

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**S. B. No. 305**

**Senator Kearney**

—

**A B I L L**

To amend sections 4715.03, 4715.10, 4715.22, and 1  
4715.30 of the Revised Code to limit the term of 2  
office of the Executive Director of the State 3  
Dental Board. 4

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

**Section 1.** That sections 4715.03, 4715.10, 4715.22, and 5  
4715.30 of the Revised Code be amended to read as follows: 6

**Sec. 4715.03.** (A) The state dental board shall organize by 7  
electing from its members a president, secretary, and 8  
vice-secretary. The secretary and vice-secretary shall be elected 9  
from the members of the board who are dentists. It shall hold 10  
meetings monthly at least eight months a year at such times and 11  
places as the board designates. A majority of the members of the 12  
board shall constitute a quorum. The board shall make such 13  
reasonable rules as it determines necessary pursuant to Chapter 14  
119. of the Revised Code. 15

(B) The board shall appoint an executive director. The term 16  
of office for the executive director shall be four years. The 17  
executive director may be reappointed to serve one additional 18  
term. The board may employ other individuals as necessary to 19  
administer and enforce this chapter. 20

<u>(C)</u> A concurrence of a majority of the members of the board	21
shall be required to do any of the following:	22
(1) Grant, refuse, suspend, place on probationary status,	23
revoke, refuse to renew, or refuse to reinstate a license or	24
censure a license holder or take any other action authorized under	25
section 4715.30 of the Revised Code;	26
(2) Seek an injunction under section 4715.05 of the Revised	27
Code;	28
(3) Enter into a consent agreement with a license holder;	29
(4) If the board develops and implements the quality	30
intervention program under section 4715.031 of the Revised Code,	31
refer a license holder to the program;	32
(5) Terminate an investigation conducted under division (D)	33
of this section;	34
(6) Dismiss any complaint filed with the board.	35
<del>(C)</del> <u>(D)</u> (1) The board shall adopt rules in accordance with	36
Chapter 119. of the Revised Code to do both of the following:	37
(a) Establish standards for the safe practice of dentistry	38
and dental hygiene by qualified practitioners and shall, through	39
its policies and activities, promote such practice;	40
(b) Establish universal blood and body fluid precautions that	41
shall be used by each person licensed under this chapter who	42
performs exposure prone invasive procedures.	43
(2) The rules adopted under division <del>(C)</del> <u>(D)</u> (1)(b) of this	44
section shall define and establish requirements for universal	45
blood and body fluid precautions that include the following:	46
(a) Appropriate use of hand washing;	47
(b) Disinfection and sterilization of equipment;	48
(c) Handling and disposal of needles and other sharp	49

instruments; 50

(d) Wearing and disposal of gloves and other protective 51  
garments and devices. 52

~~(D)~~(E) The board shall administer and enforce the provisions 53  
of this chapter. The board shall, in accordance with sections 54  
4715.032 to 4715.035 of the Revised Code, investigate evidence 55  
which appears to show that any person has violated any provision 56  
of this chapter. Any person may report to the board under oath any 57  
information such person may have appearing to show a violation of 58  
any provision of this chapter. In the absence of bad faith, any 59  
person who reports such information or who testifies before the 60  
board in any disciplinary proceeding conducted pursuant to Chapter 61  
119. of the Revised Code is not liable for civil damages as a 62  
result of making the report or providing testimony. If after 63  
investigation and reviewing the recommendation of the supervisory 64  
investigative panel issued pursuant to section 4715.034 of the 65  
Revised Code the board determines that there are reasonable 66  
grounds to believe that a violation of this chapter has occurred, 67  
the board shall, except as provided in this chapter, conduct 68  
disciplinary proceedings pursuant to Chapter 119. of the Revised 69  
Code, seek an injunction under section 4715.05 of the Revised 70  
Code, enter into a consent agreement with a license holder, or 71  
provide for a license holder to participate in the quality 72  
intervention program established under section 4715.031 of the 73  
Revised Code if the board develops and implements that program. 74

