



# Ohio State Dental Board

Dental Practice Act

Chapter 4715 Ohio Revised and Ohio Administrative Codes.

**John R. Kasich, Governor**  
**April 2015**



**OHIO STATE DENTAL BOARD  
LAW AND RULES**

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# OHIO STATE DENTAL BOARD

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# OHIO REVISED CODE

## GENERAL PROVISIONS

### 4715.01 DENTIST - DENTAL HYGIENIST DEFINITIONS.

Any person shall be regarded as practicing dentistry, who is a manager, proprietor, operator, or conductor of a place for performing dental operations, or who teaches clinical dentistry, or who performs, or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or associated structures, or attempts to correct malpositions thereof, or who takes impressions of the human teeth or jaws, or who constructs, supplies, reproduces, or repairs any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn as a substitute for natural teeth, except upon the order or prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who advertises, offers, sells, or delivers any such substitute or the services rendered in the construction, reproduction, supply, or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or uses the words "dentist," "dental surgeon," the letters "D.D.S.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry. Manager, proprietor, operator, or conductor as used in this section includes any person:

- (A) Who employs licensed operators;
- (B) Who places in the possession of licensed operators[,] dental offices or dental equipment necessary for the handling of dental offices on the basis of a lease or any other agreement for compensation or profit for the use of such office or equipment, when such compensation is manifestly in excess of the reasonable rental value of such premises and equipment;
- (C) Who makes any other arrangements whereby he derives profit, compensation, or advantage through retaining the ownership or control of dental offices or necessary dental equipment by making the same available in any manner for the use of licensed operators; provided that this section does not apply to bona fide sales of dental equipment secured by chattel mortgage. Whoever having a license to practice dentistry or dental hygiene enters the employment of, or enters into any of the arrangements described in this section with, an unlicensed manager, proprietor, operator, or conductor, or who is determined mentally incompetent by a court of competent jurisdiction, or is committed by a court having jurisdiction for treatment of mental illness, may have his license suspended or revoked by the state dental board.

*Effective Date: 03-15-1982*

### 4715.02 STATE DENTAL BOARD.

The governor, with the advice and consent of the senate, shall appoint a state dental board consisting of thirteen persons, nine of whom shall be graduates of a reputable dental college, citizens of the United States, and shall have been in the legal and reputable practice of dentistry in the state at least five years next preceding their appointment; three of whom shall be graduates of a reputable school of dental hygiene, citizens of the United States, and shall have been in the legal and reputable practice of dental hygiene in the state at least five years next preceding their appointment; and one of whom shall be a member of the public at large who is not associated with or financially interested in the practice of dentistry. Of the nine members who are in the practice of dentistry, two shall be persons recognized as specialists pursuant to rules adopted by the board. The specialist members shall 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 shall 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. Of the three members who are in the practice of dental hygiene, not more than one may be a person employed as a full-time teacher of dental hygiene students. Representation of the various geographical areas of the state shall be considered in making appointments for members who are in the practice of dentistry and for members who are in the practice of dental hygiene. Terms of office shall be for four years, commencing on the seventh day of April and ending on the sixth day of April. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person so appointed shall serve to exceed two terms. The Ohio dental association may submit to the governor the names of five nominees for each position to be filled by a dentist and from the names so submitted or from others, at the governor's discretion, the governor shall make such appointments; provided that all such appointees shall possess the required qualifications. The Ohio dental hygienists association, inc., may submit to the governor the names of five nominees for

each position to be filled by a dental hygienist and from the names so submitted or from others, at the governor's discretion, the governor shall make such appointments; provided that all such appointees shall possess the required qualifications. No person shall be appointed to the state dental board who is employed by or practices in a corporation holding a certificate of authority under Chapter 1751. of the Revised Code with a person who is a member of the board. No member of the board shall administer to a student in this state or to a graduate of a dental college located in this state an examination on behalf of any of the following: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., southern regional testing agency, inc., or western regional examining board.

*Effective Date: 10-29-2003; 05-12-2006*

### **4715.03 BOARD ORGANIZATION - EXAMINATIONS.**

- (A) The state dental board shall organize by electing from its members a president, secretary, and vice-secretary. The secretary and vice-secretary shall be elected from the members of the board who are dentists. It shall hold meetings monthly at least eight months a year at such times and places as the board designates. A majority of the members of the board shall constitute a quorum. The board shall make such reasonable rules as it determines necessary pursuant to Chapter 119. of the Revised Code.
- (B) A concurrence of a majority of the members of the board shall be required to do any of the following:
- (1) Grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder or take any other action authorized under section 4715.30 of the Revised Code;
  - (2) Seek an injunction under section 4715.05 of the Revised Code;
  - (3) Enter into a consent agreement with a license holder;
  - (4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;
  - (5) Terminate an investigation conducted under division (D) of this section;
  - (6) Dismiss any complaint filed with the board.
- (C) (1) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:
- (a) Establish standards for the safe practice of dentistry and dental hygiene by qualified practitioners and shall, through its policies and activities, promote such practice;
  - (b) Establish universal blood and body fluid precautions that shall be used by each person licensed under this chapter who performs exposure prone invasive procedures.
- (2) The rules adopted under division (C)(1)(b) of this section shall define and establish requirements for universal blood and body fluid precautions that include the following:
- (a) Appropriate use of hand washing;
  - (b) Disinfection and sterilization of equipment;
  - (c) Handling and disposal of needles and other sharp instruments;
  - (d) Wearing and disposal of gloves and other protective garments and devices.
- (D) The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of making the report or providing testimony. If after investigation and reviewing the recommendation of the supervisory investigative panel issued pursuant to section 4715.034 of the Revised Code the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall, except as provided in this chapter, conduct disciplinary proceedings pursuant to Chapter 119. of the Revised Code, seek an injunction under section 4715.05 of the Revised Code, enter into a consent agreement with a license holder, or provide for a license holder to participate in the quality intervention program established under section 4715.031 of the Revised Code if the board develops and implements that program.

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

- (E) (1) The board shall examine or cause to be examined eligible applicants to practice dental hygiene. The board may distinguish by rule different classes of qualified personnel according to skill levels and require all or only certain of these classes of qualified personnel to be examined and certified by the board.
- (2) The board shall administer a written jurisprudence examination to each applicant for a license to practice dentistry. The examination shall cover only the statutes and administrative rules governing the practice of dentistry in this state.
- (F) In accordance with Chapter 119. of the Revised Code, the board shall adopt, and may amend or rescind, rules establishing the eligibility criteria, the application and permit renewal procedures, and safety standards applicable to a dentist licensed under this chapter who applies for a permit to employ or use conscious intravenous sedation. These rules shall include all of the following:
  - (1) The eligibility requirements and application procedures for an eligible dentist to obtain a conscious intravenous sedation permit;
  - (2) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course;
  - (3) The facility equipment and inspection requirements;
  - (4) Safety standards;
  - (5) Requirements for reporting adverse occurrences.

