board may request such documentation 352  
from licensed dental hygienists at random without cause. 353

~~(C)~~(E) The board may excuse licensed dental hygienists, as a 354  
group or as individuals, from all or any part of the requirements 355  
of this section because of an unusual circumstance, emergency, or 356  
special hardship. 357

~~(D)~~(F) Failure to comply with the requirements of this 358  
section constitutes a failure to renew registration pursuant to 359  
section 4715.24 of the Revised Code. 360

**Sec. 4715.36.** As used in this section and sections 4715.361 361  
to 4715.374 of the Revised Code: 362

(A) "Accredited dental hygiene school" means a dental hygiene 363  
school accredited by the council on dental education of the 364  
American dental association or a dental hygiene school whose 365  
educational standards are recognized by the council on dental 366  
education of the American dental association and approved by the 367  
state dental board. 368

(B) "Authorizing dentist" means a dentist who authorizes a 369  
dental hygienist to perform dental hygiene services under section 370  
4715.365 of the Revised Code. 371

(C) "Clinical evaluation" means a diagnosis and treatment 372  
plan formulated for an individual patient by a dentist. 373

(D) "Dentist" means an individual licensed under this chapter 374  
to practice dentistry. 375

(E) "Dental hygienist" means an individual licensed under 376  
this chapter to practice as a dental hygienist. 377

(F) "Dental hygiene services" means the prophylactic, 378

preventive, and other procedures that dentists are authorized by 379  
this chapter and rules of the state dental board to assign to 380  
dental hygienists, except for the procedures described in division 381  
(C)(4) of section 4715.22 of the Revised Code. 382

(G) "Facility" means any of the following: 383

(1) A health care facility, as defined in section 4715.22 of 384  
the Revised Code; 385

(2) A state correctional institution, as defined in section 386  
2967.01 of the Revised Code; 387

(3) A comprehensive child development program that receives 388  
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 389  
42 U.S.C. 9831, as amended, and is licensed as a child day-care 390  
center; 391

(4) A residential facility licensed under section 5123.19 of 392  
the Revised Code; 393

(5) A public school, as defined in section 3701.93 of the 394  
Revised Code, located in an area designated as a dental health 395  
resource shortage area pursuant to section 3702.87 of the Revised 396  
Code; 397

(6) A nonpublic school, as defined in section 3701.93 of the 398  
Revised Code, located in an area designated as a dental health 399  
resource shortage area pursuant to section 3702.87 of the Revised 400  
Code; 401

(7) A federally qualified health center or federally 402  
qualified health center look-alike, as defined in section 3701.047 403  
of the Revised Code; 404

(8) A shelter for victims of domestic violence, as defined in 405  
section 3113.33 of the Revised Code; 406

(9) A facility operated by the department of youth services 407  
under Chapter 5139. of the Revised Code; 408

- (10) A shelter for runaways, as defined in section 5119.64 of the Revised Code; 409  
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- (11) A foster home, as defined in section 5103.02 of the Revised Code; 411  
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- (12) A nonprofit clinic, as defined in section 3715.87 of the Revised Code; 413  
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- (13) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 5101.61 of the Revised Code; 415  
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- (14) A dispensary; 418
- (15) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs; 419  
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- (16) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5111.851 of the Revised Code; 421  
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- (17) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; 424  
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- (18) A women, infants, and children clinic; 427
- (19) A mobile dental unit located at any location listed in divisions (G)(1) to (18) of this section; 428  
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- (20) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are recipients of medical assistance under the medicaid program established pursuant to Chapter 5111. of the Revised Code and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code. 430  
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Sec. 4715.361. The public health oral supervision program is 438  
hereby created. The program shall begin six months after the 439  
effective date of this section. 440

Sec. 4715.362. A dentist who desires to participate in the 441  
public oral health supervision program shall apply to the state 442  
dental board for a public oral health supervision permit. The 443  
application shall be under oath, on a form prescribed by the board 444  
in rules adopted under section 4715.372 of the Revised Code, and 445  
accompanied by an application fee of twenty dollars. To be 446  
eligible to receive the permit, an applicant shall meet the 447  
requirements established by the board in rules adopted under 448  
section 4715.372 of the Revised Code. 449