For the purpose of any disciplinary proceeding or any 75  
investigation conducted under this division, the board may 76  
administer oaths, order the taking of depositions, issue subpoenas 77  
in accordance with section 4715.033 of the Revised Code, compel 78  
the attendance and testimony of persons at depositions, and compel 79  
the production of books, accounts, papers, documents, or other 80  
tangible things. The hearings and investigations of the board 81

shall be considered civil actions for the purposes of section 82  
2305.252 of the Revised Code. Notwithstanding section 121.22 of 83  
the Revised Code and except as provided in section 4715.036 of the 84  
Revised Code, proceedings of the board relative to the 85  
investigation of a complaint or the determination whether there 86  
are reasonable grounds to believe that a violation of this chapter 87  
has occurred are confidential and are not subject to discovery in 88  
any civil action. 89

~~(E)~~(F)(1) The board shall examine or cause to be examined 90  
eligible applicants to practice dental hygiene. The board may 91  
distinguish by rule different classes of qualified personnel 92  
according to skill levels and require all or only certain of these 93  
classes of qualified personnel to be examined and certified by the 94  
board. 95

(2) The board shall administer a written jurisprudence 96  
examination to each applicant for a license to practice dentistry. 97  
The examination shall cover only the statutes and administrative 98  
rules governing the practice of dentistry in this state. 99

~~(F)~~(G) In accordance with Chapter 119. of the Revised Code, 100  
the board shall adopt, and may amend or rescind, rules 101  
establishing the eligibility criteria, the application and permit 102  
renewal procedures, and safety standards applicable to a dentist 103  
licensed under this chapter who applies for a permit to employ or 104  
use conscious intravenous sedation. These rules shall include all 105  
of the following: 106

(1) The eligibility requirements and application procedures 107  
for an eligible dentist to obtain a conscious intravenous sedation 108  
permit; 109

(2) The minimum educational and clinical training standards 110  
required of applicants, which shall include satisfactory 111  
completion of an advanced cardiac life support course; 112

- (3) The facility equipment and inspection requirements; 113
- (4) Safety standards; 114
- (5) Requirements for reporting adverse occurrences. 115

**Sec. 4715.10.** (A) As used in this section, "accredited dental 116  
college" means a dental college accredited by the commission on 117  
dental accreditation or a dental college that has educational 118  
standards recognized by the commission on dental accreditation and 119  
is approved by the state dental board. 120

(B) Each person who desires to practice dentistry in this 121  
state shall file a written application for a license with the 122  
secretary of the state dental board. The application shall be on a 123  
form prescribed by the board and verified by oath. Each applicant 124  
shall furnish satisfactory proof to the board that the applicant 125  
has met the requirements of divisions (C) and (D) of this section, 126  
and if the applicant is a graduate of an unaccredited dental 127  
college located outside the United States, division (E) of this 128  
section. 129

(C) To be granted a license to practice dentistry, an 130  
applicant must meet all of the following requirements: 131

(1) Be at least eighteen years of age; 132

(2) Be of good moral character; 133

(3) Be a graduate of an accredited dental college or of a 134  
dental college located outside the United States who meets the 135  
standards adopted under section 4715.11 of the Revised Code; 136

(4) Have passed parts I and II of the examination given by 137  
the national board of dental examiners; 138

(5) Have passed a written jurisprudence examination 139  
administered by the state dental board under division ~~(E)~~(F)(2) of 140  
section 4715.03 of the Revised Code; 141

(6) Pay the fee required by division (A)(1) of section 142  
4715.13 of the Revised Code. 143

(D) To be granted a license to practice dentistry, an 144  
applicant must meet any one of the following requirements: 145