*Effective Date: 10-29-2003; 9/13/2010*

## ENFORCEMENT

### **4715.031      DEVELOPMENT AND IMPLEMENTATION OF QUALITY INTERVENTION PROGRAM.**

- (A) The state dental board may develop and implement a quality intervention program. The board may propose that the holder of a license issued by the board participate in the program if the board determines pursuant to an investigation conducted under section 4715.03 of the Revised Code that there are reasonable grounds to believe the license holder has violated a provision of this chapter due to a clinical or communication problem that could be improved through participation in the program and determines that the license holder's participation in the program is appropriate. The board shall refer a license holder who agrees to participate in the program to an educational and assessment service provider selected by the board.
- (B) If the board develops and implements a quality intervention program, all of the following apply:
  - (1) The board shall select, by a concurrence of a majority of the board's members, educational and assessment service providers, which may include quality intervention program panels of case reviewers. A provider selected by the board to provide services to a license holder shall recommend to the board the educational and assessment services the license holder should receive under the program. The license holder may begin participation in the program if the board approves the services the provider recommends. The license holder shall not be required to participate in the program beyond one hundred eighty days from the date the license holder agrees to participate in the program under this division. The license holder shall pay the amounts charged by the provider for the services.
  - (2) The board shall monitor a license holder's progress in the program and determine whether the license holder has successfully completed the program. If the board determines that the license holder has successfully completed the program, it may continue to monitor the license holder, take other action it considers appropriate, or both. The additional monitoring, other action taken by the board, or both, shall not continue beyond one year from the date the license holder agrees to participate in the program under this division. If the board determines that the license holder has not successfully completed the program, it shall, as soon as possible thereafter, commence disciplinary proceedings against the license holder under section 4715.03 of the Revised Code.
  - (3) The board shall elect, from the board's members who are dentists, a coordinator to administer and provide oversight of the quality intervention program. The coordinator may delegate to the board's members or employees those duties that the coordinator considers appropriate.
- (C) The board may adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015.*

*Effective Date: 09-05-2001; 9/13/2010*

### **4715.0310      NOTICE OF OPPORTUNITY FOR HEARING AND NAME OR REFEREE OR EXAMINER AS PUBLIC RECORD.**

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

*Effective Date: 9/13/2010*

**4715.032 SUPERVISORY INVESTIGATIVE PANEL.**

There is hereby created the supervisory investigative panel of the state dental board. The supervisory investigative panel shall consist solely of the board's secretary and vice-secretary. The supervisory investigative panel shall supervise all of the board's investigations.

*Effective Date: 9/13/2010*

**4715.033 ISSUANCE OF SUBPOENAS**

- (A) All subpoenas the state dental board seeks to issue with respect to an investigation shall, subject to division (B) of this section, be authorized by the supervisory investigative panel.
- (B) Before the supervisory investigative panel authorizes the board to issue a subpoena, the panel shall consult with the office of the attorney general and determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the information sought pursuant to the subpoena is relevant to the alleged violation and material to the investigation.
- (C) (1) Any subpoena to compel the production of records that the board issues after authorization by the supervisory investigative panel shall pertain to records that cover a reasonable period of time surrounding the alleged violation.  
(2) (a) Except as provided in division (C)(2)(b) of this section, the subpoena shall state that the person being subpoenaed has a reasonable period of time that is not less than seven calendar days to comply with the subpoena.  
(b) If the board's secretary determines that the person being subpoenaed represents a clear and immediate danger to the public health and safety, the subpoena shall state that the person being subpoenaed must immediately comply with the subpoena.
- (D) On a person's failure to comply with a subpoena issued by the board and after reasonable notice to that person of the failure, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

*Effective Date: 9/13/2010; 3/13/2013*

**4715.034 AUTHORITY OF PANEL TO MEET WITH INDIVIDUALS UNDER INVESTIGATION; RECOMMENDATIONS**

- (A) At any time during an investigation, the supervisory investigative panel may ask to meet with the individual who is the subject of the investigation. At the conclusion of the investigation, the panel shall recommend that the state dental board do one of the following:
  - (1) Pursue disciplinary action under section 4715.30 of the Revised Code;
  - (2) Seek an injunction under section 4715.05 of the Revised Code;
  - (3) Enter into a consent agreement if the subject of the investigation is a licensee;
  - (4) Refer the individual to the quality intervention program, if that program is developed and implemented under section 4715.031 of the Revised Code and the subject of the investigation is a licensee;
  - (5) Terminate the investigation.
- (B) The supervisory investigative panel's recommendation shall be in writing and specify the reasons for the recommendation. Except as provided in section 4715.035 of the Revised Code, the panel shall make its recommendation not later than one year after the date the panel begins to supervise the investigation or, if the investigation pertains to an alleged violation of division (A)(9) of section 4715.30 of the Revised Code, not later than two years after the panel begins to supervise the investigation.
- (C) Once the panel makes its recommendation, the members of the panel shall not participate in any deliberations the board has on the case.

*Effective Date: 9/13/2010; 3/13/2013*

**4715.035 CALCULATION OF TIME PERIOD FOR RECOMMENDATION.**

Both of the following periods of time shall not be counted for purposes of determining the time within which the supervisory investigative panel is required to make its recommendation to the state dental board under section 4715.034 of the Revised Code:

- (A) The period during which the panel suspends the investigation of an individual because the individual is also the subject of a criminal investigation and the panel is asked to do so by the entity conducting the criminal investigation or the panel determines it is necessary to do so as a result of the criminal investigation.
- (B) The period beginning when the board moves for an order compelling the production of persons or records, as permitted by division (D) of section 4715.033 of the Revised Code, and ending when either of the following occurs:
  - (1) The court renders a decision not to issue the order.
  - (2) The court renders a decision to issue the order and the person subject to the order produces the persons or records.

*Effective Date: 9/13/2010*

#### **4715.036        REQUESTS FOR COPIES OF INVESTIGATIVE ITEMS.**

- (A) As used in this section:
  - (1) "Personal identifying information" has the same meaning as in section 2913.49 of the Revised Code.
  - (2) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code, except that it excludes information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity.
- (B) If the state dental board notifies an applicant, license holder, or other individual of an opportunity for a hearing pursuant to section 119.07 of the Revised Code, the board shall state in the notice that the individual is entitled to receive at least sixty days before the hearing, on the individual's request and as described in division (C) of this section, one copy of each item the board procures or creates in the course of its investigation on the individual. Such items may include, but are not limited to, the one or more complaints filed with the board; correspondence, reports, and statements; deposition transcripts; and patient dental records.
- (C) On receipt of a request for copies of investigative items from an individual who is notified under division (B) of this section of an opportunity for a hearing, the board shall provide the copies to the individual in accordance with, and subject to, all of the following:
  - (1) The board shall provide the copies in a timely manner.
  - (2) The board may charge a fee for providing the copies, but the amount of the fee shall be set at a reasonable cost to the individual.
  - (3) Before providing the copies, the board shall determine whether the investigative items contain any personal identifying information regarding a complainant. If the board determines that the investigative items contain such personal identifying information, or any other information that would reveal the complainant's identity, the board shall redact the information from the copies it provides to the individual.
  - (4) The board shall not provide either of the following:
    - (a) Any information that is subject to the attorney-client privilege or work product doctrine, or that would reveal the investigatory processes or methods of investigation used by the board;
    - (b) Any information that would constitute a confidential law enforcement investigatory record.
- (D) If a request for copies of investigative items is made pursuant to this section, the board in its scheduling of a hearing for the individual shall, notwithstanding section 119.07 of the Revised Code, schedule the hearing for a date that is at least sixty-one days after the board provides the individual with the copies of the items.
- (E) (1) After the board notifies an individual of an opportunity for a hearing, the individual may ask the board to issue either or both of the following:
  - (a) A subpoena to compel the attendance and testimony of any witness at the hearing;
  - (b) A subpoena for the production of books, records, papers, or other tangible items.(2) On receipt of an individual's request under division (E)(1) of this section, the board shall issue the subpoena. In the case of a subpoena for the production of books, records, papers, or other tangible items, the person or government entity subject to the subpoena shall comply with the subpoena at least thirty days prior to the date the individual's hearing is scheduled to be held.

*Effective Date: 9/13/2010*

#### **4715.037        APPOINTMENT OF REFEREES OR EXAMINERS; TERMS.**

- (A) Notwithstanding the permissive nature of hearing referee or examiner appointments under section 119.09 of the Revised Code, the state dental board shall appoint, by a concurrence of a majority of its members, three referees or examiners to conduct the hearings the board is required to hold pursuant to sections 119.01 to 119.13 of the Revised Code. Referees or examiners appointed under this section shall be attorneys who have been admitted to the practice of law in this state. In

making the appointments, the board shall not appoint an attorney who is a board employee or represents the board in any other manner.

