

**As Reported by the Senate Health, Human Services and Aging  
Committee**

**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, Amstutz,  
Batchelder, Beck, Belcher, Blair, Bolon, Book, Boose, Brown, Bubp, Burke,  
Combs, DeBose, DeGeeter, Derickson, Domenick, Dyer, Evans, Garrison,  
Gerberry, Goodwin, Hackett, Hall, Harris, Hite, Jordan, Lundy, McClain,  
McGregor, Newcomb, Oelslager, Patten, Ruhl, Sayre, Sears, Stebelton,  
Stewart, Uecker, Wagner, Zehringer  
Senators Morano, Smith**

**—**

**A B I L L**

To amend sections 119.12, 4715.03, 4715.031, 4715.06, 1  
4715.14, 4715.141, 4715.30, and 4753.06 and to 2  
enact sections 4715.032, 4715.033, 4715.034, 3  
4715.035, 4715.036, 4715.037, 4715.038, 4715.039, 4  
4715.0310, 4753.091, and 5111.0211 of the Revised 5  
Code and to contingently amend Section 3 of Sub. 6  
H.B. 190 of the 128th General Assembly to modify 7  
the laws governing investigations and hearings 8  
conducted by the State Dental Board, to modify the 9  
laws specifying when certain continuing education 10  
requirements for dental hygienists are applicable, 11  
to modify the laws governing the licensure of 12  
audiologists and speech-language pathologists, to 13  
modify the laws governing appeals of 14  
administrative adjudications, and to specify a 15

situation in which a nursing facility is not 16  
required to submit a Medicaid claim for Medicare 17  
cost-sharing expenses. 18

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

**Section 1.** That sections 119.12, 4715.03, 4715.031, 4715.06, 19  
4715.14, 4715.141, 4715.30, and 4753.06 be amended and sections 20  
4715.032, 4715.033, 4715.034, 4715.035, 4715.036, 4715.037, 21  
4715.038, 4715.039, 4715.0310, 4753.091, and 5111.0211 of the 22  
Revised Code be enacted to read as follows: 23

**Sec. 119.12.** Any party adversely affected by any order of an 24  
agency issued pursuant to an adjudication denying an applicant 25  
admission to an examination, or denying the issuance or renewal of 26  
a license or registration of a licensee, or revoking or suspending 27  
a license, or allowing the payment of a forfeiture under section 28  
4301.252 of the Revised Code may appeal from the order of the 29  
agency to the court of common pleas of the county in which the 30  
place of business of the licensee is located or the county in 31  
which the licensee is a resident, except that appeals from 32  
decisions of the liquor control commission, the state medical 33  
board, state chiropractic board, and board of nursing shall be to 34  
the court of common pleas of Franklin county. If any party 35  
appealing from the order is not a resident of and has no place of 36  
business in this state, the party may appeal to the court of 37  
common pleas of Franklin county. 38

Any party adversely affected by any order of an agency issued 39  
pursuant to any other adjudication may appeal to the court of 40  
common pleas of Franklin county, except that appeals from orders 41  
of the fire marshal issued under Chapter 3737. of the Revised Code 42  
may be to the court of common pleas of the county in which the 43  
building of the aggrieved person is located and except that 44

appeals under division (B) of section 124.34 of the Revised Code 45  
from a decision of the state personnel board of review or a 46  
municipal or civil service township civil service commission shall 47  
be taken to the court of common pleas of the county in which the 48  
appointing authority is located or, in the case of an appeal by 49  
the department of rehabilitation and correction, to the court of 50  
common pleas of Franklin county. 51

This section does not apply to appeals from the department of 52  
taxation. 53

Any party desiring to appeal shall file a notice of appeal 54  
with the agency setting forth the order appealed from and ~~the~~ 55  
~~grounds of the party's appeal~~ stating that the agency's order is 56  
not supported by reliable, probative, and substantial evidence and 57  
is not in accordance with law. The notice of appeal may, but need 58  
not, set forth the specific grounds of the party's appeal beyond 59  
the statement that the agency's order is not supported by 60  
reliable, probative, and substantial evidence and is not in 61  
accordance with law. A copy of the The notice of appeal shall also 62  
be filed by the appellant with the court. In filing a notice of 63  
appeal with the agency or court, the notice that is filed may be 64  
either the original notice or a copy of the original notice. 65  
Unless otherwise provided by law relating to a particular agency, 66  
notices of appeal shall be filed within fifteen days after the 67  
mailing of the notice of the agency's order as provided in this 68  
section. For purposes of this paragraph, an order includes a 69  
determination appealed pursuant to division (C) of section 119.092 70  
of the Revised Code. The amendments made to this paragraph by Sub. 71  
H.B. 215 of the 128th general assembly are procedural, and this 72  
paragraph as amended by those amendments shall be applied 73  
retrospectively to all appeals pursuant to this paragraph filed 74  
before the effective date of those amendments but not earlier than 75  
May 7, 2009, which was the date the supreme court of Ohio released 76

its opinion and judgment in *Medcorp, Inc. v. Ohio Dep't. of Job* 77  
and *Family Servs.* (2009), 121 Ohio St.3d 622. 78

The filing of a notice of appeal shall not automatically 79  
operate as a suspension of the order of an agency. If it appears 80  
to the court that an unusual hardship to the appellant will result 81  
from the execution of the agency's order pending determination of 82  
the appeal, the court may grant a suspension and fix its terms. If 83  
an appeal is taken from the judgment of the court and the court 84  
has previously granted a suspension of the agency's order as 85  
provided in this section, the suspension of the agency's order 86  
shall not be vacated and shall be given full force and effect 87  
until the matter is finally adjudicated. No renewal of a license 88  
or permit shall be denied by reason of the suspended order during 89  
the period of the appeal from the decision of the court of common 90  
pleas. In the case of an appeal from the state medical board or 91  
state chiropractic board, the court may grant a suspension and fix 92  
its terms if it appears to the court that an unusual hardship to 93  
the appellant will result from the execution of the agency's order 94  
pending determination of the appeal and the health, safety, and 95  
welfare of the public will not be threatened by suspension of the 96  
order. This provision shall not be construed to limit the factors 97  
the court may consider in determining whether to suspend an order 98  
of any other agency pending determination of an appeal. 99

