

**As Reported by the House Committee on Health**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Sub. H. B. No. 215**

**Representatives Letson, Mecklenborg**

**Cosponsors: Representatives Hagan, Luckie, Fende, Mallory, Gardner,  
Lehner, Garland, Boyd, Yuko, Snitchler, Huffman, Bacon, Winburn**

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**A B I L L**

To amend sections 4715.03, 4715.031, 4715.06, 1  
4715.14, 4715.141, 4715.24, 4715.25, and 4715.30 2  
and to enact sections 4715.032, 4715.033, 3  
4715.034, 4715.035, 4715.036, 4715.037, 4715.038, 4  
4715.039, and 4715.0310 of the Revised Code to 5  
modify the law governing investigations and 6  
hearings conducted by the State Dental Board. 7

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

**Section 1.** That sections 4715.03, 4715.031, 4715.06, 4715.14, 8  
4715.141, 4715.24, 4715.25, and 4715.30 be amended and sections 9  
4715.032, 4715.033, 4715.034, 4715.035, 4715.036, 4715.037, 10  
4715.038, 4715.039, and 4715.0310 of the Revised Code be enacted 11  
to read as follows: 12

**Sec. 4715.03.** (A) The state dental board shall organize by 13  
~~the election~~ electing from its members ~~of~~ a president ~~and a~~ 14  
secretary, and vice-secretary. The secretary and vice-secretary 15  
shall be elected from the members of the board who are dentists. 16  
It shall hold meetings monthly at least eight months a year at 17  
such times and places as the board designates. A majority of the 18

members of the board shall constitute a quorum. The board shall 19  
make such reasonable rules as it determines necessary pursuant to 20  
Chapter 119. of the Revised Code. 21

(B) A concurrence of a majority of the members of the board 22  
shall be required to ~~grant~~, do any of the following: 23

(1) Grant, refuse, suspend, place on probationary status, 24  
revoke, refuse to renew, or refuse to reinstate a license or 25  
censure a license holder or take any other action authorized under 26  
section 4715.30 of the Revised Code; 27

(2) Seek an injunction under section 4715.05 of the Revised 28  
Code; 29

(3) Enter into a consent agreement with a license holder; 30

(4) If the board develops and implements the quality 31  
intervention program under section 4715.031 of the Revised Code, 32  
refer a license holder to the program; 33

(5) Terminate an investigation conducted under division (D) 34  
of this section; 35

(6) Dismiss any complaint filed with the board. 36

(C) The board shall adopt rules establishing in accordance 37  
with Chapter 119. of the Revised Code to do all of the following: 38

(1) Establish standards for the safe practice of dentistry 39  
and dental hygiene by qualified practitioners and shall, through 40  
its policies and activities, promote such practice-; 41

~~The board shall adopt rules in accordance with Chapter 119.~~ 42  
~~of the Revised Code establishing~~ (2) Establish universal blood and 43  
body fluid precautions that shall be used by each person licensed 44  
under this chapter who performs exposure prone invasive 45  
procedures. The rules shall define and establish requirements for 46  
universal blood and body fluid precautions that include the 47  
following: 48

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|---|--|
| <del>(1)</del> (a) Appropriate use of hand washing;   | 49   |
| <del>(2)</del> (b) Disinfection and sterilization of equipment;   | 50   |
| <del>(3)</del> (c) Handling and disposal of needles and other sharp instruments;  | 51<br>52   |
| <del>(4)</del> (d) Wearing and disposal of gloves and other protective garments and devices.  | 53<br>54   |
| <u>(3) For purposes of division (A)(4) of section 4715.30 of the Revised Code, identify criminal offenses that are substantially related to the practice of dentistry, dental hygiene, or any other profession the board regulates. The board shall identify a misdemeanor or felony as such an offense only if the nature of the misdemeanor or felony has a direct bearing on the fitness or ability of the individual to perform one or more of the duties or responsibilities necessarily related to the practice of dentistry, dental hygiene, or the other professions the board regulates.</u>   | 55<br>56<br>57<br>58<br>59<br>60<br>61<br>62<br>63   |
| (D) The board shall administer and enforce the provisions of this chapter. The board shall, <u>in accordance with sections 4715.032 to 4715.035 of the Revised Code</u> , investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of making the report or providing testimony. If after investigation <u>and reviewing the recommendation of the supervisory investigative panel issued pursuant to section 4715.034 of the Revised Code</u> the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall, <u>except as provided in this chapter</u> , conduct | 64<br>65<br>66<br>67<br>68<br>69<br>70<br>71<br>72<br>73<br>74<br>75<br>76<br>77<br>78<br>79 |

disciplinary proceedings pursuant to Chapter 119. of the Revised 80  
Code, seek an injunction under section 4715.05 of the Revised 81  
Code, enter into a consent agreement with a license holder, or 82  
provide for a license holder to participate in the quality 83  
intervention program established under section 4715.031 of the 84  
Revised Code if the board develops and implements that program. 85  
~~The board shall not dismiss any complaint or terminate any~~ 86  
~~investigation except by a majority vote of its members. For~~ 87