- (B) (1) Referees or examiners appointed under this section shall serve not more than the following number of consecutive one-year terms:
- (a) In the case of the first initial appointee, six;
  - (b) In the case of the second initial appointee, seven;
  - (c) In the case of the third initial appointee and all successor appointees, eight.
- (2) The board may not refuse to reappoint a referee or examiner before the referee or examiner has served the maximum number of terms applicable to the referee or examiner unless the referee or examiner does not seek to serve the maximum number of terms or the board, by a concurrence of a majority of its members, determines there is cause not to reappoint the referee or examiner.
- (C) The board shall assign one referee or examiner appointed under this section to conduct each hearing. Assignments shall be made in the order the board receives requests for hearings without regard to the experience or background of a particular referee or examiner or the consideration of any factor other than whether the referee or examiner is available at the appropriate time.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015  
Effective Date: 9/13/2010*

#### **4715.038 CONDUCT OF HEARING; FINDINGS.**

A hearing referee or examiner assigned to conduct a hearing pursuant to section 4715.037 of the Revised Code shall hear and consider the oral and documented evidence introduced by the parties during the hearing. Not later than thirty days following the close of the hearing, the referee or examiner shall issue to the state dental board, in writing, proposed findings of fact and conclusions of law. Along with the proposed findings of fact and conclusions of law, the board shall be given copies of the record of the hearing and all exhibits and documents presented by the parties at the hearing.

*Effective Date: 9/13/2010*

#### **4715.039 ORAL ARGUMENTS; FINAL DECISION; APPEAL.**

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

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

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

*Effective Date: 9/13/2010*

#### **4715.04 SECRETARY'S BOND - DEPOSITING RECEIPTS.**

Before entering upon the discharge of the duties of his office, the secretary of the state dental board shall give a bond to the state in the sum of two thousand dollars conditioned for the faithful discharge of the duties of his office, the premium for such bond to be paid in the same manner as other expenses of the board. Such bond, with the approval of the board and oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. Such board may employ such assistants, inspectors, investigators, and clerical help as it deems necessary to enforce sections 4715.01 to 4715.35 of the Revised Code, the expense thereof to be charged and paid as other expenditures of the board. All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. The board shall make an annual report as of the thirty-first day of December of the year preceding, of its proceedings and the items of its receipts and disbursements to the governor on or before the first day of February.

*Effective Date: 07-01-1993*

**4715.05 PROSECUTION - INJUNCTIVE RELIEF.**

The prosecuting attorney of a county, or the village solicitor or city director of law of a municipal corporation, wherein a violation of this chapter allegedly occurs, shall, when so requested by the state dental board, take charge of and conduct the prosecution. In addition to any other remedy provided in this chapter, the state dental board may request the attorney general, or the prosecuting attorney of any county where a person is practicing dentistry or dental hygiene without a license or certificate from the board to apply to the court of common pleas of the county where the unauthorized practice occurs for any injunction to restrain such practice. The court shall grant injunctive relief upon a showing that the respondent named in the petition is practicing dentistry or dental hygiene without a valid license or exemption from licensure granted pursuant to this chapter.

*Effective Date: 06-29-1988*

**4715.06 COMPENSATION AND EXPENSES OF BOARD.**

Each member of the state dental board shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day actually employed in the discharge of the official duties of the member, and the necessary expenses of the member. The secretary and vice-secretary shall be reimbursed for necessary expenses incurred in the discharge of the official duties of the secretary and vice-secretary, respectively. All vouchers of the board shall be approved by the board president or executive secretary, or both, as authorized by the board.

*Amended by 128th General Assembly File No. 44, HB 215, §1, eff. 9/13/2010.*

*Effective Date: 09-29-1997*

**Note:** The amendment to this section by 129th General Assembly File No. 10, SB 5, §1 was rejected by voters in the November, 2011 election.

**4715.07 AFFILIATION WITH AMERICAN ASSOCIATION OF DENTAL EXAMINERS.**

The state dental board may affiliate with the American association of dental examiners, as an active member, and pay regular annual dues to said association and may send a delegate to the meetings of the said association; such delegate shall receive the compensation provided in section 4715.06 of the Revised Code.

*Effective Date: 11-14-1969*

**4715.08 OFFICIAL SEAL AND RECORDS.**

The state dental board shall have an official seal and shall keep a record of its proceedings, a register of persons licensed as dentists, and a register of licenses by it revoked. At reasonable times, its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety days after each examination. A transcript of an entry in such records, certified by the secretary under the seal of the board, shall be evidence of the facts therein stated.

*Effective Date: 10-01-1953*

**DENTISTS; LICENSING AND REGISTRATION****4715.09 UNLICENSED PRACTICE PROHIBITED.**

- (A) No person shall practice dentistry without a current license from the state dental board. No person shall practice dentistry while the person's license is under suspension by the state dental board.
- (B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board. The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law of a municipal corporation wherein the work authorizations are located.
- (C) If the person, partnership, association, or corporation receiving a written authorization from a licensed dentist engages another person, firm, or corporation, referred to in this division as "subcontractor," to perform some of the services relative to the work authorization, he or it shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board. The subcontractor shall retain the sub-work authorization and the issuer thereof shall retain a duplicate

copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years in both cases.

- (D) No unlicensed person, partnership, association, or corporation shall perform any service described in division (B) of this section without a written work authorization from a licensed dentist. Provided, that if a written work authorization is demanded from a licensed dentist who fails or refuses to furnish it for any reason, the unlicensed person, partnership, association, or corporation shall not, in such event, be subject to the enforcement provisions of section 4715.05 or the penal provisions of section 4715.99 of the Revised Code.
- (E) No dentist shall employ or use conscious intravenous sedation unless the dentist possesses a valid permit issued by the state dental board authorizing him to do so.

*Effective Date: 04-11-1990*

#### **4715.10 APPLICATION FOR LICENSE.**

- (A) As used in this section, "accredited dental college" means a dental college accredited by the commission on dental accreditation or a dental college that has educational standards recognized by the commission on dental accreditation and is approved by the state dental board.
- (B) Each person who desires to practice dentistry in this state shall file a written application for a license with the secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. Each applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section.
- (C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements:
  - (1) Be at least eighteen years of age;
  - (2) Be of good moral character;
  - (3) Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;
  - (4) Have passed parts I and II of the examination given by the national board of dental examiners;
  - (5) Have passed a written jurisprudence examination administered by the state dental board under division (E)(2) of section 4715.03 of the Revised Code;
  - (6) Pay the fee required by division (A)(1) of section 4715.13 of the Revised Code.
- (D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:
  - (1) Have taken an examination administered by any of the following regional testing agencies and received on each component of the examination a passing score as specified in division (A) of section 4715.11 of the Revised Code: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the southern regional dental testing agency, inc., or the western regional examining board;
  - (2) Have taken an examination administered by the state dental board and received a passing score as established by the board;
  - (3) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application;
  - (4) Have completed a dental residency program accredited or approved by the commission on dental accreditation and administered by an accredited dental college or hospital.
- (E) To be granted a license to practice dentistry, a graduate of an unaccredited dental college located outside the United States must meet both of the following requirements:
  - (1) Have taken a basic science and laboratory examination consistent with rules adopted under section 4715.11 of the Revised Code and received a passing score as established by the board;
  - (2) Have had sufficient clinical training in an accredited institution to reasonably assure a level of competency equal to that of graduates of accredited dental colleges, as determined by the board.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015*

*Effective Date: 10-29-2003*

#### **4715.101 LICENSE APPLICANT TO COMPLY WITH RC CHAPTER 4776**

- (A) As used in this section "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code.

- (B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state dental board shall not grant a license to an applicant for an initial license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.

*Effective Date: 2007 HB104 03-24-2008; 3/22/2013*

#### **4715.11 LICENSING PROCEDURE.**

In the state dental board's implementation of section 4715.10 of the Revised Code, all of the following apply:

- (A) For purposes of division (D)(1) of section 4715.10 of the Revised Code, a passing score on a component of an examination administered by a regional testing agency is the score established by the agency as a passing score for the component or, if the agency has not established a passing score for the component, the score established by the board as a passing score for the component. The board shall adopt rules establishing passing scores for examination components as necessary to implement this division.
- (B) The board shall adopt rules establishing standards that must be met by graduates of unaccredited dental colleges located outside the United States. The standards must reasonably assure that the graduates have received a level of education and training equal to that provided by accredited dental colleges.
- (C) The board shall adopt rules governing the basic sciences and laboratory examination required by division (E)(1) of section 4715.10 of the Revised Code.