(1) Have taken an examination administered by any of the 146  
following regional testing agencies and received on each component 147  
of the examination a passing score as specified in division (A) of 148  
section 4715.11 of the Revised Code: the central regional dental 149  
testing service, inc., northeast regional board of dental 150  
examiners, inc., the southern regional dental testing agency, 151  
inc., or the western regional examining board; 152

(2) Have taken an examination administered by the state 153  
dental board and received a passing score as established by the 154  
board; 155

(3) Possess a license in good standing from another state and 156  
have actively engaged in the legal and reputable practice of 157  
dentistry in another state or in the armed forces of the United 158  
States, the United States public health service, or the United 159  
States department of veterans' affairs for five years immediately 160  
preceding application. 161

(E) To be granted a license to practice dentistry, a graduate 162  
of an unaccredited dental college located outside the United 163  
States must meet both of the following requirements: 164

(1) Have taken a basic science and laboratory examination 165  
consistent with rules adopted under section 4715.11 of the Revised 166  
Code and received a passing score as established by the board; 167

(2) Have had sufficient clinical training in an accredited 168  
institution to reasonably assure a level of competency equal to 169  
that of graduates of accredited dental colleges, as determined by 170  
the board. 171

**Sec. 4715.22.** (A)(1) This section applies only when a 172  
licensed dental hygienist is not practicing under a permit issued 173  
pursuant to section 4715.363 of the Revised Code authorizing 174  
practice under the oral health access supervision of a dentist. 175

(2) As used in this section, "health care facility" means 176  
either of the following: 177

(a) A hospital registered under section 3701.07 of the 178  
Revised Code; 179

(b) A "home" as defined in section 3721.01 of the Revised 180  
Code. 181

(B) A licensed dental hygienist shall practice under the 182  
supervision, order, control, and full responsibility of a dentist 183  
licensed under this chapter. A dental hygienist may practice in a 184  
dental office, public or private school, health care facility, 185  
dispensary, or public institution. Except as provided in division 186  
(C) or (D) of this section, a dental hygienist may not provide 187  
dental hygiene services to a patient when the supervising dentist 188  
is not physically present at the location where the dental 189  
hygienist is practicing. 190

(C) A dental hygienist may provide, for not more than fifteen 191  
consecutive business days, dental hygiene services to a patient 192  
when the supervising dentist is not physically present at the 193  
location at which the services are provided if all of the 194  
following requirements are met: 195

(1) The dental hygienist has at least two years and a minimum 196  
of three thousand hours of experience in the practice of dental 197  
hygiene. 198

(2) The dental hygienist has successfully completed a course 199  
approved by the state dental board in the identification and 200  
prevention of potential medical emergencies. 201

(3) The dental hygienist complies with written protocols for emergencies the supervising dentist establishes.	202 203
(4) The dental hygienist does not perform, while the supervising dentist is absent from the location, procedures while the patient is anesthetized, definitive root planing, definitive subgingival curettage, or other procedures identified in rules the state dental board adopts.	204 205 206 207 208
(5) The supervising dentist has evaluated the dental hygienist's skills.	209 210
(6) The supervising dentist examined the patient not more than seven months prior to the date the dental hygienist provides the dental hygiene services to the patient.	211 212 213
(7) The dental hygienist complies with written protocols or written standing orders that the supervising dentist establishes.	214 215
(8) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date the dental hygienist provides dental hygiene services to the patient and, except when the dental hygiene services are provided in a health care facility, the supervising dentist determines that the patient is in a medically stable condition.	216 217 218 219 220 221
(9) If the dental hygiene services are provided in a health care facility, a doctor of medicine and surgery or osteopathic medicine and surgery who holds a current certificate issued under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code is present in the health care facility when the services are provided.	222 223 224 225 226 227
(10) In advance of the appointment for dental hygiene services, the patient is notified that the supervising dentist will be absent from the location and that the dental hygienist cannot diagnose the patient's dental health care status.	228 229 230 231