For the purpose of any disciplinary proceeding or any 88  
investigation conducted under this division, the board may 89  
administer oaths, order the taking of depositions, issue subpoenas 90  
in accordance with section 4715.033 of the Revised Code, compel 91  
the attendance and testimony of persons at depositions, and compel 92  
the production of books, accounts, papers, documents, or other 93  
tangible things. The hearings and investigations of the board 94  
shall be considered civil actions for the purposes of section 95  
2305.252 of the Revised Code. Notwithstanding section 121.22 of 96  
the Revised Code and except as provided in section 4715.036 of the 97  
Revised Code, proceedings of the board relative to the 98  
investigation of a complaint or the determination whether there 99  
are reasonable grounds to believe that a violation of this chapter 100  
has occurred are confidential and are not subject to discovery in 101  
any civil action. 102

(E)(1) The board shall examine or cause to be examined 103  
eligible applicants to practice dental hygiene. The board may 104  
distinguish by rule different classes of qualified personnel 105  
according to skill levels and require all or only certain of these 106  
classes of qualified personnel to be examined and certified by the 107  
board. 108

(2) The board shall administer a written jurisprudence 109  
examination to each applicant for a license to practice dentistry. 110  
The examination shall cover only the statutes and administrative 111

rules governing the practice of dentistry in this state. 112

(F) In accordance with Chapter 119. of the Revised Code, the 113  
board shall adopt, and may amend or rescind, rules establishing 114  
the eligibility criteria, the application and permit renewal 115  
procedures, and safety standards applicable to a dentist licensed 116  
under this chapter who applies for a permit to employ or use 117  
conscious intravenous sedation. These rules shall include all of 118  
the following: 119

(1) The eligibility requirements and application procedures 120  
for an eligible dentist to obtain a conscious intravenous sedation 121  
permit; 122

(2) The minimum educational and clinical training standards 123  
required of applicants, which shall include satisfactory 124  
completion of an advanced cardiac life support course; 125

(3) The facility equipment and inspection requirements; 126

(4) Safety standards; 127

(5) Requirements for reporting adverse occurrences. 128

**Sec. 4715.031.** (A) The state dental board ~~shall~~ may develop 129  
and implement a quality intervention program. The board may 130  
propose that the holder of a license issued by the board 131  
participate in the program if the board determines pursuant to an 132  
investigation conducted under section 4715.03 of the Revised Code 133  
that there are reasonable grounds to believe the license holder 134  
has violated a provision of this chapter due to a clinical or 135  
communication problem that could be improved through participation 136  
in the program and determines that the license holder's 137  
participation in the program is appropriate. The board shall refer 138  
a license holder who agrees to participate in the program to an 139  
educational and assessment service provider selected by the board. 140

~~The board shall select~~ If the board develops and implements 141

the quality intervention program, the board shall do all of the 142  
following: 143

(1) Select, by a concurrence of a majority of the board's 144  
members, educational and assessment service providers, which may 145  
include quality intervention program panels of case reviewers. A 146  
provider selected by the board to provide services to a license 147  
holder shall recommend to the board the educational and assessment 148  
services the license holder should receive under the program. The 149  
license holder may begin participation in the program if the board 150  
approves the services the provider recommends. The license holder 151  
shall not be required to participate in the program beyond thirty 152  
days from the date the license holder agrees to participate in the 153  
program under this division. The license holder shall pay the 154  
amounts charged by the provider for the services. 155

~~The board shall monitor~~ (2) Monitor a license holder's 156  
progress in the program and determine whether the license holder 157  
has successfully completed the program. If the board determines 158  
that the license holder has successfully completed the program, it 159  
may continue to monitor the license holder, take other action it 160  
considers appropriate, or both. The additional monitoring, other 161  
action taken by the board, or both, shall not continue beyond one 162  
year from the date the license holder agrees to participate in the 163  
program under this division. If the board determines that the 164  
license holder has not successfully completed the program, it 165  
shall, as soon as possible thereafter, commence disciplinary 166  
proceedings against the license holder under section 4715.03 of 167  
the Revised Code. 168

(3) Elect from the board's members who are dentists a 169  
coordinator to administer the quality intervention program. 170

(B) The board may adopt rules in accordance with Chapter 119. 171  
of the Revised Code to further implement the quality intervention 172  
program. 173

Sec. 4715.032. There is hereby created the supervisory 174  
investigative panel of the state dental board. The supervisory 175  
investigative panel shall consist solely of the board's secretary 176  
and vice-secretary. The supervisory investigative panel shall 177  
supervise all of the board's investigations. 178