The final order of adjudication may apply to any renewal of a 100  
license or permit which has been granted during the period of the 101  
appeal. 102

Notwithstanding any other provision of this section, any 103  
order issued by a court of common pleas or a court of appeals 104  
suspending the effect of an order of the liquor control commission 105  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 106  
suspends, revokes, or cancels a permit issued under Chapter 4303. 107  
of the Revised Code or that allows the payment of a forfeiture 108

under section 4301.252 of the Revised Code shall terminate not 109  
more than six months after the date of the filing of the record of 110  
the liquor control commission with the clerk of the court of 111  
common pleas and shall not be extended. The court of common pleas, 112  
or the court of appeals on appeal, shall render a judgment in that 113  
matter within six months after the date of the filing of the 114  
record of the liquor control commission with the clerk of the 115  
court of common pleas. A court of appeals shall not issue an order 116  
suspending the effect of an order of the liquor control commission 117  
that extends beyond six months after the date on which the record 118  
of the liquor control commission is filed with a court of common 119  
pleas. 120

Notwithstanding any other provision of this section, any 121  
order issued by a court of common pleas suspending the effect of 122  
an order of the state medical board or state chiropractic board 123  
that limits, revokes, suspends, places on probation, or refuses to 124  
register or reinstate a certificate issued by the board or 125  
reprimands the holder of the certificate shall terminate not more 126  
than fifteen months after the date of the filing of a notice of 127  
appeal in the court of common pleas, or upon the rendering of a 128  
final decision or order in the appeal by the court of common 129  
pleas, whichever occurs first. 130

Within thirty days after receipt of a notice of appeal from 131  
an order in any case in which a hearing is required by sections 132  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 133  
certify to the court a complete record of the proceedings in the 134  
case. Failure of the agency to comply within the time allowed, 135  
upon motion, shall cause the court to enter a finding in favor of 136  
the party adversely affected. Additional time, however, may be 137  
granted by the court, not to exceed thirty days, when it is shown 138  
that the agency has made substantial effort to comply. The record 139  
shall be prepared and transcribed, and the expense of it shall be 140

taxed as a part of the costs on the appeal. The appellant shall 141  
provide security for costs satisfactory to the court of common 142  
pleas. Upon demand by any interested party, the agency shall 143  
furnish at the cost of the party requesting it a copy of the 144  
stenographic report of testimony offered and evidence submitted at 145  
any hearing and a copy of the complete record. 146

Notwithstanding any other provision of this section, any 147  
party desiring to appeal an order or decision of the state 148  
personnel board of review shall, at the time of filing a notice of 149  
appeal with the board, provide a security deposit in an amount and 150  
manner prescribed in rules that the board shall adopt in 151  
accordance with this chapter. In addition, the board is not 152  
required to prepare or transcribe the record of any of its 153  
proceedings unless the appellant has provided the deposit 154  
described above. The failure of the board to prepare or transcribe 155  
a record for an appellant who has not provided a security deposit 156  
shall not cause a court to enter a finding adverse to the board. 157

Unless otherwise provided by law, in the hearing of the 158  
appeal, the court is confined to the record as certified to it by 159  
the agency. Unless otherwise provided by law, the court may grant 160  
a request for the admission of additional evidence when satisfied 161  
that the additional evidence is newly discovered and could not 162  
with reasonable diligence have been ascertained prior to the 163  
hearing before the agency. 164

The court shall conduct a hearing on the appeal and shall 165  
give preference to all proceedings under sections 119.01 to 119.13 166  
of the Revised Code, over all other civil cases, irrespective of 167  
the position of the proceedings on the calendar of the court. An 168  
appeal from an order of the state medical board issued pursuant to 169  
division (G) of either section 4730.25 or 4731.22 of the Revised 170  
Code, or the state chiropractic board issued pursuant to section 171  
4734.37 of the Revised Code, or the liquor control commission 172

issued pursuant to Chapter 4301. or 4303. of the Revised Code 173  
shall be set down for hearing at the earliest possible time and 174  
takes precedence over all other actions. The hearing in the court 175  
of common pleas shall proceed as in the trial of a civil action, 176  
and the court shall determine the rights of the parties in 177  
accordance with the laws applicable to a civil action. At the 178  
hearing, counsel may be heard on oral argument, briefs may be 179  
submitted, and evidence may be introduced if the court has granted 180  
a request for the presentation of additional evidence. 181

The court may affirm the order of the agency complained of in 182  
the appeal if it finds, upon consideration of the entire record 183  
and any additional evidence the court has admitted, that the order 184  
is supported by reliable, probative, and substantial evidence and 185  
is in accordance with law. In the absence of this finding, it may 186  
reverse, vacate, or modify the order or make such other ruling as 187  
is supported by reliable, probative, and substantial evidence and 188  
is in accordance with law. The court shall award compensation for 189  
fees in accordance with section 2335.39 of the Revised Code to a 190  
prevailing party, other than an agency, in an appeal filed 191  
pursuant to this section. 192

The judgment of the court shall be final and conclusive 193  
unless reversed, vacated, or modified on appeal. These appeals may 194  
be taken either by the party or the agency, shall proceed as in 195  
the case of appeals in civil actions, and shall be pursuant to the 196  
Rules of Appellate Procedure and, to the extent not in conflict 197  
with those rules, Chapter 2505. of the Revised Code. An appeal by 198  
the agency shall be taken on questions of law relating to the 199  
constitutionality, construction, or interpretation of statutes and 200  
rules of the agency, and, in the appeal, the court may also review 201  
and determine the correctness of the judgment of the court of 202  
common pleas that the order of the agency is not supported by any 203  
reliable, probative, and substantial evidence in the entire 204

record. 205

The court shall certify its judgment to the agency or take 206  
any other action necessary to give its judgment effect. 207