(11) The dental hygienist is employed by, or under contract	232
with, one of the following:	233
(a) The supervising dentist;	234
(b) A dentist licensed under this chapter who is one of the	235
following:	236
(i) The employer of the supervising dentist;	237
(ii) A shareholder in a professional association formed under	238
Chapter 1785. of the Revised Code of which the supervising dentist	239
is a shareholder;	240
(iii) A member or manager of a limited liability company	241
formed under Chapter 1705. of the Revised Code of which the	242
supervising dentist is a member or manager;	243
(iv) A shareholder in a corporation formed under division (B)	244
of section 1701.03 of the Revised Code of which the supervising	245
dentist is a shareholder;	246
(v) A partner or employee of a partnership or a limited	247
liability partnership formed under Chapter 1775. or 1776. of the	248
Revised Code of which the supervising dentist is a partner or	249
employee.	250
(c) A government entity that employs the dental hygienist to	251
provide dental hygiene services in a public school or in	252
connection with other programs the government entity administers.	253
(D) A dental hygienist may provide dental hygiene services to	254
a patient when the supervising dentist is not physically present	255
at the location at which the services are provided if the services	256
are provided as part of a dental hygiene program that is approved	257
by the state dental board and all of the following requirements	258
are met:	259
(1) The program is operated through a school district board	260
of education or the governing board of an educational service	261

center; the board of health of a city or general health district 262  
or the authority having the duties of a board of health under 263  
section 3709.05 of the Revised Code; a national, state, district, 264  
or local dental association; or any other public or private entity 265  
recognized by the state dental board. 266

(2) The supervising dentist is employed by or a volunteer 267  
for, and the patients are referred by, the entity through which 268  
the program is operated. 269

(3)(a) Except as provided in division (D)(3)(b) of this 270  
section, the services are performed after examination and 271  
diagnosis by the dentist and in accordance with the dentist's 272  
written treatment plan. 273

(b) The requirement in division (D)(3)(a) of this section 274  
does not apply when the only service to be provided by the dental 275  
hygienist is the placement of pit and fissure sealants. 276

(E) No person shall do either of the following: 277

(1) Practice dental hygiene in a manner that is separate or 278  
otherwise independent from the dental practice of a supervising 279  
dentist; 280

(2) Establish or maintain an office or practice that is 281  
primarily devoted to the provision of dental hygiene services. 282

(F) The state dental board shall adopt rules under division 283  
~~(C)~~(D) of section 4715.03 of the Revised Code identifying 284  
procedures a dental hygienist may not perform when practicing in 285  
the absence of the supervising dentist pursuant to division (C) or 286  
(D) of this section. 287

**Sec. 4715.30.** (A) An applicant for or holder of a certificate 288  
or license issued under this chapter is subject to disciplinary 289  
action by the state dental board for any of the following reasons: 290  
291

(1) Employing or cooperating in fraud or material deception	292
in applying for or obtaining a license or certificate;	293
(2) Obtaining or attempting to obtain money or anything of	294
value by intentional misrepresentation or material deception in	295
the course of practice;	296
(3) Advertising services in a false or misleading manner or	297
violating the board's rules governing time, place, and manner of	298
advertising;	299
(4) Commission of an act that constitutes a felony in this	300
state, regardless of the jurisdiction in which the act was	301
committed;	302
(5) Commission of an act in the course of practice that	303
constitutes a misdemeanor in this state, regardless of the	304
jurisdiction in which the act was committed;	305
(6) Conviction of, a plea of guilty to, a judicial finding of	306
guilt of, a judicial finding of guilt resulting from a plea of no	307
contest to, or a judicial finding of eligibility for intervention	308
in lieu of conviction for, any felony or of a misdemeanor	309
committed in the course of practice;	310
(7) Engaging in lewd or immoral conduct in connection with	311
the provision of dental services;	312
(8) Selling, prescribing, giving away, or administering drugs	313
for other than legal and legitimate therapeutic purposes, or	314
conviction of, a plea of guilty to, a judicial finding of guilt	315
of, a judicial finding of guilt resulting from a plea of no	316
contest to, or a judicial finding of eligibility for intervention	317
in lieu of conviction for, a violation of any federal or state law	318
regulating the possession, distribution, or use of any drug;	319
(9) Providing or allowing dental hygienists, expanded	320
function dental auxiliaries, or other practitioners of auxiliary	321