Sec. 4715.033. (A) All subpoenas the state dental board 179  
desires to issue with respect to an investigation shall, subject 180  
to division (B) of this section, be authorized by the supervisory 181  
investigative panel. 182

(B) Before the supervisory investigative panel authorizes the 183  
board to issue a subpoena, the panel shall consult with the office 184  
of the attorney general and determine whether there is probable 185  
cause to believe that the complaint filed alleges a violation of 186  
this chapter or any rule adopted under it and that the information 187  
sought pursuant to the subpoena is relevant to the alleged 188  
violation and material to the investigation. 189

(C) Any subpoena to compel the production of records that the 190  
board issues after authorization by the supervisory investigative 191  
panel shall pertain to records that cover a reasonable period of 192  
time surrounding the alleged violation. 193

(D) On a person's failure to comply with a subpoena issued by 194  
the board and after reasonable notice to that person of the 195  
failure, the board may move for an order compelling the production 196  
of persons or records pursuant to the Rules of Civil Procedure. 197

Sec. 4715.034. (A) The supervisory investigative panel may 198  
ask to meet with the individual who is the subject of the 199  
investigation at any time during the investigation of the 200  
individual. At the conclusion of the investigation, the panel 201  
shall recommend that the state dental board do one of the 202  
following: 203

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| <u>(1) Pursue disciplinary action under section 4715.30 of the Revised Code;</u>   | 204 |
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| <u>(2) Seek an injunction under section 4715.05 of the Revised Code;</u>   | 206 |
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| <u>(3) Enter into a consent agreement if the subject of the investigation is a licensee;</u>   | 208 |
|  | 209 |
| <u>(4) Refer the individual to the quality intervention program if that program is developed and implemented under section 4715.031 of the Revised Code and the subject of the investigation is a licensee;</u>  | 210 |
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| <u>(5) Terminate the investigation.</u>  | 214 |
| <u>(B) The supervisory investigative panel's recommendation shall be in writing, specify the reasons for the recommendation, and, except as provided in section 4715.035 of the Revised Code, be made not later than one year after the date the panel begins to supervise the investigation.</u>                                      | 215 |
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| <u>Once the panel makes a recommendation under this section, the secretary and vice-secretary of the board shall not participate in any deliberations the board has on the case.</u>   | 220 |
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| <b><u>Sec. 4715.035.</u></b> <u>A recommendation made by the supervisory investigative panel regarding an investigation in which a violation of division (A)(7) of section 4715.30 of the Revised Code is alleged shall be made not later than two years after the panel begins to supervise the investigation.</u>                    | 223 |
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| <b><u>Sec. 4715.036.</u></b> <u>(A) If the state dental board notifies an individual who is an applicant, license holder, or other individual of an opportunity for a hearing pursuant to section 119.07 of the Revised Code, the board shall state in the notice that the individual is entitled to receive, on request and at no</u> | 228 |
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cost to the individual, one copy of each item the board procures 233  
or creates in the course of its investigation on the individual at 234  
least sixty days prior to the hearing. Items may include, but are 235  
not limited to, the complaint or complaints filed with the board; 236  
correspondence, reports, and statements of any kind; deposition 237  
transcripts; and patient dental records. 238

(B) If a request for investigative items is made pursuant to 239  
this section, the hearing shall, notwithstanding section 119.07 of 240  
the Revised Code, be scheduled for a date that is at least 241  
sixty-one days after the board provides the individual with the 242  
investigative materials. 243

**Sec. 4715.037.** (A) Notwithstanding the permissive nature of 244  
hearing referee or examiner appointments under section 119.09 of 245  
the Revised Code, the state dental board shall appoint, by a 246  
concurrence of a majority of its members, five referees or 247  
examiners to conduct the hearings the board is required to hold 248  
pursuant to sections 119.01 to 119.13 of the Revised Code. 249  
Referees or examiners appointed under this section shall be 250  
attorneys at law who have been admitted to the practice of law and 251  
who are classified as either administrative law attorney examiners 252  
or as administrative law attorney examiner administrators under 253  
the state job classification plan adopted under section 124.14 of 254  
the Revised Code. 255

(B)(1) Referees or examiners appointed under this section 256  
shall serve no more than the following number of consecutive 257  
one-year terms: 258

(a) In the case of two of the initial appointees, eight; 259

(b) In the case of two other of the initial appointees, nine; 260

(c) In the case of the one other initial appointee and all 261  
successor appointees, five. 262

(2) The board may not refuse to reappoint a referee or 263  
examiner before the referee or examiner has served the maximum 264  
number of terms applicable to the referee or examiner unless the 265  
referee or examiner does not seek to serve the maximum number of 266  
terms or the board, by a concurrence of a majority of its members, 267  
determines there is cause not to reappoint the referee or 268  
examiner. 269