*Effective Date: 10-29-2003*

#### **4715.12 LICENSE - RE-EXAMINATION.**

If an applicant passes the examination required by section 4715.10 of the Revised Code, the applicant shall receive a license from the state dental board attested by its seal and signed by the president and secretary, which shall be conclusive evidence of the applicant's right to practice dentistry. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the board. If an applicant fails the examination required by section 4715.10 of the Revised Code, the applicant may apply for re-examination at a subsequent regular or special examination meeting of the state dental board. No applicant shall be admitted to more than two examinations without first presenting satisfactory proof that the applicant has successfully completed such refresher courses in an accredited dental college as the state dental board may prescribe.

*Effective Date: 10-29-2003*

#### **4715.13 FEES FOR LICENSES OR PERMITS.**

- (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:
- (1) For license to practice dentistry, two hundred ten dollars if issued in an odd-numbered year or three hundred fifty-seven dollars if issued in an even-numbered year;
  - (2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars;
  - (3) For a general anesthesia permit, one hundred twenty-seven dollars;
  - (4) For a conscious intravenous sedation permit, one hundred twenty-seven dollars.
- (B) Forty dollars of each fee collected under division (A)(1) of this section for a license issued in an even-numbered year and twenty dollars of each fee collected under division (A)(1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code.
- (C) In the case of a person who applies for a license to practice dentistry by taking an examination administered by the state dental board, both of the following apply:
- (1) The fee in division (A)(1) of this section may be refunded to an applicant who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee.
  - (2) An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015*

*Effective Date: 10-29-2003*

**4715.14 REGISTRATION - NOTICE OF CHANGE OF ADDRESS.**

- (A) (1) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of two hundred forty-five dollars. Except as provided in division (E) of this section, this fee shall be paid to the treasurer of state. Subject to division (C) of this section, a registration shall be in effect for the two-year period beginning on the first day of January of the even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.
- (2) (a) Except as provided in division (A)(2)(b) of this section, in the case of a licensee seeking registration who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the licensee shall certify to the board whether the licensee has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.
- (b) The requirement in division (A)(2)(a) of this section does not apply if any of the following is the case:
- (i) The state board of pharmacy notifies the state dental board pursuant to section 4729.861 of the Revised Code that the licensee has been restricted from obtaining further information from the drug database.
  - (ii) The state board of pharmacy no longer maintains the drug database.
  - (iii) The licensee does not practice dentistry in this state.
- (3) If a licensee certifies to the state dental board that the licensee has been granted access to the drug database and the board finds through an audit or other means that the licensee has not been granted access, the board may take action under section 4715.30 of the Revised Code.
- (B) A licensed dentist who desires to temporarily retire from practice and who has given the board notice in writing to that effect shall 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 or electronically 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.
- (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.

*Amended by 130th General Assembly File No. TBD, SB 276, §1, eff. 3/19/2015*

*Amended by 130th General Assembly File No. TBD, HB 394, §1, eff. 3/19/2015*

*Amended by 130th General Assembly File No. TBD, HB 341, §1, eff. 1/1/2015*

*Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 1/1/2015*

*Effective Date: 10-29-2003; 8/31/2010; 9/13/2010*

**4715.141 CONTINUING EDUCATION.**

- (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 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 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 the dentist's records for a period of at least three years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With cause, the board may request such documentation from licensed dentists, and the board may request such documentation from licensed dentists selected at random without cause.
- (D) The board may excuse licensed dentists, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.
- (E) The board shall notify a dentist who fails to submit the affidavit required by division (C) of this section of both of the following:
- (1) That the board has not received the affidavit;
  - (2) That unless the board receives the affidavit before the first day of April following the last day of December by which the dentist was required to submit the affidavit, 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.

*Effective Date: 01-01-1992; 8/31/2010; 9/13/2010*

#### **4715.16 APPLICATION FOR LIMITED LICENSE.**

- (A) Upon payment of a fee of ten dollars, the state dental board may without examination issue a limited resident's license to any person who is a graduate of a dental college, is authorized to practice in another state or country or qualified to take the regular licensing examination in this state, and furnishes the board satisfactory proof of having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this state, but has not yet been licensed as a dentist by the board. Any person receiving a limited resident's license may practice dentistry only in connection with programs operated by the dental college or hospital at which the person is appointed as a resident as designated on the person's limited resident's license, and only under the direction of a licensed dentist who is a member of the dental staff of the college or hospital or a dentist holding a current limited teaching license issued under division (B) of this section, and only on bona fide patients of such programs. The holder of a limited resident's license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.
- (B) Upon payment of one hundred one dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

- (C) (1) As used in this division:
- (a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general dentistry, that is designed to improve the clinical skills of a dentist by requiring the dentist to participate in clinical exercises on patients.
  - (b) "Director" means the person responsible for the operation of a practicum.
- (2) Upon payment of one hundred one dollars and application endorsed by the director of a continuing dental education practicum, the board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited dental college, and is registered to participate in the endorsing practicum. The determination of whether a dentist is in good standing shall be made by the board. A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted. Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.
- (3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code. A temporary limited continuing education license shall be valid only when the dentist is participating in the endorsing continuing dental education practicum and shall expire at the end of one year. If the dentist fails to complete the endorsing practicum in one year, the board may, upon the dentist's application and payment of a fee of seventy-five dollars, renew the temporary limited continuing education license for a consecutive one-year period. Only two renewals may be granted. The holder of a temporary limited continuing education license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.
- (D) The board shall act either to approve or to deny any application for a limited license pursuant to division (A), (B), or (C) of this section not later than sixty days of the date the board receives the application.

*Effective Date: 10-29-2003*

#### **4715.17 LICENSE TO BE DISPLAYED.**

Each person who engages in the practice of dentistry shall keep displayed in a conspicuous place in the office wherein he practices the majority of his time, and in such manner as to be easily seen and read, the license granted him by the state dental board.

*Effective Date: 10-01-1953*

#### **4715.18 PRACTICE NAME.**

No person shall practice or offer to practice dentistry or dental surgery under the name of any company, association, or corporation except a corporation-for-profit formed under Chapter 1701. of the Revised Code or a professional association established under Chapter 1785. of the Revised Code, or under the name of any other entity except a limited liability company formed under Chapter 1705. of the Revised Code, and any person practicing or offering to practice dentistry or dental surgery shall do so under his name or the name of a professional association, professional partnership, corporation-for-profit, or limited liability company that includes his name.

*Effective Date: 07-01-1994*

**4715.19 EMPLOYMENT OF UNLICENSED DENTIST UNLAWFUL - MISREPRESENTATION, IMPERSONATION, OR FALSE APPLICATION UNLAWFUL.**

No person, being a manager, proprietor, operator, or conductor of a place for performing dental operations, shall employ a person who is not a licensed dentist to perform dental operations or shall permit such person to practice dentistry in his office. No person shall practice dentistry under a false name, assume a title, append or prefix to his name, letters which falsely represent him as having a degree from a legal dental college, make use of the words "dental college" or "school" or equivalent words, when not lawfully authorized to do so, impersonate another at an examination held by the state dental board, or knowingly make a false application or a false representation in connection with such examination.

*Effective Date: 10-01-1953*

**DENTAL HYGIENISTS; LICENSING AND REGISTRATION**

**4715.20 LICENSE REQUIRED TO PRACTICE AS DENTAL HYGIENIST.**

No person shall practice as a dental hygienist except a licensed dentist or one who has obtained a license from the state dental board to practice as a dental hygienist.