The state dental board shall issue a public oral health 450  
supervision permit to a dentist who is in good standing with the 451  
board and satisfies all of the requirements of this section. 452

Sec. 4715.363. (A) A dental hygienist who desires to 453  
participate in the public oral health supervision program shall 454  
apply to the state dental board for a permit to practice under the 455  
public oral health supervision of a dentist. The application shall 456  
be under oath, on a form prescribed by the board in rules adopted 457  
under section 4715.372 of the Revised Code, and accompanied by an 458  
application fee of twenty dollars. 459

(B) The applicant shall provide evidence satisfactory to the 460  
board that the applicant has done all of the following: 461

(1) Completed at least two years and attained a minimum of 462  
three thousand hours of experience in the practice of dental 463  
hygiene; 464

(2) Completed at least twenty-four hours of continuing dental 465  
hygiene education during the two years prior to submission of the 466



application; 467

(3) Completed a course pertaining to the practice of dental 468  
hygiene under the public oral health supervision of a dentist that 469  
meets standards established in rules adopted under section 470  
4715.372 of the Revised Code; 471

(4) Completed, during the two years prior to submission of 472  
the application, a course pertaining to the identification and 473  
prevention of potential medical emergencies that meets standards 474  
established in rules adopted under section 4715.372 of the Revised 475  
Code. 476

(C) The state dental board shall issue a permit to practice 477  
under the public oral health supervision of a dentist to a dental 478  
hygienist who is in good standing with the board and meets all of 479  
the requirements of divisions (A) and (B) of this section. 480

**Sec. 4715.364.** (A) No person shall authorize a dental 481  
hygienist to provide dental hygiene services under section 482  
4715.365 of the Revised Code unless the person holds a current, 483  
valid public oral health supervision permit issued under section 484  
4715.362 of the Revised Code. 485

(B) No person shall provide dental hygiene services under 486  
section 4715.365 of the Revised Code unless the person holds a 487  
current, valid permit issued under section 4715.363 of the Revised 488  
Code to practice under the public oral health supervision of a 489  
dentist. 490

**Sec. 4715.365.** (A) A dentist who holds a current, valid 491  
public oral health supervision permit issued under section 492  
4715.362 of the Revised Code may authorize a dental hygienist who 493  
holds a current, valid permit issued under section 4715.363 of the 494  
Revised Code to perform dental hygiene services at a facility when 495  
no dentist is physically present if all of the following 496

conditions are met: 497

(1) The authorizing dentist's authorization is in writing and 498  
includes, at a minimum, all of the following: 499

(a) The authorizing dentist's name and permit number; 500

(b) The dental hygienist's name and permit number; 501

(c) The patient's name; 502

(d) The name and address of the location where the dental 503  
hygiene services are to be provided; 504

(e) The date of authorization; 505

(f) A statement, signed by the dental hygienist, that the 506  
hygienist agrees to comply with section 4715.366 of the Revised 507  
Code. 508

(2) The authorizing dentist has personally evaluated the 509  
dental hygienist's skills prior to authorizing the dental 510  
hygienist to provide the dental hygiene services. 511

(3) Prior to authorizing the dental hygienist to perform the 512  
dental hygiene services, the patient's medical and dental history 513  
is made available to the authorizing dentist and the authorizing 514  
dentist reviews and evaluates the history and determines that the 515  
patient may safely receive dental hygiene services. 516

(4) Immediately prior to the provision of dental hygiene 517  
services, the patient or patient's representative verifies, by the 518  
signature or mark of the patient or representative, that no 519  
medically significant changes to the patient's medical or dental 520  
history have occurred since the authorizing dentist most recently 521  
reviewed and evaluated the history and determined that the patient 522  
could safely receive dental hygiene services. The signature or 523  
mark may be provided through reasonable accommodation, including 524  
the use of assistive technology or augmentative devices. 525

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(5) Prior to receiving dental hygiene services, the patient 527  
and the operator of the facility where the dental hygiene services 528  
are to be provided are notified that no dentist will be present at 529  
the location and that the dental hygienist is prohibited from 530  
doing either of the following: 531