**Sec. 4715.03.** (A) The state dental board shall organize by 208  
~~the election~~ electing from its members of a president ~~and a,~~ 209  
secretary, and vice-secretary. The secretary and vice-secretary 210  
shall be elected from the members of the board who are dentists. 211  
It shall hold meetings monthly at least eight months a year at 212  
such times and places as the board designates. A majority of the 213  
members of the board shall constitute a quorum. The board shall 214  
make such reasonable rules as it determines necessary pursuant to 215  
Chapter 119. of the Revised Code. 216

(B) A concurrence of a majority of the members of the board 217  
shall be required to ~~grant,~~ do any of the following: 218

(1) Grant, refuse, suspend, place on probationary status, 219  
revoke, refuse to renew, or refuse to reinstate a license or 220  
censure a license holder or take any other action authorized under 221  
section 4715.30 of the Revised Code; 222

(2) Seek an injunction under section 4715.05 of the Revised 223  
Code; 224

(3) Enter into a consent agreement with a license holder; 225

(4) If the board develops and implements the quality 226  
intervention program under section 4715.031 of the Revised Code, 227  
refer a license holder to the program; 228

(5) Terminate an investigation conducted under division (D) 229  
of this section; 230

(6) Dismiss any complaint filed with the board. 231

(C)(1) The board shall adopt rules establishing in accordance 232  
with Chapter 119. of the Revised Code to do both of the following: 233

(a) <u>Establish</u> standards for the safe practice of dentistry	234
and dental hygiene by qualified practitioners and shall, through	235
its policies and activities, promote such practice- <del>i</del>	236
<del>The board shall adopt rules in accordance with Chapter 119-</del>	237
<del>of the Revised Code establishing</del> (b) <u>Establish</u> universal blood and	238
body fluid precautions that shall be used by each person licensed	239
under this chapter who performs exposure prone invasive	240
procedures. <del>The</del>	241
(2) <u>The rules adopted under division (C)(1)(b) of this</u>	242
<u>section</u> shall define and establish requirements for universal	243
blood and body fluid precautions that include the following:	244
<del>(1)</del> (a) Appropriate use of hand washing;	245
<del>(2)</del> (b) Disinfection and sterilization of equipment;	246
<del>(3)</del> (c) Handling and disposal of needles and other sharp	247
instruments;	248
<del>(4)</del> (d) Wearing and disposal of gloves and other protective	249
garments and devices.	250
(D) The board shall administer and enforce the provisions of	251
this chapter. The board shall, <u>in accordance with sections</u>	252
<u>4715.032 to 4715.035 of the Revised Code,</u> investigate evidence	253
which appears to show that any person has violated any provision	254
of this chapter. Any person may report to the board under oath any	255
information such person may have appearing to show a violation of	256
any provision of this chapter. In the absence of bad faith, any	257
person who reports such information or who testifies before the	258
board in any disciplinary proceeding conducted pursuant to Chapter	259
119. of the Revised Code is not liable for civil damages as a	260
result of making the report or providing testimony. If after	261
investigation <u>and reviewing the recommendation of the supervisory</u>	262
<u>investigative panel issued pursuant to section 4715.034 of the</u>	263
<u>Revised Code</u> the board determines that there are reasonable	264

grounds to believe that a violation of this chapter has occurred, 265  
the board shall, except as provided in this chapter, conduct 266  
disciplinary proceedings pursuant to Chapter 119. of the Revised 267  
Code, seek an injunction under section 4715.05 of the Revised 268  
Code, enter into a consent agreement with a license holder, or 269  
provide for a license holder to participate in the quality 270  
intervention program established under section 4715.031 of the 271  
Revised Code if the board develops and implements that program. 272  
~~The board shall not dismiss any complaint or terminate any~~ 273  
~~investigation except by a majority vote of its members. For~~ 274

For the purpose of any disciplinary proceeding or any 275  
investigation conducted under this division, the board may 276  
administer oaths, order the taking of depositions, issue subpoenas 277  
in accordance with section 4715.033 of the Revised Code, compel 278  
the attendance and testimony of persons at depositions, and compel 279  
the production of books, accounts, papers, documents, or other 280  
tangible things. The hearings and investigations of the board 281  
shall be considered civil actions for the purposes of section 282  
2305.252 of the Revised Code. Notwithstanding section 121.22 of 283  
the Revised Code and except as provided in section 4715.036 of the 284  
Revised Code, proceedings of the board relative to the 285  
investigation of a complaint or the determination whether there 286  
are reasonable grounds to believe that a violation of this chapter 287  
has occurred are confidential and are not subject to discovery in 288  
any civil action. 289

(E)(1) The board shall examine or cause to be examined 290  
eligible applicants to practice dental hygiene. The board may 291  
distinguish by rule different classes of qualified personnel 292  
according to skill levels and require all or only certain of these 293  
classes of qualified personnel to be examined and certified by the 294  
board. 295

(2) The board shall administer a written jurisprudence 296

examination to each applicant for a license to practice dentistry. 297  
The examination shall cover only the statutes and administrative 298  
rules governing the practice of dentistry in this state. 299

(F) In accordance with Chapter 119. of the Revised Code, the 300  
board shall adopt, and may amend or rescind, rules establishing 301  
the eligibility criteria, the application and permit renewal 302  
procedures, and safety standards applicable to a dentist licensed 303  
under this chapter who applies for a permit to employ or use 304  
conscious intravenous sedation. These rules shall include all of 305  
the following: 306

(1) The eligibility requirements and application procedures 307  
for an eligible dentist to obtain a conscious intravenous sedation 308  
permit; 309

(2) The minimum educational and clinical training standards 310  
required of applicants, which shall include satisfactory 311  
completion of an advanced cardiac life support course; 312

(3) The facility equipment and inspection requirements; 313

(4) Safety standards; 314

(5) Requirements for reporting adverse occurrences. 315

**Sec. 4715.031.** (A) The state dental board ~~shall~~ may develop 316  
and implement a quality intervention program. The board may 317  
propose that the holder of a license issued by the board 318  
participate in the program if the board determines pursuant to an 319  
investigation conducted under section 4715.03 of the Revised Code 320  
that there are reasonable grounds to believe the license holder 321  
has violated a provision of this chapter due to a clinical or 322  
communication problem that could be improved through participation 323  
in the program and determines that the license holder's 324  
participation in the program is appropriate. The board shall refer 325  
a license holder who agrees to participate in the program to an 326

educational and assessment service provider selected by the board. 327

The (B) If the board develops and implements a quality 328  
intervention program, all of the following apply: 329