*Effective Date: 10-01-1953*

**4715.21 LICENSE APPLICATION.**

Each person who desires to practice as a dental hygienist shall file with the secretary of the state dental board a written application for a license, under oath, upon the form prescribed. Such applicant shall furnish satisfactory proof of being at least eighteen years of age and of good moral character. An applicant shall present a diploma or certificate of graduation from an accredited dental hygiene school and shall pay the examination fee of ninety-six dollars if the license is issued in an odd-numbered year or one hundred forty-seven dollars if issued in an even-numbered year. Those passing such examination as the board prescribes relating to dental hygiene shall receive a certificate of registration entitling them to practice. If an applicant fails to pass the first examination the applicant may apply for a re-examination at the next regular or special examination meeting of the board.

No applicant shall be admitted to more than two examinations without first presenting satisfactory proof that the applicant has successfully completed such refresher courses in an accredited dental hygiene school as the state dental board may prescribe.

An accredited dental hygiene school shall be one accredited by the American dental association commission on dental accreditation or whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

*Effective Date: 09-05-2001; 8/31/2010*

**4715.22 SUPERVISION OF LICENSED DENTIST.**

- (A) (1) This section applies only when a licensed dental hygienist is not practicing under a permit issued pursuant to section 4715.363 of the Revised Code authorizing practice under the oral health access supervision of a dentist.
- (2) As used in this section, "health care facility" means either of the following:
  - (a) A hospital registered under section 3701.07 of the Revised Code;
  - (b) A "home" as defined in section 3721.01 of the Revised Code.
- (B) A licensed dental hygienist shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter. A dental hygienist may practice in a dental office, public or private school, health care facility, dispensary, or public institution. Except as provided in divisions (C) to (E) of this section, a dental hygienist may not provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the dental hygienist is practicing.
- (C) A dental hygienist may provide, for not more than fifteen consecutive business days, dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if all of the following requirements are met:
  - (1) The dental hygienist has at least one year and a minimum of one thousand five hundred hours of experience in the practice of dental hygiene.
  - (2) The dental hygienist has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies.
  - (3) The dental hygienist complies with written protocols the supervising dentist establishes for emergencies.

- (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.
- (5) The supervising dentist has evaluated the dental hygienist's skills.
- (6) The supervising dentist examined the patient not more than one year prior to the date the dental hygienist provides the dental hygiene services to the patient.
- (7) The dental hygienist complies with written protocols or written standing orders that the supervising dentist establishes.
- (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.
- (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.
- (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.
- (11) The dental hygienist is employed by, or under contract with, one of the following:
  - (a) The supervising dentist;
  - (b) A dentist licensed under this chapter who is one of the following:
    - (i) The employer of the supervising dentist;
    - (ii) A shareholder in a professional association formed under Chapter 1785. of the Revised Code of which the supervising dentist is a shareholder;
    - (iii) A member or manager of a limited liability company formed under Chapter 1705. of the Revised Code of which the supervising dentist is a member or manager;
    - (iv) A shareholder in a corporation formed under division (B) of section 1701.03 of the Revised Code of which the supervising dentist is a shareholder;
    - (v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee.
  - (c) A government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers.
- (D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met:
  - (1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.
  - (2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated.
  - (3) (a) Except as provided in division (D)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan.  
 (b) The requirement in division (D)(3)(a) of this section does not apply when the only service to be provided by the dental hygienist is the placement of pit and fissure sealants.
- (E) A dental hygienist may apply fluoride varnish, apply desensitizing agents, and discuss general nonmedical nutrition information for the purpose of maintaining good oral health when the supervising dentist is not physically present at the location where the services are provided, regardless of whether the dentist has examined the patient, if the dental hygienist is employed by, or under contract with, the supervising dentist or another person or government entity specified in division (C)(11)(b) or (c) of this section.  
 As used in this division, "general nonmedical nutrition information" means information on the following: principles of good nutrition and food preparation, food to be included in the normal daily diet, the essential nutrients needed by the body, recommended amounts of the essential nutrients, the actions of nutrients on the body, the effects of deficiencies or excesses of nutrients, or food and supplements that are good sources of essential nutrients.
- (F) No person shall do either of the following:
  - (1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist;

- (2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.
- (G) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence of the supervising dentist pursuant to division (C) or (D) of this section. The board shall not identify recementation of temporary crowns or recementation of crowns with temporary cement as such procedures.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015  
Effective Date: 03-22-1999; 08-06-2008; 8/31/2010; 9/29/2013*

#### **4715.23 PRACTICE LIMITATIONS.**

The practice of a dental hygienist shall consist of those prophylactic, preventive, and other procedures that licensed dentists are authorized by this chapter and rules of the dental board to assign only to licensed dental hygienists or to qualified personnel under section 4715.39 of the Revised Code.

Licensed dentists may assign to dental hygienists intraoral tasks that do not require the professional competence or skill of the licensed dentist and that are authorized by board rule. Such performance of intraoral tasks by dental hygienists shall be under supervision and full responsibility of the licensed dentist, and at no time shall more than four dental hygienists be practicing clinical hygiene under the supervision of the same dentist. The foregoing shall not be construed as authorizing the assignment of diagnosis, treatment planning and prescription (including prescriptions for drugs and medicaments or authorizations for restorative, prosthodontic, or orthodontic appliances); or, except when done in conjunction with the removal of calcareous deposits, dental cement, or accretions on the crowns and roots of teeth, surgical procedures on hard and soft tissues within the oral cavity or any other intraoral procedure that contributes to or results in an irremediable alteration of the oral anatomy; or the making of final impressions from which casts are made to construct any dental restoration.

The state dental board shall issue rules defining the procedures that may be performed by licensed dental hygienists engaged in school health activities or employed by public agencies.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015  
Effective Date: 10-29-2003*

#### **4715.231 ADMINISTRATION OF LOCAL ANESTHESIA BY DENTAL HYGIENIST.**

- (A) As used in this section, "direct supervision" means a dentist licensed under this chapter is present, for purposes of consultation and direction, at the location where a dental hygienist performs the administration of local anesthesia to a patient. "Direct supervision" does not mean that the dentist must observe the administration of local anesthesia to a patient.
- (B) Under the direct supervision of a dentist, a dental hygienist may administer intraoral block and infiltration local anesthesia to a patient if the dental hygienist is in compliance with division (D) of this section and either of the following is the case:
- (1) The dental hygienist has met both of the following requirements:
    - (a) Successfully completed 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;
    - (b) Within eighteen months of completion of the anesthesia course, successfully passed a state or regional written examination on local anesthesia approved by the board.
  - (2) The dental hygienist is authorized to administer local anesthesia by another state's licensing authority with jurisdiction over the practice of dental hygiene and both of the following conditions are met:
    - (a) The dental hygienist was required by the licensing authority of the other state to complete, and the dental hygienist successfully completed, a course or instruction as a requirement to be authorized to administer local anesthesia.
    - (b) Either of the following applies:
      - (i) The required hours and content of the course or instruction described in division (B)(2)(a) of this section are substantially equivalent, as determined by the board, to the required hours and content of the course described in division (C) of this section.
      - (ii) The board determines that the required hours and content of the course or instruction described in division (B)(2)(a) of this section are not substantially equivalent to the required hours and content of the course described in division (C) of this section, but the dental hygienist submits evidence satisfactory to the board that the dental hygienist obtained, within the forty-eight months immediately preceding the date that the dental hygienist applied under section 4715.21 of the Revised Code for a license to practice as a dental hygienist, twenty-four consecutive months of experience in the administration of local anesthesia in the other state where the dental hygienist is authorized to administer local anesthesia.