(a) Diagnosing the patient's oral health care status; 532

(b) Providing dental hygiene services to the same patient on 533  
a subsequent occasion until the patient has received a clinical 534  
evaluation performed by a dentist, except in instances described 535  
in division (D)(2) of this section. 536

(6) The dental hygienist is employed by, or under contract 537  
with, one of the following: 538

(a) The authorizing dentist; 539

(b) A dentist who is any of the following: 540

(i) The authorizing dentist's employer; 541

(ii) A shareholder in a professional association, formed 542  
under Chapter 1785. of the Revised Code, of which the authorizing 543  
dentist is a shareholder; 544

(iii) A member or manager of a limited liability company, 545  
formed under Chapter 1705. of the Revised Code, of which the 546  
authorizing dentist is a member or manager; 547

(iv) A shareholder in a corporation, formed under division 548  
(B) of section 1701.03 of the Revised Code, of which the 549  
authorizing dentist is a shareholder; 550

(v) A partner or employee of a partnership, formed under 551  
Chapter 1775. of the Revised Code, of which the authorizing 552  
dentist is a partner or employee; 553

(vi) A partner or employee of a limited liability 554

partnership, formed under Chapter 1775. of the Revised Code, of 555  
which the authorizing dentist is a partner or employee. 556

(c) A government entity that employs the dental hygienist to 557  
provide dental hygiene services under the public oral health 558  
supervision of a dentist. 559

(7) If the patient to whom the services are to be provided 560  
previously received dental hygiene services under this section, 561  
there is written evidence that the patient received a clinical 562  
evaluation after the most recent provision of those services. 563

(B) No dentist shall authorize a dental hygienist to perform, 564  
and no dental hygienist shall perform, dental hygiene services on 565  
a patient under this section unless all of the conditions in 566  
division (A) of this section are met. 567

(C) If a patient or patient's representative indicates, under 568  
division (A)(4) of this section, that a medically significant 569  
change has occurred in the patient's medical or dental history 570  
since the authorizing dentist's most recent review and evaluation 571  
of the medical and dental history required by division (A)(3) of 572  
this section, no dental hygiene services shall be provided under 573  
this section until the authorizing dentist completes another 574  
review and evaluation of the patient's medical and dental history. 575  
The authorizing dentist may complete the subsequent review and 576  
evaluation of the patient's medical and dental history by 577  
telephone, facsimile, electronic mail, video, or any other means 578  
of electronic communication. 579

(D)(1) Except as provided in division (D)(2) of this section, 580  
no dentist shall authorize a dental hygienist to provide, and no 581  
dental hygienist shall provide, dental hygiene services under this 582  
section to the same patient on a subsequent occasion until the 583  
patient has received a clinical evaluation performed by a dentist. 584

(2) Division (D)(1) of this section does not apply if the 585

patient requires multiple visits to complete dental hygiene services that could not be completed during the visit in which the services were commenced. If a patient requires multiple visits to complete dental hygiene services, the services shall be completed not later than eight weeks after the visit in which the services were commenced. 586  
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(E) No authorizing dentist shall authorize a dental hygienist to diagnose a patient's oral health care status. No dental hygienist practicing under a permit issued under section 4715.363 of the Revised Code to practice under the public oral health supervision of a dentist shall diagnose a patient's oral health care status. 592  
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**Sec. 4715.366.** (A) A dental hygienist providing dental hygiene services under a permit issued under section 4715.363 of the Revised Code to practice under the public oral health supervision of a dentist shall do both of the following: 598  
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(1) Comply with written protocols established by the authorizing dentist who authorizes the dental hygienist's provision of services and standing orders established by the authorizing dentist, including protocols and standing orders regarding emergencies and, for the purpose of section 4715.365 of the Revised Code, protocols regarding what constitutes a medically significant change to a patient's medical or dental history; 602  
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(2) Immediately following the completion of the dental hygiene services and subject to division (B) of this section, direct the patient to the authorizing dentist for a clinical evaluation and schedule or cause to be scheduled an appointment for the patient with the authorizing dentist. 609  
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(B) For purposes of division (A)(2) of this section, the dental hygienist shall make every attempt to schedule the patient's appointment with the authorizing dentist not later than 614  
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ninety days after the completion of the dental hygiene services. 617  
The dental hygienist shall provide the patient with a written 618  
notice of the appointment that includes, at a minimum, the 619  
authorizing dentist's name, address, and telephone number; the 620  
date and time of the appointment; and a statement of the dental 621  
hygiene services performed by the hygienist. The notice shall be 622  
given to the patient or the patient's representative and one copy 623  
shall be given to the authorizing dentist. 624