(1) The board shall select, by a concurrence of a majority of 330  
the board's members, educational and assessment service providers, 331  
which may include quality intervention program panels of case 332  
reviewers. A provider selected by the board to provide services to 333  
a license holder shall recommend to the board the educational and 334  
assessment services the license holder should receive under the 335  
program. The license holder may begin participation in the program 336  
if the board approves the services the provider recommends. The 337  
license holder shall not be required to participate in the program 338  
beyond one hundred eighty days from the date the license holder 339  
agrees to participate in the program under this division. The 340  
license holder shall pay the amounts charged by the provider for 341  
the services. 342

(2) The board shall monitor a license holder's progress in 343  
the program and determine whether the license holder has 344  
successfully completed the program. If the board determines that 345  
the license holder has successfully completed the program, it may 346  
continue to monitor the license holder, take other action it 347  
considers appropriate, or both. The additional monitoring, other 348  
action taken by the board, or both, shall not continue beyond one 349  
year from the date the license holder agrees to participate in the 350  
program under this division. If the board determines that the 351  
license holder has not successfully completed the program, it 352  
shall, as soon as possible thereafter, commence disciplinary 353  
proceedings against the license holder under section 4715.03 of 354  
the Revised Code. 355

(3) The board shall elect, from the board's members who are 356  
dentists, a coordinator to administer the quality intervention 357

program. 358

(C) The board may adopt rules in accordance with Chapter 119. 359  
of the Revised Code to further implement the quality intervention 360  
program. 361

Sec. 4715.032. There is hereby created the supervisory 362  
investigative panel of the state dental board. The supervisory 363  
investigative panel shall consist solely of the board's secretary 364  
and vice-secretary. The supervisory investigative panel shall 365  
supervise all of the board's investigations. 366

Sec. 4715.033. (A) All subpoenas the state dental board seeks 367  
to issue with respect to an investigation shall, subject to 368  
division (B) of this section, be authorized by the supervisory 369  
investigative panel. 370

(B) Before the supervisory investigative panel authorizes the 371  
board to issue a subpoena, the panel shall consult with the office 372  
of the attorney general and determine whether there is probable 373  
cause to believe that the complaint filed alleges a violation of 374  
this chapter or any rule adopted under it and that the information 375  
sought pursuant to the subpoena is relevant to the alleged 376  
violation and material to the investigation. 377

(C)(1) Any subpoena to compel the production of records that 378  
the board issues after authorization by the supervisory 379  
investigative panel shall pertain to records that cover a 380  
reasonable period of time surrounding the alleged violation. 381

(2)(a) Except as provided in division (C)(2)(b) of this 382  
section, the subpoena shall state that the person being subpoenaed 383  
has a reasonable period of time that is not less than three 384  
calendar days to comply with the subpoena. 385

(b) If the board's secretary determines that the person being 386  
subpoenaed represents a clear and immediate danger to the public 387

health and safety, the subpoena shall state that the person being 388  
subpoenaed must immediately comply with the subpoena. 389

(D) On a person's failure to comply with a subpoena issued by 390  
the board and after reasonable notice to that person of the 391  
failure, the board may move for an order compelling the production 392  
of persons or records pursuant to the Rules of Civil Procedure. 393

**Sec. 4715.034.** (A) At any time during an investigation, the 394  
supervisory investigative panel may ask to meet with the 395  
individual who is the subject of the investigation. At the 396  
conclusion of the investigation, the panel shall recommend that 397  
the state dental board do one of the following: 398

(1) Pursue disciplinary action under section 4715.30 of the 399  
Revised Code; 400

(2) Seek an injunction under section 4715.05 of the Revised 401  
Code; 402

(3) Enter into a consent agreement if the subject of the 403  
investigation is a licensee; 404

(4) Refer the individual to the quality intervention program, 405  
if that program is developed and implemented under section 406  
4715.031 of the Revised Code and the subject of the investigation 407  
is a licensee; 408

(5) Terminate the investigation. 409

(B) The supervisory investigative panel's recommendation 410  
shall be in writing and specify the reasons for the 411  
recommendation. Except as provided in section 4715.035 of the 412  
Revised Code, the panel shall make its recommendation not later 413  
than one year after the date the panel begins to supervise the 414  
investigation or, if the investigation pertains to an alleged 415  
violation of division (A)(7) of section 4715.30 of the Revised 416  
Code, not later than two years after the panel begins to supervise 417

the investigation. 418

Once the panel makes its recommendation, the members of the 419  
panel shall not participate in any deliberations the board has on 420  
the case. 421

**Sec. 4715.035.** Both of the following periods of time shall 422  
not be counted for purposes of determining the time within which 423  
the supervisory investigative panel is required to make its 424  
recommendation to the state dental board under section 4715.034 of 425  
the Revised Code: 426

(A) The period during which the panel suspends the 427  
investigation of an individual because the individual is also the 428  
subject of a criminal investigation and the panel is asked to do 429  
so by the entity conducting the criminal investigation or the 430  
panel determines it is necessary to do so as a result of the 431  
criminal investigation. 432

(B) The period beginning when the board moves for an order 433  
compelling the production of persons or records, as permitted by 434  
division (D) of section 4715.033 of the Revised Code, and ending 435  
when either of the following occurs: 436

(1) The court renders a decision not to issue the order. 437

(2) The court renders a decision to issue the order and the 438  
person subject to the order produces the persons or records. 439

**Sec. 4715.036.** (A) As used in this section: 440

(1) "Personal identifying information" has the same meaning 441  
as in section 2913.49 of the Revised Code. 442

(2) "Confidential law enforcement investigatory record" has 443  
the same meaning as in section 149.43 of the Revised Code, except 444  
that it excludes information provided by an information source or 445  
witness to whom confidentiality has been reasonably promised, 446

which information would reasonably tend to disclose the source's 447  
or witness's identity. 448