(C) The board shall assign one referee or examiner appointed 270  
under this section to conduct each hearing. Assignments shall be 271  
made in the order the board receives requests for hearings without 272  
regard to the experience or background of a particular referee or 273  
examiner or the consideration of any factor other than whether the 274  
referee or examiner is available at the appropriate time. 275  
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Sec. 4715.038. A hearing referee or examiner assigned to 277  
conduct a hearing pursuant to section 4715.037 of the Revised Code 278  
shall hear and consider the oral and documented evidence 279  
introduced by the parties during the hearing. Not later than 280  
thirty days following the close of the hearing, the referee or 281  
examiner shall issue to the state dental board, in writing, 282  
proposed findings of fact and conclusions of law. Along with the 283  
proposed findings of fact and conclusions of law, the board shall 284  
be given copies of the record of the hearing and all exhibits and 285  
documents presented by the parties at the hearing. 286

Sec. 4715.039. Prior to the state dental board's decision of 287  
a case, the board shall allow the parties or their counsel an 288  
opportunity to present oral arguments on the proposed findings of 289  
fact and conclusions of law issued by the hearing referee or 290  
examiner under section 4715.038 of the Revised Code. Not later 291  
than sixty days following the board's receipt of the proposed 292  
findings of fact and conclusions of law, or a date mutually agreed 293

to by the board and the applicant for or holder of a certificate 294  
or license issued under this chapter, the board shall render a 295  
decision. The decision shall be in writing and contain findings of 296  
fact and conclusions of law. 297

Copies of the board's decision shall be delivered to the 298  
applicant, licensee, or certificate holder personally or by 299  
certified mail. The board's decision shall be considered final on 300  
the date personal delivery of the decision is made or the date the 301  
decision is mailed. 302

An individual may appeal a decision by the board in 303  
accordance with the procedure specified in Chapter 119. of the 304  
Revised Code. 305

**Sec. 4715.0310.** A notice of opportunity for a hearing issued 306  
by the state dental board pursuant to section 119.07 of the 307  
Revised Code and the name of the hearing referee or examiner the 308  
board assigns to a hearing pursuant to section 4715.037 of the 309  
Revised Code are public records under section 149.43 of the 310  
Revised Code. 311

**Sec. 4715.06.** Each member of the state dental board shall 312  
receive an amount fixed pursuant to division (J) of section 124.15 313  
of the Revised Code for each day actually employed in the 314  
discharge of the official duties of the member, and the necessary 315  
expenses of the member. The secretary and vice-secretary shall 316  
~~receive reimbursement~~ be reimbursed for necessary expenses 317  
incurred ~~by the secretary~~ in the discharge of the official duties 318  
of the secretary and vice-secretary, respectively. All vouchers of 319  
the board shall be approved by the board president or executive 320  
secretary, or both, as authorized by the board. 321

**Sec. 4715.14.** (A) Each person who is licensed to practice 322  
dentistry in Ohio shall, on or before the first day of January of 323

each even-numbered year, register with the state dental board. The 324  
registration shall be made on a form prescribed by the board and 325  
furnished by the secretary, shall include the licensee's name, 326  
address, license number, and such other reasonable information as 327  
the board may consider necessary, and shall include payment of a 328  
biennial registration fee of two hundred forty-five dollars. 329  
Except as provided in division ~~(D)~~(E) of this section, this fee 330  
shall be paid to the treasurer of state. ~~All such registrations~~ 331  
Subject to division (C) of this section, a registration shall be 332  
in effect for the two-year period beginning on the first day of 333  
January of the even-numbered year and ending on the last day of 334  
December of the following odd-numbered year, and shall be renewed 335  
in accordance with the standard renewal procedure of sections 336  
4745.01 to 4745.03 of the Revised Code. ~~The failure of a licensee~~ 337  
~~to renew the licensee's registration in accordance with this~~ 338  
~~section shall result in an automatic suspension of the licensee's~~ 339  
~~license to practice dentistry.~~ 340

(B) ~~Any dentist whose license has been suspended under this~~ 341  
~~section may be reinstated by the payment of the biennial~~ 342  
~~registration fee and in addition thereto eighty one dollars to~~ 343  
~~cover costs of the reinstatement; excepting that to any A licensed~~ 344  
dentist who desires to temporarily retire from practice, and who 345  
has given the board notice in writing to that effect, ~~the board~~ 346  
shall ~~grant~~ be granted such a retirement, provided only that at 347  
that time all previous registration fees and additional costs of 348  
reinstatement have been paid. 349

(C) The board shall notify a dentist who fails to renew a 350  
license in accordance with division (A) of this section of all of 351  
the following: 352

(1) That the board has not received the registration form and 353  
fee described in that division; 354