dental occupations working under the certificate or license 322  
holder's supervision, or a dentist holding a temporary limited 323  
continuing education license under division (C) of section 4715.16 324  
of the Revised Code working under the certificate or license 325  
holder's direct supervision, to provide dental care that departs 326  
from or fails to conform to accepted standards for the profession, 327  
whether or not injury to a patient results; 328

(10) Inability to practice under accepted standards of the 329  
profession because of physical or mental disability, dependence on 330  
alcohol or other drugs, or excessive use of alcohol or other 331  
drugs; 332

(11) Violation of any provision of this chapter or any rule 333  
adopted thereunder; 334

(12) Failure to use universal blood and body fluid 335  
precautions established by rules adopted under section 4715.03 of 336  
the Revised Code; 337

(13) Except as provided in division (H) of this section, 338  
either of the following: 339

(a) Waiving the payment of all or any part of a deductible or 340  
copayment that a patient, pursuant to a health insurance or health 341  
care policy, contract, or plan that covers dental services, would 342  
otherwise be required to pay if the waiver is used as an 343  
enticement to a patient or group of patients to receive health 344  
care services from that certificate or license holder; 345

(b) Advertising that the certificate or license holder will 346  
waive the payment of all or any part of a deductible or copayment 347  
that a patient, pursuant to a health insurance or health care 348  
policy, contract, or plan that covers dental services, would 349  
otherwise be required to pay. 350

(14) Failure to comply with section 4729.79 of the Revised 351  
Code, unless the state board of pharmacy no longer maintains a 352

drug database pursuant to section 4729.75 of the Revised Code; 353

(15) Any of the following actions taken by an agency 354  
responsible for authorizing, certifying, or regulating an 355  
individual to practice a health care occupation or provide health 356  
care services in this state or another jurisdiction, for any 357  
reason other than the nonpayment of fees: the limitation, 358  
revocation, or suspension of an individual's license to practice; 359  
acceptance of an individual's license surrender; denial of a 360  
license; refusal to renew or reinstate a license; imposition of 361  
probation; or issuance of an order of censure or other reprimand; 362

(16) Failure to cooperate in an investigation conducted by 363  
the board under division ~~(D)~~(E) of section 4715.03 of the Revised 364  
Code, including failure to comply with a subpoena or order issued 365  
by the board or failure to answer truthfully a question presented 366  
by the board at a deposition or in written interrogatories, except 367  
that failure to cooperate with an investigation shall not 368  
constitute grounds for discipline under this section if a court of 369  
competent jurisdiction has issued an order that either quashes a 370  
subpoena or permits the individual to withhold the testimony or 371  
evidence in issue. 372

(B) A manager, proprietor, operator, or conductor of a dental 373  
facility shall be subject to disciplinary action if any dentist, 374  
dental hygienist, expanded function dental auxiliary, or qualified 375  
personnel providing services in the facility is found to have 376  
committed a violation listed in division (A) of this section and 377  
the manager, proprietor, operator, or conductor knew of the 378  
violation and permitted it to occur on a recurring basis. 379

(C) Subject to Chapter 119. of the Revised Code, the board 380  
may take one or more of the following disciplinary actions if one 381  
or more of the grounds for discipline listed in divisions (A) and 382  
(B) of this section exist: 383