Sec. 4715.367. An authorizing dentist shall not at any one 625  
time have more than three dental hygienists who hold permits 626  
issued under section 4715.363 of the Revised Code working under 627  
the dentist's authorization pursuant to section 4715.365 of the 628  
Revised Code. 629

Sec. 4715.368. At the request of the state dental board, an 630  
authorizing dentist or the dental hygienist who has been 631  
authorized to perform dental hygiene services in accordance with 632  
section 4715.365 of the Revised Code shall make available to the 633  
board a list of all locations where the dental hygienist provided 634  
services, the locations where the hygienist plans to provide 635  
services in the future, or both, as specified in the board's 636  
request. 637

Sec. 4715.369. (A) A public oral health supervision permit 638  
issued under section 4715.362 of the Revised Code expires on the 639  
thirty-first day of December of the odd-numbered year that occurs 640  
after the permit's issuance. A dentist who desires to renew a 641  
permit shall apply, under oath, to the state dental board on a 642  
form prescribed by the board in rules adopted under section 643  
4715.372 of the Revised Code. At the time of application, the 644  
dentist shall pay a renewal fee of twenty dollars. 645

(B) The board shall renew a public oral health supervision 646

permit for a two-year period if the dentist submitted a complete application, paid the renewal fee, is in good standing with the board, and verified with the board all of the following: 647  
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(1) The locations at which dental hygienists have, under the dentist's authorization, provided services during the two years prior to submission of the renewal application; 650  
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(2) The number of patients treated, during the two years prior to submission of the renewal application, by each dental hygienist providing dental hygiene services under the dentist's authorization; 653  
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(3) For each number of patients provided under division (B)(2) of this section, the number of patients whom the dentist clinically evaluated following the provision of dental hygiene services by a dental hygienist. 657  
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**Sec. 4715.37.** (A) A permit to practice under the public oral health supervision of a dentist issued under section 4715.363 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance. A dental hygienist who desires to renew a permit to practice under the public oral health supervision of a dentist shall apply, under oath, to the state dental board on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code. At the time of application, the dental hygienist shall pay a renewal fee of twenty dollars. 661  
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(B) The state dental board shall renew a permit for a two-year period if the dental hygienist submitted a complete application, paid the renewal fee, is in good standing with the board, and has verified with the board both of the following: 671  
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(1) The locations at which the hygienist has provided dental hygiene services under a permit to practice under the public oral 675  
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health supervision of a dentist; 677

(2) The number of patients that the hygienist has treated 678  
under a permit during the two years prior to submission of the 679  
renewal application. 680

**Sec. 4715.371.** The state dental board shall develop and 681  
publish on its web site a directory containing the names and 682  
contact information of dentists and dental hygienists who hold 683  
current, valid permits issued under sections 4715.362 and 4715.363 684  
of the Revised Code. 685

**Sec. 4715.372.** (A) The state dental board shall adopt rules 686  
in accordance with Chapter 119. of the Revised Code as necessary 687  
to implement the public oral health supervision program, including 688  
rules that do all of the following: 689

(1) For the purpose of division (G)(20) of section 4715.36 of 690  
the Revised Code, designate additional facilities at which a 691  
dental hygienist may be authorized to perform dental hygiene 692  
services under the public oral health supervision program; 693

(2) For the purpose of section 4715.362 of the Revised Code, 694  
prescribe the application form and requirements for obtaining a 695  
public oral health supervision permit; 696

(3) For the purpose of section 4715.363 of the Revised Code, 697  
prescribe the application form for a permit to practice as a 698  
dental hygienist under the public oral health supervision of a 699  
dentist; 700

(4) For the purpose of division (B)(3) of section 4715.363 of 701  
the Revised Code and subject to division (B) of this section, 702  
establish standards for courses in the practice of dental hygiene 703  
under public oral health supervision; 704