(B) If the state dental board notifies an applicant, license 449  
holder, or other individual of an opportunity for a hearing 450  
pursuant to section 119.07 of the Revised Code, the board shall 451  
state in the notice that the individual is entitled to receive at 452  
least sixty days before the hearing, on the individual's request 453  
and as described in division (C) of this section, one copy of each 454  
item the board procures or creates in the course of its 455  
investigation on the individual. Such items may include, but are 456  
not limited to, the one or more complaints filed with the board; 457  
correspondence, reports, and statements; deposition transcripts; 458  
and patient dental records. 459

(C) On receipt of a request for copies of investigative items 460  
from an individual who is notified under division (B) of this 461  
section of an opportunity for a hearing, the board shall provide 462  
the copies to the individual in accordance with, and subject to, 463  
all of the following: 464

(1) The board shall provide the copies in a timely manner. 465

(2) The board may charge a fee for providing the copies, but 466  
the amount of the fee shall be set at a reasonable cost to the 467  
individual. 468

(3) Before providing the copies, the board shall determine 469  
whether the investigative items contain any personal identifying 470  
information regarding a complainant. If the board determines that 471  
the investigative items contain such personal identifying 472  
information, or any other information that would reveal the 473  
complainant's identity, the board shall redact the information 474  
from the copies it provides to the individual. 475

(4) The board shall not provide either of the following: 476

(a) Any information that is subject to the attorney-client 477

privilege or work product doctrine, or that would reveal the 478  
investigatory processes or methods of investigation used by the 479  
board; 480

(b) Any information that would constitute a confidential law 481  
enforcement investigatory record. 482

(D) If a request for copies of investigative items is made 483  
pursuant to this section, the board in its scheduling of a hearing 484  
for the individual shall, notwithstanding section 119.07 of the 485  
Revised Code, schedule the hearing for a date that is at least 486  
sixty-one days after the board provides the individual with the 487  
copies of the items. 488

(E)(1) After the board notifies an individual of an 489  
opportunity for a hearing, the individual may ask the board to 490  
issue either or both of the following: 491

(a) A subpoena to compel the attendance and testimony of any 492  
witness at the hearing; 493

(b) A subpoena for the production of books, records, papers, 494  
or other tangible items. 495

(2) On receipt of an individual's request under division 496  
(E)(1) of this section, the board shall issue the subpoena. 497

In the case of a subpoena for the production of books, 498  
records, papers, or other tangible items, the person or government 499  
entity subject to the subpoena shall comply with the subpoena at 500  
least thirty days prior to the date the individual's hearing is 501  
scheduled to be held. 502

**Sec. 4715.037.** (A) Notwithstanding the permissive nature of 503  
hearing referee or examiner appointments under section 119.09 of 504  
the Revised Code, the state dental board shall appoint, by a 505  
concurrence of a majority of its members, three referees or 506  
examiners to conduct the hearings the board is required to hold 507

pursuant to sections 119.01 to 119.13 of the Revised Code. 508  
Referees or examiners appointed under this section shall be 509  
attorneys who have been admitted to the practice of law in this 510  
state. In making the appointments, the board shall not appoint an 511  
attorney who is a board employee or represents the board in any 512  
other manner. 513

(B)(1) Referees or examiners appointed under this section 514  
shall serve not more than the following number of consecutive 515  
one-year terms: 516

(a) In the case of the first initial appointee, three; 517

(b) In the case of the second initial appointee, four; 518

(c) In the case of the third initial appointee and all 519  
successor appointees, five. 520

(2) The board may not refuse to reappoint a referee or 521  
examiner before the referee or examiner has served the maximum 522  
number of terms applicable to the referee or examiner unless the 523  
referee or examiner does not seek to serve the maximum number of 524  
terms or the board, by a concurrence of a majority of its members, 525  
determines there is cause not to reappoint the referee or 526  
examiner. 527

(C) The board shall assign one referee or examiner appointed 528  
under this section to conduct each hearing. Assignments shall be 529  
made in the order the board receives requests for hearings without 530  
regard to the experience or background of a particular referee or 531  
examiner or the consideration of any factor other than whether the 532  
referee or examiner is available at the appropriate time. 533

**Sec. 4715.038.** A hearing referee or examiner assigned to 534  
conduct a hearing pursuant to section 4715.037 of the Revised Code 535  
shall hear and consider the oral and documented evidence 536  
introduced by the parties during the hearing. Not later than 537

thirty days following the close of the hearing, the referee or 538  
examiner shall issue to the state dental board, in writing, 539  
proposed findings of fact and conclusions of law. Along with the 540  
proposed findings of fact and conclusions of law, the board shall 541  
be given copies of the record of the hearing and all exhibits and 542  
documents presented by the parties at the hearing. 543

Sec. 4715.039. Prior to the state dental board's decision of 544  
a case, the board shall allow the parties or their counsel an 545  
opportunity to present oral arguments on the proposed findings of 546  
fact and conclusions of law issued by the hearing referee or 547  
examiner under section 4715.038 of the Revised Code. Not later 548  
than sixty days following the board's receipt of the proposed 549  
findings of fact and conclusions of law, or a date mutually agreed 550  
to by the board and the applicant for or holder of a certificate 551  
or license issued under this chapter, the board shall render a 552  
decision. The decision shall be in writing and contain findings of 553  
fact and conclusions of law. 554

Copies of the board's decision shall be delivered to the 555  
applicant, licensee, or certificate holder personally or by 556  
certified mail. The board's decision shall be considered final on 557  
the date personal delivery of the decision is made or the date the 558  
decision is mailed. 559

An individual may appeal a decision by the board in 560  
accordance with the procedure specified in Chapter 119. of the 561  
Revised Code. 562

Sec. 4715.0310. A notice of opportunity for a hearing issued 563  
by the state dental board pursuant to section 119.07 of the 564  
Revised Code and the name of the hearing referee or examiner the 565  
board assigns to a hearing pursuant to section 4715.037 of the 566  
Revised Code are public records under section 149.43 of the 567

