



Am. Sub. H.B. 143
126th General Assembly
(As Passed by the General Assembly)

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Effective date: *

ACT SUMMARY

DENTAL HYGENISTS

- Permits a dental hygienist who has completed certain education requirements to administer local anesthesia under the direct supervision of a dentist.

EXPANDED FUNCTION DENTAL AUXILIARIES

- Requires an individual who engages in the practice of an expanded function dental auxiliary (EFDA) to register with the State Dental Board and renew registration biennially.
- Provides that an individual who practices as an EFDA without registering is guilty of the same offenses as an individual who practices dentistry or dental hygiene without a valid license.

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Specifies the scope of practice of EFDAs as the placement of sealants and restorative materials and performance of any other procedures specified in rules adopted by the Dental Board.
- Requires the Secretary of the Dental Board to keep a record of all registered EFDAs.
- Requires the Dental Board to adopt rules the Board considers necessary to implement and administer registration of EFDAs.
- Provides that an EFDA's supervising dentist and manager are subject to disciplinary action when an EFDA is found to have committed an action for which disciplinary action is prescribed.
- Adds dental procedures that require the professional competence of an EFDA to the procedures a dentist may not assign to a dental assistant.

DENTAL X-RAY MACHINE OPERATORS

- Prohibits a person from practicing, or holding that person out as, a dental x-ray machine operator without a valid certificate (rather than a license) issued by the Dental Board.
- Eliminates a requirement that an applicant for an x-ray machine operator certificate pass an examination and instead requires the applicant to meet one of the requirements that exempts an applicant from the examination requirement.
- Codifies the requirements an individual must meet to renew an x-ray machine operator certificate.
- Requires a person who wants to offer an educational program in dental x-ray machine operation to apply to the Dental Board for approval, rather than accreditation, of the program.

STATE DENTAL BOARD MEMBERS

- Requires two of the nine dentist members of the Dental Board to be specialists who represent different specialties.

- Requires the Governor to make reasonable efforts to fill a vacancy in a Dental Board position held by a specialist with a person representing a different specialty.

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STATE DENTAL BOARD MEMBERS



CONTENT AND OPERATION

DENTAL HYGIENISTS

Administration of local anesthesia

The act

(R.C. 4715.231)

The act permits a dental hygienist to administer intraoral block¹ and infiltration² local anesthesia to patients as long as the dental hygienist does all of the following:

- Administers the anesthesia under the direct supervision³ of a dentist.
- Successfully completes a course in the administration of local anesthesia approved by the State Dental Board and offered by a dental or dental hygiene program that is accredited by the Commission on Dental Accreditation of the American Dental Association.
- Within 18 months of completion of the anesthesia course, successfully passes a state or regional written examination on local anesthesia approved by the Board.

¹ "Block anesthesia" means the production of insensibility of a part by interrupting the sensory nerve conductivity from that region of the body. It may be produced by (1) field block (the creation of walls of anesthesia encircling the operative field by means of injections of local anesthetic), or (2) nerve block (injection of the anesthetic agent close to the nerves whose conductivity is to be cut off). DORLAND'S ILLUSTRATED MEDICAL DICTIONARY 87 (25th ed. 1974).

² "Infiltration anesthesia" means anesthesia produced by direct infiltration of local anesthetic solution into the operative site or, rarely, by freezing. STEDMAN'S MEDICAL DICTIONARY 70 (24th ed. 1982).

³ Under the act, "direct supervision" means a dentist licensed in Ohio is present, for purposes of consultation and direction, at the location where a dental hygienist performs the administration of local anesthesia to a patient. The act specifies that it does not mean that the dentist must observe the administration of local anesthesia to a patient.

- Obtains certification to perform basic cardiac life-support procedures as required under existing law.⁴

With respect to the education requirement, the act provides that the Board may approve an anesthesia administration course only if it contains no less than 15 hours of didactic instruction and no less than 14 hours of clinical experience. The course must include instruction on each of the following subjects: theory of pain control, selection of pain control modalities, anatomy, neurophysiology, pharmacology of local anesthetics, pharmacology of vasoconstrictors, psychological aspects of pain control, systematic complications, techniques of maxillary and mandibular anesthesia taught by a dentist or other qualified instructor, infection control, and local anesthesia medical emergencies.

EXPANDED FUNCTION DENTAL AUXILIARIES

Background

(R.C. 4715.39; Ohio Administrative Code 4715-3-01 and Chapter 4715-11)

Formerly, the regulation of expanded function dental auxiliaries was governed primarily by administrative rules. The Revised Code provides that the State Dental Board may define through administrative rulemaking the duties that may be performed by dental assistants and "other individuals designated by the Board as qualified personnel."