(2) That the license shall remain valid and in good standing 355

until the first day of June following the last day of December of 356  
the odd-numbered year in which the dentist was scheduled to renew 357  
if the dentist remains in compliance with all other applicable 358  
provisions of this chapter and any rule adopted under it; 359

(3) That the license may be renewed until the first day of 360  
June following the last day of December of the odd-numbered year 361  
in which the dentist was scheduled to renew by the payment of the 362  
biennial registration fee and an additional fee of eighty-one 363  
dollars to cover the cost of late renewal; 364

(4) That unless the board receives the registration form and 365  
fee before the first day of June following the last day of 366  
December of the odd-numbered year in which the dentist was 367  
scheduled to renew, the board may, on or after the relevant first 368  
day of June, initiate disciplinary action against the dentist 369  
pursuant to Chapter 119. of the Revised Code; 370

(5) That a dentist whose license has been suspended as a 371  
result of disciplinary action initiated pursuant to division 372  
(C)(4) of this section may be reinstated by the payment of the 373  
biennial registration fee and an additional fee of two hundred 374  
dollars to cover the cost of reinstatement. 375

(D) Each dentist licensed to practice, whether a resident or 376  
not, shall notify the secretary in writing of any change in the 377  
dentist's office address or employment within ten days after such 378  
change has taken place. On the first day of July of every 379  
even-numbered year, the secretary shall issue a printed roster of 380  
the names and addresses so registered. 381

~~(D)~~(E) Twenty dollars of each biennial registration fee shall 382  
be paid to the dentist loan repayment fund created under section 383  
3702.95 of the Revised Code. 384

**Sec. 4715.141.** (A) Each licensed dentist shall complete 385

biennially not less than forty hours of continuing dental 386  
education, which may include, but is not limited to, attendance at 387  
lectures, study clubs, college and postgraduate courses, or 388  
scientific sessions of conventions, research, graduate study, 389  
teaching, service as a clinician, or correspondence courses. 390  
Continuing dental education programs include, but are not limited 391  
to, programs that address any of the following: 392

(1) ~~Competency~~ Competency in treating patients who are 393  
medically compromised or who experience medical emergencies during 394  
the course of dental treatment; 395

(2) Knowledge of pharmaceutical products and the protocol of 396  
the proper use of medications; 397

(3) Competency to diagnose oral pathology; 398

(4) Awareness of currently accepted methods of infection 399  
control; 400

(5) Basic medical and scientific subjects including, but not 401  
limited to, biology, physiology, pathology, biochemistry, and 402  
pharmacology; 403

(6) Clinical and technological subjects including, but not 404  
limited to, clinical techniques and procedures, materials, and 405  
equipment; 406

(7) Subjects pertinent to health and safety. 407

Dentists shall earn continuing education credits at the rate 408  
of one-half credit for each twenty-five to thirty contact minutes 409  
of instruction and one credit hour for each fifty to sixty contact 410  
minutes of instruction. 411

(B) Programs meeting the general requirements of division (A) 412  
of this section may be developed and offered to dentists by any of 413  
the following agencies or organizations: 414

(1) National, state, district, or local dental associations 415

affiliated with the American dental association or national dental association; 416  
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(2) Accredited dental colleges or schools; 418

(3) Other organizations, schools, or agencies approved by the state dental board. 419  
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(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 he has completed continuing education programs in compliance with this section and listing the date, location, sponsor, subject matter, and hours completed of the programs. 421  
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A licensed dentist shall retain in his records for a period of at least three years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With cause, the board may request such documentation from licensed dentists, and the board may request such documentation from licensed dentists selected at random without cause. 428  
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(D) The board may excuse licensed dentists, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship. 435  
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~~(E) Failure to comply with the requirements of this section constitutes a failure to renew registration pursuant to section 4715.14 of the Revised Code~~ The board shall notify a dentist who fails to submit the affidavit required by division (C) of this section of both of the following: 439  
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(1) That the board has not received the affidavit; 444

(2) That unless the board receives the affidavit before the 445

first day of June following the last day of December by which the 446  
dentist was required to submit the affidavit, the board may, on or 447  
after the relevant first day of June, initiate disciplinary action 448  
against the dentist pursuant to Chapter 119. of the Revised Code. 449

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**Sec. 4715.24.** (A) Each person who is licensed to practice as 451  
a dental hygienist in Ohio shall, on or before the first day of 452  
January of each even-numbered year, register with the state dental 453  
board. The registration shall be made on a form prescribed by the 454  
board and furnished by the secretary, shall include the licensee's 455  
name, address, license number, and such other reasonable 456  
information as the board may consider necessary, and shall include 457  
payment of a biennial registration fee of one hundred five 458  
dollars. This fee shall be paid to the treasurer of state. All 459  
such registrations shall be in effect for the two-year period 460  
beginning on the first day of January of each even-numbered year 461  
and ending on the last day of December of the following 462  
odd-numbered year, and shall be renewed in accordance with the 463  
standard renewal procedure of sections 4745.01 to 4745.03 of the 464  
Revised Code. ~~The failure of a licensee to renew registration in~~ 465  
~~accordance with this section shall result in the automatic~~ 466  
~~suspension of the licensee's license to practice as a dental~~ 467  
~~hygienist.~~ 468