Revised Code. 568

**Sec. 4715.06.** Each member of the state dental board shall 569  
receive an amount fixed pursuant to division (J) of section 124.15 570  
of the Revised Code for each day actually employed in the 571  
discharge of the official duties of the member, and the necessary 572  
expenses of the member. The secretary and vice-secretary shall 573  
~~receive reimbursement~~ be reimbursed for necessary expenses 574  
incurred ~~by the secretary~~ in the discharge of the official duties 575  
of the secretary and vice-secretary, respectively. All vouchers of 576  
the board shall be approved by the board president or executive 577  
secretary, or both, as authorized by the board. 578

**Sec. 4715.14.** (A) Each person who is licensed to practice 579  
dentistry in Ohio shall, on or before the first day of January of 580  
each even-numbered year, register with the state dental board. The 581  
registration shall be made on a form prescribed by the board and 582  
furnished by the secretary, shall include the licensee's name, 583  
address, license number, and such other reasonable information as 584  
the board may consider necessary, and shall include payment of a 585  
biennial registration fee of two hundred forty-five dollars. 586  
Except as provided in division ~~(D)~~(E) of this section, this fee 587  
shall be paid to the treasurer of state. ~~All such registrations~~ 588  
Subject to division (C) of this section, a registration shall be 589  
in effect for the two-year period beginning on the first day of 590  
January of the even-numbered year and ending on the last day of 591  
December of the following odd-numbered year, and shall be renewed 592  
in accordance with the standard renewal procedure of sections 593  
4745.01 to 4745.03 of the Revised Code. ~~The failure of a licensee~~ 594  
~~to renew the licensee's registration in accordance with this~~ 595  
~~section shall result in an automatic suspension of the licensee's~~ 596  
~~license to practice dentistry.~~ 597

(B) ~~Any dentist whose license has been suspended under this~~ 598

~~section may be reinstated by the payment of the biennial registration fee and in addition thereto eighty one dollars to cover costs of the reinstatement; excepting that to any A licensed dentist who desires to temporarily retire from practice, and who has given the board notice in writing to that effect, the board shall ~~grant~~ be granted such a retirement, provided only that at that time all previous registration fees and additional costs of reinstatement have been paid.~~

(C) Not later than the thirty-first day of January of an even-numbered year, the board shall send a notice by certified mail to a dentist who fails to renew a license in accordance with division (A) of this section. The notice shall state all of the following:

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

(2) That the license shall remain valid and in good standing until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew if the dentist remains in compliance with all other applicable provisions of this chapter and any rule adopted under it;

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

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

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

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

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

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

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

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

(3) Competency to diagnose oral pathology;

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

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

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

(7) Subjects pertinent to health and safety.

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.

(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:

(1) National, state, district, or local dental associations affiliated with the American dental association or national dental association;

(2) Accredited dental colleges or schools;

(3) Other organizations, schools, or agencies approved by the state dental board.

(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~~ the dentist has completed continuing education programs in compliance with this section and listing the date, location, sponsor, subject matter, and hours completed of the programs.

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 690  
from licensed dentists, and the board may request such 691  
documentation from licensed dentists selected at random without 692  
cause. 693

(D) The board may excuse licensed dentists, as a group or as 694  
individuals, from all or any part of the requirements of this 695  
section because of an unusual circumstance, emergency, or special 696  
hardship. 697

(E) ~~Failure to comply with the requirements of this section~~ 698  
~~constitutes a failure to renew registration pursuant to section~~ 699  
~~4715.14 of the Revised Code~~ The board shall notify a dentist who 700  
fails to submit the affidavit required by division (C) of this 701  
section of both of the following: 702

(1) That the board has not received the affidavit; 703

(2) That unless the board receives the affidavit before the 704  
first day of April following the last day of December by which the 705  
dentist was required to submit the affidavit, the board may, on or 706  
after the relevant first day of April, initiate disciplinary 707  
action against the dentist pursuant to Chapter 119. of the Revised 708  
Code. 709

**Sec. 4715.30.** (A) ~~The~~ An applicant for or holder of a 710  
certificate or license issued under this chapter is subject to 711  
disciplinary action by the state dental board for any of the 712  
following reasons: 713

(1) Employing or cooperating in fraud or material deception 714  
in applying for or obtaining a license or certificate; 715

(2) Obtaining or attempting to obtain money or anything of 716  
value by intentional misrepresentation or material deception in 717  
the course of practice; 718

(3) Advertising services in a false or misleading manner or 719

violating the board's rules governing time, place, and manner of advertising;	720
	721
(4) Conviction of a misdemeanor committed in the course of practice or of any felony;	722
	723
(5) Engaging in lewd or immoral conduct in connection with the provision of dental services;	724
	725
(6) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of violating any law of this state or the federal government regulating the possession, distribution, or use of any drug;	726
	727
	728
	729
	730
(7) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;	731
	732
	733
	734
	735
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	737
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	739
(8) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	740
	741
	742
	743
(9) Violation of any provision of this chapter or any rule adopted thereunder;	744
	745
(10) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	746
	747
	748
(11) Waiving the payment of all or any part of a deductible	749

or copayment that a patient, pursuant to a health insurance or 750  
health care policy, contract, or plan that covers dental services, 751  
would otherwise be required to pay if the waiver is used as an 752  
enticement to a patient or group of patients to receive health 753  
care services from that provider. 754

(12) Advertising that the certificate or license holder will 755  
waive the payment of all or any part of a deductible or copayment 756  
that a patient, pursuant to a health insurance or health care 757  
policy, contract, or plan that covers dental services, would 758  
otherwise be required to pay. 759

(B) A manager, proprietor, operator, or conductor of a dental 760  
facility shall be subject to disciplinary action if any dentist, 761  
dental hygienist, expanded function dental auxiliary, or qualified 762  
personnel providing services in the facility is found to have 763  
committed a violation listed in division (A) of this section and 764  
the manager, proprietor, operator, or conductor knew of the 765  
violation and permitted it to occur on a recurring basis. 766

(C) Subject to Chapter 119. of the Revised Code, the board 767  
may take one or more of the following disciplinary actions if one 768  
or more of the grounds for discipline listed in divisions (A) and 769  
(B) of this section exist: 770

(1) Censure the license or certificate holder; 771

(2) Place the license or certificate on probationary status 772  
for such period of time the board determines necessary and require 773  
the holder to: 774