(1) Censure the license or certificate holder;	384
(2) Place the license or certificate on probationary status	385
for such period of time the board determines necessary and require	386
the holder to:	387
(a) Report regularly to the board upon the matters which are	388
the basis of probation;	389
(b) Limit practice to those areas specified by the board;	390
(c) Continue or renew professional education until a	391
satisfactory degree of knowledge or clinical competency has been	392
attained in specified areas.	393
(3) Suspend the certificate or license;	394
(4) Revoke the certificate or license.	395
Where the board places a holder of a license or certificate	396
on probationary status pursuant to division (C)(2) of this	397
section, the board may subsequently suspend or revoke the license	398
or certificate if it determines that the holder has not met the	399
requirements of the probation or continues to engage in activities	400
that constitute grounds for discipline pursuant to division (A) or	401
(B) of this section.	402
Any order suspending a license or certificate shall state the	403
conditions under which the license or certificate will be	404
restored, which may include a conditional restoration during which	405
time the holder is in a probationary status pursuant to division	406
(C)(2) of this section. The board shall restore the license or	407
certificate unconditionally when such conditions are met.	408
(D) If the physical or mental condition of an applicant or a	409
license or certificate holder is at issue in a disciplinary	410
proceeding, the board may order the license or certificate holder	411
to submit to reasonable examinations by an individual designated	412
or approved by the board and at the board's expense. The physical	413

examination may be conducted by any individual authorized by the 414  
Revised Code to do so, including a physician assistant, a clinical 415  
nurse specialist, a certified nurse practitioner, or a certified 416  
nurse-midwife. Any written documentation of the physical 417  
examination shall be completed by the individual who conducted the 418  
examination. 419

Failure to comply with an order for an examination shall be 420  
grounds for refusal of a license or certificate or summary 421  
suspension of a license or certificate under division (E) of this 422  
section. 423

(E) If a license or certificate holder has failed to comply 424  
with an order under division (D) of this section, the board may 425  
apply to the court of common pleas of the county in which the 426  
holder resides for an order temporarily suspending the holder's 427  
license or certificate, without a prior hearing being afforded by 428  
the board, until the board conducts an adjudication hearing 429  
pursuant to Chapter 119. of the Revised Code. If the court 430  
temporarily suspends a holder's license or certificate, the board 431  
shall give written notice of the suspension personally or by 432  
certified mail to the license or certificate holder. Such notice 433  
shall inform the license or certificate holder of the right to a 434  
hearing pursuant to Chapter 119. of the Revised Code. 435

(F) Any holder of a certificate or license issued under this 436  
chapter who has pleaded guilty to, has been convicted of, or has 437  
had a judicial finding of eligibility for intervention in lieu of 438  
conviction entered against the holder in this state for aggravated 439  
murder, murder, voluntary manslaughter, felonious assault, 440  
kidnapping, rape, sexual battery, gross sexual imposition, 441  
aggravated arson, aggravated robbery, or aggravated burglary, or 442  
who has pleaded guilty to, has been convicted of, or has had a 443  
judicial finding of eligibility for treatment or intervention in 444  
lieu of conviction entered against the holder in another 445

jurisdiction for any substantially equivalent criminal offense, is 446  
automatically suspended from practice under this chapter in this 447  
state and any certificate or license issued to the holder under 448  
this chapter is automatically suspended, as of the date of the 449  
guilty plea, conviction, or judicial finding, whether the 450  
proceedings are brought in this state or another jurisdiction. 451  
Continued practice by an individual after the suspension of the 452  
individual's certificate or license under this division shall be 453  
considered practicing without a certificate or license. The board 454  
shall notify the suspended individual of the suspension of the 455  
individual's certificate or license under this division by 456  
certified mail or in person in accordance with section 119.07 of 457  
the Revised Code. If an individual whose certificate or license is 458  
suspended under this division fails to make a timely request for 459  
an adjudicatory hearing, the board shall enter a final order 460  
revoking the individual's certificate or license. 461

(G) If the supervisory investigative panel determines both of 462  
the following, the panel may recommend that the board suspend an 463  
individual's certificate or license without a prior hearing: 464