(B) Any The board shall notify a dental hygienist who fails 469  
to renew a license in accordance with division (A) of this section 470  
of all of the following: 471

(1) That the board has not received the registration form and 472  
fee described in that division; 473

(2) That the license shall remain valid and in good standing 474  
until the first day of June following the last day of December of 475  
the odd-numbered year in which the dental hygienist was scheduled 476

to renew if the dental hygienist remains in compliance with all 477  
other applicable provisions of this chapter and any rule adopted 478  
under it; 479

(3) That the license may be renewed until the first day of 480  
June following the last day of December of the odd-numbered year 481  
in which the dental hygienist was scheduled to renew by the 482  
payment of the biennial registration fee and an additional fee of 483  
eighty-one dollars to cover the cost of late renewal; 484

(4) That unless the board receives the registration form and 485  
fee before the first day of June following the last day of 486  
December of the odd-numbered year in which the dental hygienist 487  
was scheduled to renew, the board may, on or after the relevant 488  
first day of June, initiate disciplinary action against the dental 489  
hygienist pursuant to Chapter 119. of the Revised Code; 490

(5) That a dental hygienist whose license has been suspended 491  
under as a result of disciplinary action initiated pursuant to 492  
division (B)(4) of this section may be reinstated by the payment 493  
of the biennial registration fee and ~~in addition thereto~~ 494  
~~thirty one~~ an additional fee of two hundred dollars to cover the 495  
costs of reinstatement. 496

(C) The license of a dental hygienist shall be exhibited in a 497  
conspicuous place in the room in which the dental hygienist 498  
practices. Each dental hygienist licensed to practice, whether a 499  
resident or not, shall notify the secretary in writing of any 500  
change in the dental hygienist's office address or employment 501  
within ten days after the change takes place. 502

**Sec. 4715.25.** (A) Every person licensed to practice as a 503  
dental hygienist and required to register with the state dental 504  
board shall certify to the board at the time of applying for a 505  
renewal of registration that in the two-year period preceding ~~two~~ 506  
~~years~~ the registration period for which the renewal is sought the 507

registrant has completed a minimum of ~~twelve~~ twenty-four hours of 508  
continuing dental hygiene education. Certification shall be made 509  
upon the application for registration prescribed by the board 510  
pursuant to section 4715.24 of the Revised Code. 511

Continuing education programs may be developed and offered to 512  
dental hygienists by any of the following agencies or 513  
organizations: 514

(1) National, state, district, or local dental hygienists' 515  
associations affiliated with the American dental hygienists' 516  
association; 517

(2) National, state, district, or local dental associations 518  
affiliated with the American dental association or national dental 519  
association; 520

(3) Accredited dental hygiene colleges or schools; 521

(4) Accredited dental colleges or schools; 522

(5) Other organizations, schools, paraprofessional programs, 523  
or agencies approved by the state dental board. 524

(B) A licensed dental hygienist shall retain in ~~his~~ the 525  
dental hygienist's records for a period of at least three years 526  
such receipts, vouchers, or certificates as may be necessary to 527  
document completion of continuing education programs. With cause, 528  
the board may request such documentation from licensed dental 529  
hygienists, and the board may request such documentation from 530  
licensed dental hygienists at random without cause. 531

(C) The board may excuse licensed dental hygienists, as a 532  
group or as individuals, from all or any part of the requirements 533  
of this section because of an unusual circumstance, emergency, or 534  
special hardship. 535

(D) ~~Failure to comply with the requirements of this section~~ 536  
~~constitutes a failure to renew registration pursuant to section~~ 537

~~4715.24 of the Revised Code~~ The board shall notify a dental 538  
hygienist who fails to submit the certification required by 539  
division (A) of this section of both of the following: 540

(1) That the board has not received the certification; 541

(2) That unless the board receives the certification before 542  
the first day of June following the last day of December by which 543  
the dental hygienist was required to submit the certification, the 544  
board may, on or after the relevant first day of June, initiate 545  
disciplinary action against the dental hygienist pursuant to 546  
Chapter 119. of the Revised Code. 547

**Sec. 4715.30.** (A) ~~The~~ An applicant for or holder of a 548  
certificate or license issued under this chapter is subject to 549  
disciplinary action by the state dental board for any of the 550  
following reasons: 551

(1) Employing or cooperating in fraud or material deception 552  
in applying for or obtaining a license or certificate; 553

(2) Obtaining or attempting to obtain money or anything of 554  
value by intentional misrepresentation or material deception in 555  
the course of practice; 556