Administrative rules adopted by the Dental Board specify that advanced qualified personnel, or "expanded function dental auxiliaries" (EFDAs), are persons who have passed the Board designated examination for EFDAs. EFDAs may perform "basic and advanced remediable intra-oral dental tasks or procedures" under the direct supervision and full responsibility of a licensed dentist. "Basic remediable intra-oral dental tasks or procedures" are defined as those dental tasks and procedures that do not create irreparable changes within the oral cavity or the contiguous structures. The rules include a list of tasks and procedures that are considered basic remediable intra-oral dental tasks or procedures. "Advanced remediable intra-oral dental tasks and procedures" are defined as the tasks and procedures involved in the art or placement of preventive or restorative materials, limited to placement of sealants, amalgam restorative materials, and non-metallic restorative materials, including direct-bonded restorative materials.

⁴ R.C. 4715.251 requires a dental hygienist to be currently certified to perform basic life-support procedures by having completed a course certified by the American Red Cross or the American Heart Association.

The rules further provide that a dentist may not use more than two EFDAs at any given time and that a dentist who uses an EFDA must maintain in the dentist's office a current record of the training received by the EFDA and the EFDA's competency certification. A copy of the EFDA's training record and competency certification must also be sent to the Dental Board.

Scope of practice

(R.C. 4715.64)

The act provides that the practice of expanded function dental auxiliary consists of the following:

- (1) The procedures involved in the placement of restorative materials limited to amalgam restorative materials and non-metallic restorative materials, including direct-bonded restorative materials;
- (2) The procedures involved in the placement of sealants;
- (3) Any additional procedures authorized by the Dental Board in rules.

The act requires an EFDA to practice under the direct supervision, order, control, and full responsibility of a dentist licensed by the Dental Board. At no time can more than two EFDAs be practicing as EFDAs under the direct supervision of the same dentist. Furthermore, the act prohibits an EFDA from practicing as an EFDA when the supervising dentist is not physically present at the location where the EFDA is practicing.

The act also specifies that nothing in it may be considered by Board rule or otherwise to authorize an EFDA to engage in the practice of dental hygiene.

Registration requirement

(R.C. 4715.61 and 4715.99)

The act prohibits any person from practicing as an EFDA without being registered with the Dental Board as an EFDA. A person who violates this prohibition is guilty of the same offenses as a person who practices dentistry or dental hygiene without a license: a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

Exceptions

The act specifies that the prohibition on practicing without registering with the Board as an EFDA does not apply to the following:



- (1) A dentist licensed by the Board;
- (2) A dental student who engages in any activities performed by EFDAs as an integral part of a program of study leading to the receipt of a license from the Board to practice as a dentist;
- (3) An expanded function dental auxiliary student when the student participates in an educational or training activity of an accredited educational institution or a training program that does both of the following:
 - (a) Provides the education or training necessary to practice as an EFDA;
 - (b) Ensures that a dentist licensed by the Board, or a dentist who holds a limited teaching license issued by the Board, is physically present in the facility where the EFDA performs clinical dental procedures on patients.

Registration process

(R.C. 4715.62)

In general

Under the act, each individual seeking to register as an EFDA must file, under oath, a written application with the Secretary of the Dental Board on a form prescribed and provided by the Board. A completed application must include all of the following:

- (1) An application fee of \$20.
- (2) Proof satisfactory to the Board that the applicant has successfully completed, at an educational institution accredited by the Commission on Dental Accreditation of the American Dental Association or the Higher Learning Commission of the North Central Association of Colleges and Schools, the education or training specified by the Board in rules as the education or training that is necessary to obtain registration to practice as an EFDA, as evidenced by a diploma or other certificate of graduation or completion that has been signed by an appropriate official of the accredited institution that provided education or training.
- (3) Proof satisfactory to the Board that the individual has passed an examination that meets the standards established by the Board in rules to be accepted by the Board as an examination of competency to practice as an EFDA.
- (4) Proof that the applicant holds current certification to perform basic life-support procedures, evidenced by documentation showing the successful

completion of a basic life-support training course certified by either the American Red Cross or the American Heart Association.

If an applicant meets all of the above requirements, the act requires the Board to register the applicant as an EFDA.

Registration renewal

(R.C. 4715.63)

The act provides that an EFDA's registration expires on December 31 of the year following the year in which the EFDA registers. An EFDA may renew a registration for subsequent two-year periods by submitting a completed renewal application and a renewal fee of \$20 each time the EFDA seeks to renew a registration.

The act requires the Dental Board to renew a registration if the EFDA is not in violation of any other law or rule governing the practice of an expanded function dental auxiliary. Registration renewals must be made in accordance with the standard licensure renewal procedure that applies to the Dental Board and other professional licensing boards.