(a) Report regularly to the board upon the matters which are 775  
the basis of probation; 776

(b) Limit practice to those areas specified by the board; 777

(c) Continue or renew professional education until a 778  
satisfactory degree of knowledge or clinical competency has been 779

attained in specified areas. 780

(3) Suspend the certificate or license; 781

(4) Revoke the certificate or license. 782

Where the board places a holder of a license or certificate 783  
on probationary status pursuant to division (C)(2) of this 784  
section, the board may subsequently suspend or revoke the license 785  
or certificate if it determines that the holder has not met the 786  
requirements of the probation or continues to engage in activities 787  
that constitute grounds for discipline pursuant to division (A) or 788  
(B) of this section. 789

Any order suspending a license or certificate shall state the 790  
conditions under which the license or certificate will be 791  
restored, which may include a conditional restoration during which 792  
time the holder is in a probationary status pursuant to division 793  
(C)(2) of this section. The board shall restore the license or 794  
certificate unconditionally when such conditions are met. 795

(D) If the physical or mental condition of an applicant or a 796  
license or certificate holder is at issue in a disciplinary 797  
proceeding, the board may order the license or certificate holder 798  
to submit to reasonable examinations by an individual designated 799  
or approved by the board and at the board's expense. The physical 800  
examination may be conducted by any individual authorized by the 801  
Revised Code to do so, including a physician assistant, a clinical 802  
nurse specialist, a certified nurse practitioner, or a certified 803  
nurse-midwife. Any written documentation of the physical 804  
examination shall be completed by the individual who conducted the 805  
examination. 806

Failure to comply with an order for an examination shall be 807  
grounds for refusal of a license or certificate or summary 808  
suspension of a license or certificate under division (E) of this 809  
section. 810

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

(F) Any holder of a certificate or license issued under this chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under this chapter is automatically suspended, as of the date of the guilty plea, conviction, or judicial finding, whether the proceedings are brought in this state or another jurisdiction.

Continued practice by an individual after the suspension of the 844  
individual's certificate or license under this division shall be 845  
considered practicing without a certificate or license. The board 846  
shall notify the suspended individual of the suspension of the 847  
individual's certificate or license under this division by 848  
certified mail or in person in accordance with section 119.07 of 849  
the Revised Code. If an individual whose certificate or license is 850  
suspended under this division fails to make a timely request for 851  
an adjudicatory hearing, the board shall enter a final order 852  
revoking the individual's certificate or license. 853

(G) Notwithstanding divisions (A)(11) and (12) of this 854  
section, sanctions shall not be imposed against any licensee who 855  
waives deductibles and copayments: 856

(1) In compliance with the health benefit plan that expressly 857  
allows such a practice. Waiver of the deductibles or copayments 858  
shall be made only with the full knowledge and consent of the plan 859  
purchaser, payer, and third-party administrator. Such consent 860  
shall be made available to the board upon request. 861

(2) For professional services rendered to any other person 862  
licensed pursuant to this chapter to the extent allowed by this 863  
chapter and the rules of the board. 864

(H) In no event shall the board consider or raise during a 865  
hearing required by Chapter 119. of the Revised Code the 866  
circumstances of, or the fact that the board has received, one or 867  
more complaints about a person unless the one or more complaints 868  
are the subject of the hearing or resulted in the board taking an 869  
action authorized by this section against the person on a prior 870  
occasion. 871

**Sec. 4753.06.** No person is eligible for licensure as a 872  
speech-language pathologist or audiologist unless: 873

(A) The person has obtained a broad general education to 874  
serve as a background for the person's specialized academic 875  
training and preparatory professional experience. Such background 876  
may include study from among the areas of human psychology, 877  
sociology, psychological and physical development, the physical 878  
sciences, especially those that pertain to acoustic and biological 879  
phenomena, and human anatomy and physiology, including 880  
neuroanatomy and neurophysiology. 881

(B) If the person seeks licensure as a speech-language 882  
pathologist, the person submits to the board of speech-language 883  
pathology and audiology an official transcript demonstrating that 884  
the person has at least a master's degree in speech-language 885  
pathology or the equivalent as determined by the board. The 886  
person's academic credit must include course work accumulated in 887  
the completion of a well-integrated course of study approved by 888  
the board and delineated by rule dealing with the normal aspects 889  
of human communication, development and disorders thereof, and 890  
clinical techniques for the evaluation and the improvement or 891  
eradication of such disorders. The course work must have been 892  
completed at colleges or universities accredited by regional or 893  
national accrediting organizations recognized by the board. 894

(C) ~~If~~ Except as provided in division (F)(1)(b) of this 895  
section, if the person seeks licensure as an audiologist, the 896  
person submits to the board an official transcript demonstrating 897  
that the person has at least a doctor of audiology degree or the 898  
equivalent as determined by the board. The person's academic 899  
credit must include course work accumulated in the completion of a 900  
well-integrated course of study approved by the board and 901  
delineated by rules dealing with the normal aspects of human 902  
hearing, balance, and related development and clinical evaluation, 903  
audiologic diagnosis, and treatment of disorders of human hearing, 904  
balance, and related development. The course work must have been 905

completed in an audiology program that is accredited by an 906  
organization recognized by the United States department of 907  
education and operated by a college or university accredited by a 908  
regional or national accrediting organization recognized by the 909  
board. 910

(D) The person submits to the board evidence of the 911  
completion of appropriate, supervised clinical experience in the 912  
professional area, speech-language pathology or audiology, for 913  
which licensure is requested, dealing with a variety of 914  
communication disorders. The appropriateness of the experience 915  
shall be determined under rules of the board. This experience 916  
shall have been obtained in an accredited college or university, 917  
in a cooperating program of an accredited college or university, 918  
or in another program approved by the board. 919

(E) The person submits to the board evidence that the person 920  
has passed the examination for licensure to practice 921  
speech-language pathology or audiology pursuant to division (B) of 922  
section 4753.05 of the Revised Code. 923

(F) If the (1) In the case of either of the following, the 924  
person presents to the board written evidence that the person has 925  
obtained professional experience: 926