(3) Advertising services in a false or misleading manner or 557  
violating the board's rules governing time, place, and manner of 558  
advertising; 559

(4) Conviction of or plea of guilty to a misdemeanor 560  
~~committed in the course of practice or of any felony~~ criminal 561  
offense identified by the board in rules adopted under section 562  
4715.03 of the Revised Code as a criminal offense that is 563  
substantially related to the practice of dentistry, dental 564  
hygiene, or any other profession the board regulates; 565

(5) Engaging in lewd or immoral conduct in connection with 566  
the provision of dental services; 567

|  |     |
|--|-----|
| (6) Selling, prescribing, giving away, or administering drugs      | 568 |
| for other than legal and legitimate therapeutic purposes, or       | 569 |
| conviction of violating any law of this state or the federal       | 570 |
| government regulating the possession, distribution, or use of any  | 571 |
| drug;  | 572 |
| (7) Providing or allowing dental hygienists, expanded              | 573 |
| function dental auxiliaries, or other practitioners of auxiliary   | 574 |
| dental occupations working under the certificate or license        | 575 |
| holder's supervision, or a dentist holding a temporary limited     | 576 |
| continuing education license under division (C) of section 4715.16 | 577 |
| of the Revised Code working under the certificate or license       | 578 |
| holder's direct supervision, to provide dental care that departs   | 579 |
| from or fails to conform to accepted standards for the profession, | 580 |
| whether or not injury to a patient results;                        | 581 |
| (8) Inability to practice under accepted standards of the          | 582 |
| profession because of physical or mental disability, dependence on | 583 |
| alcohol or other drugs, or excessive use of alcohol or other       | 584 |
| drugs;   | 585 |
| (9) Violation of any provision of this chapter or any rule         | 586 |
| adopted thereunder;  | 587 |
| (10) Failure to use universal blood and body fluid                 | 588 |
| precautions established by rules adopted under section 4715.03 of  | 589 |
| the Revised Code;  | 590 |
| (11) Waiving the payment of all or any part of a deductible        | 591 |
| or copayment that a patient, pursuant to a health insurance or     | 592 |
| health care policy, contract, or plan that covers dental services, | 593 |
| would otherwise be required to pay if the waiver is used as an     | 594 |
| enticement to a patient or group of patients to receive health     | 595 |
| care services from that provider.                                  | 596 |
| (12) Advertising that the certificate or license holder will       | 597 |
| waive the payment of all or any part of a deductible or copayment  | 598 |

that a patient, pursuant to a health insurance or health care 599  
policy, contract, or plan that covers dental services, would 600  
otherwise be required to pay. 601

(B) A manager, proprietor, operator, or conductor of a dental 602  
facility shall be subject to disciplinary action if any dentist, 603  
dental hygienist, expanded function dental auxiliary, or qualified 604  
personnel providing services in the facility is found to have 605  
committed a violation listed in division (A) of this section and 606  
the manager, proprietor, operator, or conductor knew of the 607  
violation and permitted it to occur on a recurring basis. 608

(C) Subject to Chapter 119. of the Revised Code, the board 609  
may take one or more of the following disciplinary actions if one 610  
or more of the grounds for discipline listed in divisions (A) and 611  
(B) of this section exist: 612

(1) Censure the license or certificate holder; 613

(2) Place the license or certificate on probationary status 614  
for such period of time the board determines necessary and require 615  
the holder to: 616

(a) Report regularly to the board upon the matters which are 617  
the basis of probation; 618

(b) Limit practice to those areas specified by the board; 619

(c) Continue or renew professional education until a 620  
satisfactory degree of knowledge or clinical competency has been 621  
attained in specified areas. 622

(3) Suspend the certificate or license; 623

(4) Revoke the certificate or license. 624

Where the board places a holder of a license or certificate 625  
on probationary status pursuant to division (C)(2) of this 626  
section, the board may subsequently suspend or revoke the license 627  
or certificate if it determines that the holder has not met the 628

requirements of the probation or continues to engage in activities 629  
that constitute grounds for discipline pursuant to division (A) or 630  
(B) of this section. 631

Any order suspending a license or certificate shall state the 632  
conditions under which the license or certificate will be 633  
restored, which may include a conditional restoration during which 634  
time the holder is in a probationary status pursuant to division 635  
(C)(2) of this section. The board shall restore the license or 636  
certificate unconditionally when such conditions are met. 637

(D) If the physical or mental condition of an applicant or a 638  
license or certificate holder is at issue in a disciplinary 639  
proceeding, the board may order the license or certificate holder 640  
to submit to reasonable examinations by an individual designated 641  
or approved by the board and at the board's expense. The physical 642  
examination may be conducted by any individual authorized by the 643  
Revised Code to do so, including a physician assistant, a clinical 644  
nurse specialist, a certified nurse practitioner, or a certified 645  
nurse-midwife. Any written documentation of the physical 646  
examination shall be completed by the individual who conducted the 647  
examination. 648