- (C) To be approved by the board, the local anesthesia administration course described in division (B)(1)(a) of this section must contain not less than fifteen hours of didactic instruction and not less than fourteen hours of clinical experience and include instruction on each of the following subjects:
- (1) Theory of pain control;
  - (2) Selection of pain control modalities;
  - (3) Anatomy;
  - (4) Neurophysiology;
  - (5) Pharmacology of local anesthetics;
  - (6) Pharmacology of vasoconstrictors;
  - (7) Psychological aspects of pain control;
  - (8) Systemic complications;
  - (9) Techniques of maxillary and mandibular anesthesia taught by a dentist or other qualified instructor;
  - (10) Infection control;
  - (11) Local anesthesia medical emergencies.
- (D) A dental hygienist may administer local anesthesia only if the dental hygienist has obtained current certification to perform basic cardiac life-support procedures as required by section 4715.251 of the Revised Code.

*Effective Date: 05-12-2006; 8/31/2010*

#### **4715.24 REGISTRATION - NOTICE OF CHANGE OF ADDRESS.**

- (A) Each person who is licensed to practice as a dental hygienist in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board, unless the person is temporarily retired pursuant to section 4715.241 of the Revised Code. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of one hundred fifteen dollars. This fee shall be paid to the treasurer of state. All such registrations shall be in effect for the two-year period beginning on the first day of January of each even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. The failure of a licensee to renew registration in accordance with this section shall result in the automatic suspension of the licensee's license to practice as a dental hygienist, unless the licensee is temporarily retired pursuant to section 4715.241 of the Revised Code.
- (B) Any dental hygienist whose license has been automatically suspended under this section may be reinstated on application to the board on a form prescribed by the board for licensure reinstatement and payment of the biennial registration fee and in addition thereto thirty-one dollars to cover the costs of reinstatement.
- (C) The license of a dental hygienist shall be exhibited in a conspicuous place in the room in which the dental hygienist practices. Each dental hygienist licensed to practice, whether a resident or not, shall notify the secretary in writing or electronically of any change in the dental hygienist's office address or employment within ten days after the change takes place.
- (D) Ten dollars of each biennial registration fee collected under division (A) or (B) of this section shall be paid to the dental hygienist loan repayment fund established under section 3702.967 of the Revised Code.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015*

*Effective Date: 10-29-2003; 8/31/2010*

#### **4715.241 DENTAL HYGIENIST; NOTICE OF TEMPORARY RETIREMENT.**

- (A) As used in this section and sections 4715.242 and 4715.25 of the Revised Code, "registration period" means the two-year period during which a dental hygienist's registration is in effect under section 4715.24 of the Revised Code.
- (B) A dental hygienist seeking to retire temporarily from the practice of dental hygiene shall provide written notice of that intent to the state dental board. Except as provided in division (C) of this section, the board shall grant temporary retirement if the dental hygienist has paid the registration fee required by section 4715.24 of the Revised Code for the registration period that includes the day immediately before the day that the temporary retirement is to begin. The license of a dental hygienist who is granted temporary retirement shall be inactive.

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

*Effective Date: 8/31/2010*

#### **4715.242 REINSTATEMENT.**

- (A) A dental hygienist who is temporarily retired pursuant to section 4715.241 of the Revised Code may submit a written request to the state dental board at any time for reinstatement of the dental hygienist's license. The board shall reinstate the license if the dental hygienist does both of the following:
- (1) Pays the biennial registration fee established under section 4715.24 of the Revised Code for the period that includes the day on which the temporary retirement is to cease;
  - (2) Provides the board satisfactory evidence that the dental hygienist, during the two-year period immediately preceding the date that the dental hygienist submitted the written request for license reinstatement, completed a minimum of twenty-four hours of continuing dental hygiene education in accordance with division (B) of this section.
- (B) The completion of continuing dental hygiene education required under division (A)(2) of this section is subject to division (D) of section 4715.25 of the Revised Code. The continuing education programs may be developed and offered to dental hygienists by any of the agencies or organizations described in division (C) of section 4715.25 of the Revised Code. The board may excuse dental hygienists, as a group or as individuals, from all or any part of the requirements of division (A)(2) of this section because of an unusual circumstance, emergency, or special hardship.
- (C) The state dental board shall register each dental hygienist whose license is reinstated under this section. The registration expires at the end of the registration period during which the license is reinstated.

*Effective Date: 8/31/2010*

#### **4715.25 CONTINUING EDUCATION.**

- (A) Every person licensed to practice as a dental hygienist and required to register with the state dental board shall certify to the board at the time of applying for a renewal of registration that in the two-year period preceding the registration period for which renewal is sought the registrant completed a minimum of twenty-four hours of continuing dental hygiene education. Certification shall be made upon the application for registration prescribed by the board pursuant to section 4715.24 of the Revised Code.
- (B) (1) The board shall apply toward the satisfaction of a registrant's continuing dental hygiene education requirement any of the following courses that the registrant completed:
- (a) The basic life-support training course required by section 4715.251 of the Revised Code;
  - (b) Any course required by statute or rule of the board for registration;
  - (c) Any course required by statute or rule of the board as a condition of performing a particular function;
  - (d) Any other course that the board determines acceptable.
- (2) In the case of a registrant whose license was reinstated under section 4715.242 of the Revised Code, the board shall apply toward the satisfaction of the registrant's continuing dental hygiene education requirement any course that the board applied toward the continuing dental hygiene education requirement for reinstatement of the license if the course was completed during the two-year period immediately preceding the registration period for which renewal is sought.
- (C) Continuing education programs may be developed and offered to dental hygienists by any of the following agencies or organizations:
- (1) National, state, district, or local dental hygienists' associations affiliated with the American dental hygienists' association;
  - (2) National, state, district, or local dental associations affiliated with the American dental association or national dental association;
  - (3) Accredited dental hygiene colleges or schools;
  - (4) Accredited dental colleges or schools;
  - (5) Other organizations, schools, paraprofessional programs, or agencies approved by the state dental board.
- (D) A licensed dental hygienist shall retain in the dental hygienist's records for a period of at least four years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With cause, the board may request such documentation from licensed dental hygienists, and the board may request such documentation from licensed dental hygienists at random without cause.
- (E) The board may excuse licensed dental hygienists, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.

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

*Effective Date: 01-01-1992; 8/31/2010*

#### **4715.251 COMPLETION OF BASIC LIFE-SUPPORT TRAINING COURSE.**

Each person licensed to practice as a dental hygienist and required to register with the state dental board shall, each time the person applies for renewal of registration beginning in 1995, be currently certified to perform basic life-support procedures by having successfully completed a basic life-support training course certified by the American red cross, the American heart association, or, if determined equivalent by the board, the American safety and health institute. An applicant for renewal of registration shall certify on the application for renewal of registration prescribed by the board under section 4715.24 of the Revised Code that the applicant possesses the certification required by this section. The board shall, not later than one hundred eighty days after the effective date of this amendment, determine whether basic life-support training certified by the American safety and health institute meets national standards. The board shall compare the training certified by the institute with the training certified by the American red cross and the American heart association and the training of instructors certified by the institute to the training of instructors certified by the American red cross and the American heart association. If the board determines that the training certified by the American safety and health institute meets national standards and is equivalent to the training certified by the American red cross and the American heart association, the board shall accept training certified by the American safety and health institute in fulfillment of the requirements of this section.

*Effective Date: 11-12-1992; 09-29-2007*

#### **4715.26 RECORD OF DENTAL HYGIENISTS AND LOCATION.**

The secretary of the state dental board shall keep a record of all dental hygienists, together with location and supervising dentist.

*Effective Date: 10-01-1953*

#### **4715.27 RECIPROCITY.**

The state dental board may issue a license to an applicant who furnishes satisfactory proof of being at least eighteen years of age, of good moral character and who demonstrates, to the satisfaction of the board, knowledge of the laws, regulations, and rules governing the practice of a dental hygienist; who proves, to the satisfaction of the board, intent to practice as a dental hygienist in this state; who is a graduate from an accredited school of dental hygiene and who holds a license by examination from a similar dental board, and who passes an examination as prescribed by the board relating to dental hygiene. Upon payment of fifty-eight dollars and upon application endorsed by an accredited dental hygiene school in this state, the state dental board may without examination issue a teacher's certificate to a dental hygienist, authorized to practice in another state or country. A teacher's certificate shall be subject to annual renewal in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code, and shall not be construed as authorizing anything other than teaching or demonstrating the skills of a dental hygienist in the educational programs of the accredited dental hygiene school which endorsed the application.