(a) The person seeks licensure as a speech-language 927  
pathologist; 928

(b) The person submits to the board an application for seeks 929  
licensure as an audiologist and does not meet the requirements of 930  
division (C) of this section regarding a doctor of audiology 931  
degree, but before January 1, 2006, and meets the person met the 932  
requirements of division (B) of this section regarding a master's 933  
degree in audiology as that division existed on December 31, 2005, 934  
but not the requirements of division (C) of this section regarding 935  
a doctor of audiology degree or if the person seeks licensure as a 936

~~speech language pathologist, the person presents to the board 937  
written evidence that the person has obtained professional 938  
experience. The 939~~

(2) The professional experience shall be appropriately 940  
supervised as determined by board rule. The amount of professional 941  
experience shall be determined by board rule and shall be bona 942  
fide clinical work that has been accomplished in the major 943  
professional area, speech-language pathology or audiology, in 944  
which licensure is being sought. If the person seeks licensure as 945  
a speech-language pathologist, this experience shall not begin 946  
until the requirements of divisions (B), (D), and (E) of this 947  
section have been completed unless approved by the board. If the 948  
person seeks licensure as an audiologist, this experience shall 949  
not begin until the requirements of division (B) of this section, 950  
as that division existed on December 31, 2005, and divisions (D) 951  
and (E) of this section have been completed unless approved by the 952  
board. Before beginning the supervised professional experience 953  
pursuant to this section, the applicant for licensure to practice 954  
speech-language pathology or audiology shall obtain a conditional 955  
license pursuant to section 4753.071 of the Revised Code. 956

Sec. 4753.091. (A) A person licensed under this chapter may 957  
apply to the board of speech-language pathology and audiology to 958  
have the person's license classified as inactive. If a fee is 959  
charged under division (B) of this section, the person shall 960  
include the fee with the application. 961

If the person's license is in good standing, the person is 962  
not the subject of any complaint, the person is not the subject of 963  
an investigation or disciplinary action by the board, and the 964  
person meets any other requirements established by the board in 965  
rules adopted under this section, the board shall classify the 966  
license as inactive. The inactive classification shall become 967

effective on the date immediately following the date that the 968  
person's license is scheduled to expire. 969

(B) The board may charge a fee for classifying a license as 970  
inactive. 971

(C) During the period that a license is classified as 972  
inactive, the person may not engage in the practice of 973  
speech-language pathology or the practice of audiology, as 974  
applicable, in this state or make any representation to the public 975  
indicating that the person is actively licensed under this 976  
chapter. 977

(D) A person whose license has been classified as inactive 978  
may apply to the board to have the license reactivated. The board 979  
shall reactivate the license if the person meets the requirements 980  
established by the board in rules adopted under this section. 981

(E) The board's jurisdiction to take disciplinary action 982  
under this chapter is not removed or limited when a person's 983  
license is classified as inactive under this section. 984

(F) The board shall adopt rules as necessary for classifying 985  
a license as inactive and reactivating an inactive license. The 986  
rules shall be adopted in accordance with Chapter 119. of the 987  
Revised Code. 988

**Sec. 5111.0211.** As used in this section, "nursing facility" 989  
and "provider" have the same meanings as in section 5111.20 of the 990  
Revised Code. 991

The provider of a nursing facility is not required to submit 992  
a claim to the department of job and family services regarding the 993  
medicare cost-sharing expenses of a resident of the nursing 994  
facility who, under federal law, is eligible to have the medicaid 995  
program pay for a part of the cost-sharing expenses if the 996  
provider determines that, under rules adopted under section 997

5111.02 of the Revised Code, the nursing facility would not 998  
receive a medicaid payment for any part of the medicare 999  
cost-sharing expenses. In such a situation, a claim for the 1000  
medicare cost-sharing expenses shall be considered to have been 1001  
adjudicated at no payment. 1002

**Section 2.** That existing sections 119.12, 4715.03, 4715.031, 1003  
4715.06, 4715.14, 4715.141, 4715.30, and 4753.06 of the Revised 1004  
Code are hereby repealed. 1005

**Section 3.** The amendment by this act to division (A) of 1006  
section 4715.03 of the Revised Code requiring that the secretary 1007  
of the State Dental Board be a dentist shall not apply to the 1008  
secretary serving on the Board on the effective date of this 1009  
section. 1010

**Section 4.** That Section 3 of Sub. H.B. 190 of the 128th 1011  
General Assembly be contingently amended to read as follows: 1012

**Sec. 3.** (A) As used in this section, "registration period" 1013  
has the same meaning as in section 4715.241 of the Revised Code, 1014  
as enacted by ~~this act~~ Sub. H.B. 190 of the 128th General 1015  
Assembly. 1016

(B) ~~Notwithstanding~~ Both of the following apply with respect 1017  
to the implementation of the provisions of section 4715.25 of the 1018  
Revised Code, as amended by ~~this act~~ Sub. H.B. 190 of the 128th 1019  
General Assembly, that increase from twelve to twenty-four the 1020  
minimum number of hours of continuing education that a dental 1021  
hygienist must certify to the State Dental Board when applying for 1022  
a renewal of registration, ~~a dental hygienist whose registration~~ 1023  
~~expired on December 31, 2009,;~~ 1024

(1) Notwithstanding those provisions, in the case of a dental 1025  
hygienist who is seeking a registration renewal that is to be 1026

effective in the 2010-2011 registration period, the dental 1027  
hygienist remains subject to the former requirement to certify 1028  
completion of a minimum of twelve hours of continuing education 1029  
~~when applying for a renewal of registration for the 2010 to 2011~~ 1030  
~~registration period.~~ 1031

(2) In the case of a dental hygienist who is seeking a 1032  
registration renewal that is to be effective in the 2012-2013 1033  
registration period, the dental hygienist is subject to the 1034  
requirement of those provisions to certify completion of a minimum 1035  
of twenty-four hours of continuing education. 1036

**Section 5.** That existing Section 3 of Sub. H.B. 190 of the 1037  
128th General Assembly is hereby contingently repealed. 1038

**Section 6.** The amendment by this act of Section 3 of Sub. 1039  
H.B. 190 of the 128th General Assembly is contingent on the 1040  
section becoming law. 1041