Failure to comply with an order for an examination shall be 649  
grounds for refusal of a license or certificate or summary 650  
suspension of a license or certificate under division (E) of this 651  
section. 652

(E) If the board has reason to believe that ~~the~~ a license or 653  
certificate holder represents a clear and immediate danger to the 654  
public health and safety if the holder is allowed to continue to 655  
practice, or if the holder has failed to comply with an order 656  
under division (D) of this section, the board may apply to the 657  
court of common pleas of the county in which the holder resides 658  
for an order temporarily suspending the holder's license or 659  
certificate, without a prior hearing being afforded by the board, 660

until the board conducts an adjudication hearing pursuant to 661  
Chapter 119. of the Revised Code. If the court temporarily 662  
suspends a holder's license or certificate, the board shall give 663  
written notice of the suspension personally or by certified mail 664  
to the license or certificate holder. Such notice shall include 665  
specific facts and reasons for finding a clear and immediate 666  
danger to the public health and safety and shall inform the 667  
license or certificate holder of the right to a hearing pursuant 668  
to Chapter 119. of the Revised Code. 669

(F) Any holder of a certificate or license issued under this 670  
chapter who has pleaded guilty to, has been convicted of, or has 671  
had a judicial finding of eligibility for intervention in lieu of 672  
conviction entered against the holder in this state for aggravated 673  
murder, murder, voluntary manslaughter, felonious assault, 674  
kidnapping, rape, sexual battery, gross sexual imposition, 675  
aggravated arson, aggravated robbery, or aggravated burglary, or 676  
who has pleaded guilty to, has been convicted of, or has had a 677  
judicial finding of eligibility for treatment or intervention in 678  
lieu of conviction entered against the holder in another 679  
jurisdiction for any substantially equivalent criminal offense, is 680  
automatically suspended from practice under this chapter in this 681  
state and any certificate or license issued to the holder under 682  
this chapter is automatically suspended, as of the date of the 683  
guilty plea, conviction, or judicial finding, whether the 684  
proceedings are brought in this state or another jurisdiction. 685  
Continued practice by an individual after the suspension of the 686  
individual's certificate or license under this division shall be 687  
considered practicing without a certificate or license. The board 688  
shall notify the suspended individual of the suspension of the 689  
individual's certificate or license under this division by 690  
certified mail or in person in accordance with section 119.07 of 691  
the Revised Code. If an individual whose certificate or license is 692  
suspended under this division fails to make a timely request for 693

an adjudicatory hearing, the board shall enter a final order 694  
revoking the individual's certificate or license. 695

(G) Notwithstanding divisions (A)(11) and (12) of this 696  
section, sanctions shall not be imposed against any licensee who 697  
waives deductibles and copayments: 698

(1) In compliance with the health benefit plan that expressly 699  
allows such a practice. Waiver of the deductibles or copayments 700  
shall be made only with the full knowledge and consent of the plan 701  
purchaser, payer, and third-party administrator. Such consent 702  
shall be made available to the board upon request. 703

(2) For professional services rendered to any other person 704  
licensed pursuant to this chapter to the extent allowed by this 705  
chapter and the rules of the board. 706

(H) Under no circumstances shall the board consider or raise 707  
during a hearing required by Chapter 119. of the Revised Code any 708  
action authorized under this section that the board took on a 709  
prior occasion with respect to a person if the charges in the 710  
subsequent action relate to events or circumstances that occurred 711  
in the same time period and are of the same nature as the charges 712  
in the prior action. 713

**Section 2.** That existing sections 4715.03, 4715.031, 4715.06, 714  
4715.14, 4715.141, 4715.24, 4715.25, and 4715.30 of the Revised 715  
Code are hereby repealed. 716

**Section 3.** (A) As used in this section, "registration period" 717  
means the two-year period during which a dental hygienist's 718  
registration is in effect under section 4715.24 of the Revised 719  
Code. 720

(B) Notwithstanding the provisions of section 4715.25 of the 721  
Revised Code, as amended by this act, that increases from twelve 722  
to twenty-four the minimum number of hours of continuing education 723

that a dental hygienist must certify to the State Dental Board 724  
when applying for a renewal of registration, a dental hygienist 725  
whose registration expires on December 31, 2009, remains subject 726  
to the requirement to certify completion of a minimum of twelve 727  
hours of continuing education when applying for a renewal of 728  
registration for the 2010 to 2011 registration period. 729  
730

**Section 4.** The amendment by this act to division (A) of 731  
section 4715.03 of the Revised Code requiring that the secretary 732  
of the State Dental Board be a dentist shall not apply to the 733  
secretary serving on the Board on the effective date of this 734  
section. 735