*Effective Date: 09-05-2001*

#### **4715.28 PROHIBITED ACTS.**

No person shall practice as or perform the duties of a dental hygienist in violation of sections 4715.20 to 4715.27, inclusive, of the Revised Code. Whoever violates this section shall be guilty of a misdemeanor and shall be subject to the penalties provided for the illegal practice of dentistry in section 4715.99 of the Revised Code.

*Effective Date: 11-14-1969*

#### **4715.29 EMPLOYMENT OF DENTAL HYGIENIST.**

No person shall employ a dental hygienist who has not complied with sections 4715.20 to 4715.27, inclusive, of the Revised Code.

*Effective Date: 10-01-1953*

## DISCIPLINARY ACTIONS

### 4715.30 DISCIPLINARY ACTIONS

- (A) An applicant for or holder of a certificate or license issued under this chapter is subject to disciplinary action by the state dental board for any of the following reasons:
- (1) Employing or cooperating in fraud or material deception in applying for or obtaining a license or certificate;
  - (2) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;
  - (3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;
  - (4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
  - (5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
  - (6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice;
  - (7) Engaging in lewd or immoral conduct in connection with the provision of dental services;
  - (8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;
  - (9) 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;
  - (10) 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;
  - (11) Violation of any provision of this chapter or any rule adopted thereunder;
  - (12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;
  - (13) Except as provided in division (H) of this section, either of the following:
    - (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;
    - (b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay.
  - (14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;
  - (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;
  - (16) Failure to cooperate in an investigation conducted by the board under division (D) of section 4715.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;
  - (17) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code.

- (B) A manager, proprietor, operator, or conductor of a dental facility shall be subject to disciplinary action if any dentist, dental hygienist, expanded function dental auxiliary, or qualified personnel providing services in the facility is found to have committed a violation listed in division (A) of this section and the manager, proprietor, operator, or conductor knew of the violation and permitted it to occur on a recurring basis.
- (C) Subject to Chapter 119. of the Revised Code, the board may take one or more of the following disciplinary actions if one or more of the grounds for discipline listed in divisions (A) and (B) of this section exist:
- (1) Censure the license or certificate holder;
  - (2) Place the license or certificate on probationary status for such period of time the board determines necessary and require the holder to:
    - (a) Report regularly to the board upon the matters which are the basis of probation;
    - (b) Limit practice to those areas specified by the board;
    - (c) Continue or renew professional education until a satisfactory degree of knowledge or clinical competency has been attained in specified areas.
  - (3) Suspend the certificate or license;
  - (4) Revoke the certificate or license.

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

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

- (D) If the physical or mental condition of an applicant or a license or certificate holder is at issue in a disciplinary proceeding, the board may order the license or certificate holder to submit to reasonable examinations by an individual designated or approved by the board and at the board's expense. The physical examination may be conducted by any individual authorized by the Revised Code to do so, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.
- Failure to comply with an order for an examination shall be grounds for refusal of a license or certificate or summary suspension of a license or certificate under division (E) of this section.

- (E) If a license or certificate 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 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 individual's certificate or license under this division shall be considered practicing without a certificate or license. The board shall notify the suspended individual of the suspension of the individual's certificate or license under this division by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate or license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the individual's certificate or license.
- (G) If the supervisory investigative panel determines both of the following, the panel may recommend that the board suspend an individual's certificate or license without a prior hearing:

- (1) That there is clear and convincing evidence that an individual has violated division (A) of this section;
- (2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four dentist members of the board and seven of its members in total, excluding any

member on the supervisory investigative panel, may suspend a certificate or license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

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

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

- (H) Sanctions shall not be imposed under division (A)(13) of this section against any certificate or license holder who waives deductibles and copayments as follows:
- (1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.
  - (2) For professional services rendered to any other person who holds a certificate or license issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.
- (I) In no event shall the board consider or raise during a hearing required by Chapter 119. of the Revised Code the circumstances of, or the fact that the board has received, one or more complaints about a person unless the one or more complaints are the subject of the hearing or resulted in the board taking an action authorized by this section against the person on a prior occasion.
- (J) The board may share any information it receives pursuant to an investigation under division (D) of section 4715.03 of the Revised Code, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

*Amended by 130th General Assembly File No. TBD, SB 276, §3, eff. 4/1/2015*

*Amended by 130th General Assembly File No. TBD, HB 394, §3, eff. 4/1/2015*

*Amended by 130th General Assembly File No. TBD, HB 341, §1, eff. 4/1/2015*

*Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 4/1/2015*

*Amended by 130th General Assembly File No. TBD, SB 276, §1, eff. 3/19/2015*

*Amended by 130th General Assembly File No. TBD, HB 394, §1, eff. 3/19/2015*

*Effective Date: 03-13-2003; 05-12-2006; 9/13/2010; 5/20/2011; 3/13/2013; 9/17/2014*

#### **4715.301 STANDARDS FOR APPROVING AND DESIGNATING PHYSICIANS AND FACILITIES AS TREATMENT PROVIDERS FOR DENTISTS OR DENTAL HYGIENISTS WITH SUBSTANCE ABUSE PROBLEMS**

The state dental board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for approving and designating physicians and facilities as treatment providers for dentists or dental hygienists with substance abuse problems and shall approve and designate treatment providers in accordance with the rules. The rules shall include standards for both inpatient and outpatient treatment. The rules shall provide that to be approved, a treatment provider must be capable of making an initial examination to determine the type of treatment required for a dentist or dental hygienist with substance abuse problems. Subject to the rules, the board shall review and approve treatment providers on a regular basis and may, at its discretion, withdraw or deny approval.

An approved treatment provider shall:

- (A) Report to the board the name of any dentist or dental hygienist suffering or showing evidence of suffering inability to practice under accepted standards as described in division (A)(10) of section 4715.30 of the Revised Code who fails to comply within one week with a referral for examination;

- (B) Report to the board the name of any impaired dentist or dental hygienist who fails to enter treatment within forty-eight hours following the provider's determination that treatment is needed;
  - (C) Require every dentist or dental hygienist who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;
  - (D) Require a dentist or dental hygienist to suspend practice on entering any required inpatient treatment;
  - (E) Report to the board any failure by an impaired dentist or dental hygienist to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;
  - (F) Report to the board the resumption of practice of any impaired dentist or dental hygienist before the treatment provider has made a clear determination that the individual is capable of practicing according to accepted standards of the profession;
  - (G) Require a dentist or dental hygienist who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers;
  - (H) Report to the board any dentist or dental hygienist who suffers a relapse at any time during or following aftercare.
- Any dentist or dental hygienist who enters into treatment by an approved treatment provider shall be deemed to have waived any confidentiality requirements that would otherwise prevent the treatment provider from making reports required under this section.

In the absence of fraud or bad faith, no professional association of dentists or dental hygienists licensed under this chapter that sponsors a committee or program to provide peer assistance to dentists or dental hygienists with substance abuse problems, no representative or agent of such a committee or program, and no member of the state dental board shall be liable to any person for damages in a civil action by reason of actions taken to refer a dentist or dental hygienist to a treatment provider designated by the board or actions or omissions of the provider in treating a dentist or dental hygienist.

In the absence of fraud or bad faith, no person who reports to the board a dentist or dental hygienist with a suspected substance abuse problem shall be liable to any person for damages in a civil action as a result of making the report.