Recordkeeping

(R.C. 4715.65)

The act requires the Secretary of the Dental Board to keep a record of all persons registered as EFDAs. For each EFDA, the record must identify the location where the person primarily practices and the person's supervising dentists.

Disciplinary actions

(R.C. 4715.30)

Under continuing law one of the reasons for which a certificate or license holder may be disciplined by the Dental Board is for allowing dental hygienists or other practitioners of auxiliary dental occupations working under the certificate or license holder's 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. The act adds that a certificate or license holder is also subject to disciplinary action if that certificate or license holder allows *EFDAs* working under the certificate or license holder's 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.

Continuing law also provides that a manager, proprietor, operator, or conductor of a dental facility is subject to disciplinary action if a dentist, dental hygienist, or qualified personnel providing services in the facility is found to have committed an action for which disciplinary action is prescribed. The act adds that a manager, proprietor, operator, or conductor of a dental facility is subject to disciplinary action *if an EFDA* providing services in the facility is found to have committed an action for which disciplinary action is prescribed.

EFDA registration relative to dental assistants and qualified personnel

(R.C. 4715.39)

Continuing law provides that, subject to law and administrative rules adopted by the Dental Board, licensed dentists may assign to dental assistants and other qualified personnel dental procedures that do not require the professional competence or skill of a licensed dentist or a dental hygienist. The act provides that a dental assistant may not be assigned dental procedures that require the professional competence of an EFDA.

The act specifies that nothing in it permits dental assistants or other qualified personnel to engage in the practice of an expanded function dental auxiliary or to perform the duties of an EFDA other than as authorized by law.

Rulemaking authority

(R.C. 4715.66)

The act requires the Dental Board to adopt rules, consistent with the Administrative Procedure Act (R.C. Chapter 119.), that the Board considers necessary to implement and administer the laws governing the practice and registration of EFDAs. The act specifies that the Board is subject to the following when adopting the rules:

(1) The Board is authorized to adopt rules specifying procedures that an EFDA may perform that are in addition to the procedures involved in the placement of sealants and restorative materials.

(2) The Board is required to adopt rules specifying the education or training necessary for an individual to register as an EFDA.

(3) The Board must adopt rules specifying the standards that must be met for an examination to be accepted by the Board as an examination of competency to practice as an EFDA. In specifying the standards, the Board must provide that an examination will be accepted only if the entity that administered the

examination required an individual to be one of the following as a condition of admission:

(a) An unlicensed dentist who has graduated from an accredited dental college and does not have a dental license under suspension or revocation by the Board;

(b) A dental student who is enrolled in an accredited dental college and is considered by the dean of the college to be in good standing;

(c) A graduate of a foreign dental college;

(d) A dental assistant who is certified by the Dental Assisting National Board or the Ohio Commission on Dental Assistant Certification;

(e) A dental hygienist licensed with the Board whose license is in good standing;

(f) An unlicensed dental hygienist who has graduated from an accredited dental hygiene school and does not have a dental hygienist license under suspension or revocation by the Board.

DENTAL X-RAY MACHINE OPERATORS

Background

(R.C. 4715.51 (not in the act))

Under law unchanged by the act, a "dental x-ray machine operator" is an individual who, under the direct supervision of a dentist, performs standard, diagnostic, radiologic procedures for the purpose of contributing to the provision of dental care to a dental patient.⁵

Certification rather than licensure

(R.C. 4715.52)

The act changes the requirement that a person practicing or holding the person's self out as a dental x-ray machine operator have a valid license issued by the Dental Board to a requirement that the person have a valid certificate issued by the Board. As under former law, the following are exempt from this requirement:

⁵ "Standard, diagnostic, radiologic procedures" means those procedures involved in using dental equipment that emits ionizing radiation.

- (1) Dentists and dental hygienists licensed by the Board;
- (2) Radiologic personnel employed by the federal government or serving in a branch of the armed forces;
- (3) Students engaging in any of the activities performed by dental x-ray machine operators as an integral part of a program of study leading to the receipt of a license or certificate issued by the Board.

Application fee

(R.C. 4715.53(A))

Each individual who seeks a license to practice as a dental x-ray machine operator must pay a license application fee. Formerly, administrative rules set the application fee at \$25. The act removes the Board's authority to establish the application fee in rules, instead specifying in statute that the fee is \$25.

Requirements for certification

(R.C. 4715.53(B); 4715.54 (repealed))

Former law required the Dental Board to issue a license to practice as a dental x-ray machine operator to an applicant who met all of the following requirements:

- (1) Is age 18 or older;
- (2) Is of good moral character;
- (3) Passes an examination administered by the Board;⁶
- (4) Complies with any other licensing standards established by the Board in rules.