(1) That there is clear and convincing evidence that an 465  
individual has violated division (A) of this section; 466

(2) That the individual's continued practice presents a 467  
danger of immediate and serious harm to the public. 468

Written allegations shall be prepared for consideration by 469  
the board. The board, upon review of those allegations and by an 470  
affirmative vote of not fewer than four dentist members of the 471  
board and seven of its members in total, excluding any member on 472  
the supervisory investigative panel, may suspend a certificate or 473  
license without a prior hearing. A telephone conference call may 474  
be utilized for reviewing the allegations and taking the vote on 475  
the summary suspension. 476



The board shall issue a written order of suspension by 477  
certified mail or in person in accordance with section 119.07 of 478  
the Revised Code. The order shall not be subject to suspension by 479  
the court during pendency or any appeal filed under section 119.12 480  
of the Revised Code. If the individual subject to the summary 481  
suspension requests an adjudicatory hearing by the board, the date 482  
set for the hearing shall be within fifteen days, but not earlier 483  
than seven days, after the individual requests the hearing, unless 484  
otherwise agreed to by both the board and the individual. 485

Any summary suspension imposed under this division shall 486  
remain in effect, unless reversed on appeal, until a final 487  
adjudicative order issued by the board pursuant to this section 488  
and Chapter 119. of the Revised Code becomes effective. The board 489  
shall issue its final adjudicative order within seventy-five days 490  
after completion of its hearing. A failure to issue the order 491  
within seventy-five days shall result in dissolution of the 492  
summary suspension order but shall not invalidate any subsequent, 493  
final adjudicative order. 494

(H) Sanctions shall not be imposed under division (A)(13) of 495  
this section against any certificate or license holder who waives 496  
deductibles and copayments as follows: 497

(1) In compliance with the health benefit plan that expressly 498  
allows such a practice. Waiver of the deductibles or copayments 499  
shall be made only with the full knowledge and consent of the plan 500  
purchaser, payer, and third-party administrator. Documentation of 501  
the consent shall be made available to the board upon request. 502

(2) For professional services rendered to any other person 503  
who holds a certificate or license issued pursuant to this chapter 504  
to the extent allowed by this chapter and the rules of the board. 505

(I) In no event shall the board consider or raise during a 506  
hearing required by Chapter 119. of the Revised Code the 507

circumstances of, or the fact that the board has received, one or 508  
more complaints about a person unless the one or more complaints 509  
are the subject of the hearing or resulted in the board taking an 510  
action authorized by this section against the person on a prior 511  
occasion. 512

(J) The board may share any information it receives pursuant 513  
to an investigation under division ~~(D)~~(E) of section 4715.03 of 514  
the Revised Code, including patient records and patient record 515  
information, with law enforcement agencies, other licensing 516  
boards, and other governmental agencies that are prosecuting, 517  
adjudicating, or investigating alleged violations of statutes or 518  
administrative rules. An agency or board that receives the 519  
information shall comply with the same requirements regarding 520  
confidentiality as those with which the state dental board must 521  
comply, notwithstanding any conflicting provision of the Revised 522  
Code or procedure of the agency or board that applies when it is 523  
dealing with other information in its possession. In a judicial 524  
proceeding, the information may be admitted into evidence only in 525  
accordance with the Rules of Evidence, but the court shall require 526  
that appropriate measures are taken to ensure that confidentiality 527  
is maintained with respect to any part of the information that 528  
contains names or other identifying information about patients or 529  
complainants whose confidentiality was protected by the state 530  
dental board when the information was in the board's possession. 531  
Measures to ensure confidentiality that may be taken by the court 532  
include sealing its records or deleting specific information from 533  
its records. 534

**Section 2.** That existing sections 4715.03, 4715.10, 4715.22, 535  
and 4715.30 of the Revised Code are hereby repealed. 536