(5) For the purpose of division (B)(4) of section 4715.363 of 705



the Revised Code, establish standards for courses in the 706  
identification and prevention of potential medical emergencies; 707

(6) For the purpose of section 4715.369 of the Revised Code, 708  
prescribe the form for renewal of a public oral health supervision 709  
permit; 710

(7) For the purpose of section 4715.37 of the Revised Code, 711  
prescribe the form for renewal of a permit to practice as a dental 712  
hygienist under the public oral health supervision of a dentist. 713

(B) The courses in the practice of dental hygiene under 714  
public oral health supervision for which the board establishes 715  
standards under division (A)(4) of this section shall each meet 716  
all of the following requirements: 717

(1) Be at least eight hours in length; 718

(2) Include, at a minimum, instruction in both of the 719  
following: 720

(a) The treatment of geriatric patients, medically 721  
compromised patients, developmentally disabled patients, and 722  
pediatric patients; 723

(b) Recordkeeping practices. 724

(3) Be developed and offered by an institution accredited by 725  
the American dental association commission on dental accreditation 726  
or a program provided by a sponsor of continuing education 727  
approved by the board; 728

(4) Include content that is separate and independent from the 729  
course content required for the completion of dental hygiene 730  
education from an accredited dental hygiene school. 731

**Sec. 4715.373.** Nothing in sections 4715.36 to 4715.372 of the 732  
Revised Code authorizes any activity prohibited by this chapter or 733  
prohibited by a rule adopted under this chapter by the state 734

dental board. 735

Sec. 4715.374. The state dental board may, in accordance with 736  
Chapter 119. of the Revised Code, suspend or revoke a permit 737  
issued under section 4715.362 or 4715.363 of the Revised Code if 738  
the permit holder fails to comply with sections 4715.361 to 739  
4715.373 of the Revised Code. 740

Sec. 4715.375. The state dental board shall annually report 741  
the status of the public oral health supervision program. The 742  
report shall be submitted to the governor and, in accordance with 743  
section 101.68 of the Revised Code, to the general assembly. The 744  
report shall specify, for the year covered by the report, at least 745  
all of the following: 746

(A) The number of dentists who applied for and were issued 747  
public oral health supervision permits under section 4715.362 of 748  
the Revised Code; 749

(B) The number of dental hygienists who applied for and were 750  
issued permits to practice under the public oral health 751  
supervision of a dentist under section 4715.363 of the Revised 752  
Code; 753

(C) The number of dentists who applied for and were granted 754  
renewal of public oral health supervision permits under section 755  
4715.369 of the Revised Code; 756

(D) The number of dental hygienists who applied for and were 757  
granted renewal of permits to practice under the public oral 758  
health supervision of a dentist under section 4715.37 of the 759  
Revised Code; 760

(E) The number and geographic locations of facilities at 761  
which dental hygienists provided dental hygiene services under 762  
permits to practice under the public oral health supervision of a 763

dentist; 764

(F) The number of patients who received dental hygiene 765  
services from dental hygienists providing services under permits 766  
to practice under the public oral health supervision of a dentist; 767

(G) The number of patients who received a clinical evaluation 768  
from a dentist following the provision of dental hygiene services 769  
under section 4715.365 of the Revised Code. 770

**Section 2.** That existing sections 4715.14, 5715.141, 4715.22, 771  
4715.24, and 4715.25 of the Revised Code are hereby repealed. 772  
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**Section 3.** As used in this section, "registration period" has 774  
the same meaning as in section 4715.241 of the Revised Code, as 775  
enacted by this act. 776

Notwithstanding the provisions of section 4715.25 of the 777  
Revised Code, as amended by this act, that increase from twelve to 778  
twenty-four the minimum number of hours of continuing education 779  
that a dental hygienist must certify to the State Dental Board 780  
when applying for a renewal of registration, a dental hygienist 781  
whose registration expires on December 31, 2009, remains subject 782  
to the requirement to certify completion of a minimum of twelve 783  
hours of continuing education when applying for a renewal of 784  
registration for the 2010 to 2011 registration period. 785