⁶ However, the following individuals are exempted from the examination requirements: (a) applicants who hold certification from the Dental Assisting National Board or the Ohio Commission on Dental Assistant Certification, (b) applicants who hold a conditional license issued by the Board and have completed continuing education requirements established by the Board in rules, and (c) applicants who hold a license, certificate, or other credential issued by another state that the Board determines uses standards for dental x-ray machine operators that are at least equal to those required in Ohio.

The act eliminates these requirements and instead requires the Board to issue a *certificate* (instead of a license) to an applicant who submits evidence satisfactory to the Board that one of the following is the case:

(1) The applicant holds certification from the Dental Assisting National Board or the Ohio Commission on Dental Assistant Certification;

(2) The applicant holds a license, certificate, permit, registration, or other credential issued by another state the Board determines uses standards for dental x-ray machine operators that are at least equal to those established in Ohio;

(3) The applicant has successfully completed an educational program consisting of at least seven hours of instruction in dental x-ray machine operation that (a) has been approved by the Board, or (b) is conducted by an institution accredited by the American Dental Association Commission on Dental Accreditation.

Requirements for renewal of certification

(R.C. 4715.53(C); Ohio Administrative Code 4715-12-03 and 4715-12-05)

Under former law, a dental x-ray machine operator's license could be renewed if the license holder provided proof to the Board at the time of renewal that the license holder met the continuing education requirements specified, and paid the renewal fee adopted, by the Board in rules. The rules governing continuing education requirements for dental x-ray machine operators provide that a license holder must complete a minimum of two hours of continuing education in dental x-ray radiation technology in the two years preceding renewal. The rules also provide that the renewal fee is \$25.

The act codifies the requirements an individual must meet to renew a certificate to practice as a dental x-ray machine operator. Under the act, a certificate holder may renew a certificate if the holder does both of the following:

(1) Certifies to the Board that the certificate holder has completed at least two hours of instruction in dental x-ray machine operation approved by the Board during the two-year period preceding the date the renewal application is received by the Board;

(2) Submits a renewal fee of \$25.

Approval rather than accreditation of educational programs

(R.C. 4715.57 and 4715.58 (repealed))

Former law required each person seeking accreditation for an educational program in dental x-ray machine operation to apply to the Dental Board on a form the Board must have prescribed and provided. The application was required to be accompanied by a fee established in rules, which was \$67.50.⁷ The Board was required to accredit educational programs that met standards established in rules adopted by the Board. The accreditation was valid until surrendered by the program, or suspended or revoked by the Board. A program's accreditation may have been suspended or revoked if the program did not comply with applicable requirements.

The act requires a person who wants to offer an educational program in dental x-ray machine operation to apply for *approval*, rather than accreditation, of the program. The act also relocates existing provisions regarding the Board's authority to adopt rules relative to educational programs. The act continues to require that the rules for educational programs be no less stringent than standards specified in federal regulations.⁸ The rules must establish at least both of the following:

- (1) The fee that must accompany an application for approval of an educational program;
- (2) The standards that an educational program must meet to be approved.

Conditional license

(R.C. 4715.55 (repealed))

The act eliminates provisions that until October 20, 1995, permitted an individual engaging in the activities of a dental x-ray machine operator to obtain a conditional license.

⁷ O.A.C. 4715-12-04(C).

⁸ 42 Code of Federal Regulations 75.

STATE DENTAL BOARD MEMBERS

(R.C. 4715.02)

The act requires that two of the nine dentist members of the State Dental Board be specialists⁹ and that they be appointed in such a manner that the same specialty is not represented by both members at the same time. When a vacancy occurs in a position held by a specialist member, the Governor is required by the act to make all reasonable efforts to fill the vacancy with a person who represents a specialty that is different from the specialty that was represented by the member who vacated the position.

HISTORY

ACTION	DATE
Introduced	03-22-05
Reported, H. Health	06-16-05
Passed House (95-0)	10-05-05
Reported, S. Health, Human Services & Aging	01-17-06
Passed Senate (31-0)	01-18-06
House concurred in Senate amendments (97-0)	01-24-06

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⁹ According to Rebecca Hockenberry, Assistant Director of the Dental Board, Ohio Administrative Code 4715-5-04 lists the specialist designations the Board recognizes: (1) orthodontists, (2) oral surgeons, (3) oral and maxillofacial surgeons, (4) oral and maxillofacial radiologists, (5) periodontists, (6) pedodontists, (7) pediatric dentists, (8) prosthodontists, (9) endodontists, (10) oral pathologists, and (11) public health dentists.