*Effective Date: 03-27-1991; 3/13/2013*

#### **4715.302 DENTIST'S REVIEW OF PATIENT INFORMATION AVAILABLE THROUGH DRUG DATABASE**

- (A) As used in this section :
  - (1) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.
  - (2) "Opioid analgesic" and "benzodiazepine" have the same meanings as in section 3719.01 of the Revised Code.
- (B) Except as provided in divisions (C) and (E) of this section, a dentist shall comply with all of the following as conditions of prescribing a drug that is either an opioid analgesic or a benzodiazepine, or personally furnishing a complete or partial supply of such a drug, as part of a patient's course of treatment for a particular condition:
  - (1) Before initially prescribing or furnishing the drug, the dentist or the dentist's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the dentist practices primarily in a county of this state that adjoins another state, the dentist or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.
  - (2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the dentist or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.
  - (3) On receipt of a report under division (B)(1) or (2) of this section, the dentist shall assess the information in the report. The dentist shall document in the patient's record that the report was received and the information was assessed.
- (C)
  - (1) Division (B) of this section does not apply if a drug database report regarding the patient is not available. In this event, the dentist shall document in the patient's record the reason that the report is not available.
  - (2) Division (B) of this section does not apply if the drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days.
- (D) The state dental board may adopt rules that establish standards and procedures to be followed by a dentist regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) This section and any rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database.

*Amended by 130th General Assembly File No. TBD, SB 276, §3, eff. 4/1/2015*

*Amended by 130th General Assembly File No. TBD, HB 394, §3, eff. 4/1/2015*

*Amended by 130th General Assembly File No. TBD, HB 341, §1, eff. 4/1/2015*

*Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 4/1/2015*

*Added by 129th General Assembly File No. 19, HB 93, §1, eff. 5/20/2011; 3/13/2013*

#### **4715.32 USING DIPLOMA OR LICENSE WITH INTENT TO DEFRAUD.**

No person shall sell or offer to sell a diploma conferring a dental degree or a license granted by the state dental board, or shall procure such diploma or license with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one upon whom such diploma was conferred, or to whom such license was granted. No person shall alter such diploma or license, with fraudulent intent, or use or attempt to use such altered diploma or license when so altered.

*Effective Date: 10-01-1953*

### **EXEMPTIONS**

#### **4715.33 STUDENTS EXEMPTED.**

Sections 4715.01 to 4715.35 of the Revised Code do not apply to a bona fide student of dentistry when he is participating in any of the educational programs of an accredited dental college. Sections 4715.23 to 4715.30 of the Revised Code do not apply to a bona fide dental hygiene student when he is participating in any of the educational programs of an accredited dental hygiene school. A licensed dentist or a dentist holding a teaching certificate shall be physically present in the facility whenever students of dentistry or dental hygiene are performing clinical dental procedures on patients.

*Effective Date: 03-15-1982*

#### **4715.34 PROVISIONS NOT APPLICABLE TO PHYSICIANS AND SURGEONS - EXCEPTION.**

Sections 4715.01 to 4715.35, inclusive, of the Revised Code do not apply to a legally qualified physician or surgeon unless he practices dentistry as a specialty, or to a dental surgeon of the United States army, navy, public health service, or veterans' administration; or to a legal practitioner of dentistry of another state, making a clinical demonstration before a dental society, convention, association of dentists, or dental college.

*Effective Date: 10-01-1953*

#### **4715.35 PAYMENT OF FINES AND FORFEITURES.**

All fines or forfeitures of bond in an action for violation of sections 4715.01 to 4715.35 of the Revised Code shall be paid by the court receiving it to the secretary of the state dental board for deposit into the state treasury to the credit of the occupational licensing and regulatory fund.

*Effective Date: 09-29-1997*

### **ORAL HEALTH ACCESS SUPERVISION PROGRAM**

#### **4715.36 DEFINITIONS.**

As used in this section and sections 4715.361 to 4715.374 of the Revised Code:

- (A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.
- (B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.
- (C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.
- (D) "Dentist" means an individual licensed under this chapter to practice dentistry.
- (E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.
- (F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is

anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(4) of section 4715.22 of the Revised Code.

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

- (1) A health care facility, as defined in section 4715.22 of the Revised Code;
- (2) A state correctional institution, as defined in section 2967.01 of the Revised Code;
- (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;
- (4) A residential facility licensed under section 5123.19 of the Revised Code;
- (5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;
- (6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;
- (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;
- (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;
- (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;
- (10) A foster home, as defined in section 5103.02 of the Revised Code;
- (11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;
- (12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 5101.61 of the Revised Code;
- (13) A dispensary;
- (14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;
- (15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;
- (16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;
- (17) A women, infants, and children clinic;
- (18) A mobile dental unit located at any location listed in divisions (G)(1) to (17) of this section;
- (19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.

*Effective Date: 8/31/2010; 9/29/2013*

#### **4715.361 ORAL HEALTH ACCESS SUPERVISION PROGRAM.**

The oral health access supervision program is hereby created. The program shall begin six months after the effective date of this section.

*Effective Date: 8/31/2010*

#### **4715.362 APPLICATION FOR PERMIT; DENTIST.**

A dentist who desires to participate in the oral health access supervision program shall apply to the state dental board for an oral health access supervision permit. The application shall be under oath, on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code, and accompanied by an application fee of twenty dollars. To be eligible to receive the permit, an applicant shall meet the requirements established by the board in rules adopted under section 4715.372 of the Revised Code.

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

*Effective Date: 8/31/2010*

#### **4715.363 APPLICATION FOR PERMIT; DENTAL HYGIENIST.**

(A) A dental hygienist who desires to participate in the oral health access supervision program shall apply to the state dental board for a permit to practice under the oral health access supervision of a dentist. The application shall be under oath, on a

form prescribed by the board in rules adopted under section 4715.372 of the Revised Code, and accompanied by an application fee of twenty dollars, which may be paid by personal check or credit card.

- (B) The applicant shall provide evidence satisfactory to the board that the applicant has done all of the following:
- (1) Completed at least one year and attained a minimum of one thousand five hundred hours of experience in the practice of dental hygiene;
  - (2) Completed at least twenty-four hours of continuing dental hygiene education during the two years prior to submission of the application;
  - (3) Completed a course pertaining to the practice of dental hygiene under the oral health access supervision of a dentist that meets standards established in rules adopted under section 4715.372 of the Revised Code;
  - (4) Completed, during the two years prior to submission of the application, a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course described in division (C)(2) of section 4715.22 of the Revised Code.
- (C) The state dental board shall issue a permit to practice under the oral health access supervision of a dentist to a dental hygienist who is in good standing with the board and meets all of the requirements of divisions (A) and (B) of this section.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015  
Effective Date: 8/31/2010*

#### **4715.364 PERMIT REQUIRED.**

- (A) No person shall authorize a dental hygienist to provide dental hygiene services under section 4715.365 of the Revised Code unless the person holds a current, valid oral health access supervision permit issued under section 4715.362 of the Revised Code.
- (B) No person shall provide dental hygiene services under section 4715.365 of the Revised Code unless the person holds a current, valid permit issued under section 4715.363 of the Revised Code to practice under the oral health access supervision of a dentist.

*Effective Date: 8/31/2010*

#### **4715.365 AUTHORITY UNDER PERMIT.**

- (A) A dentist who holds a current, valid oral health access supervision permit issued under section 4715.362 of the Revised Code may authorize a dental hygienist who holds a current, valid permit issued under section 4715.363 of the Revised Code to perform dental hygiene services at a facility when no dentist is physically present if all of the following conditions are met:
- (1) The authorizing dentist's authorization is in writing and includes, at a minimum, all of the following:
    - (a) The authorizing dentist's name and permit number;
    - (b) The dental hygienist's name and permit number;
    - (c) The patient's name;
    - (d) The name and address of the location where the dental hygiene services are to be provided;
    - (e) The date of authorization;
    - (f) A statement, signed by the dental hygienist, that the hygienist agrees to comply with section 4715.366 of the Revised Code.
  - (2) The authorizing dentist has personally evaluated the dental hygienist's skills prior to authorizing the dental hygienist to provide the dental hygiene services.
  - (3) Prior to authorizing the dental hygienist to perform the dental hygiene services, the patient's medical and dental history is made available to the authorizing dentist and the authorizing dentist reviews and evaluates the history and determines that the patient may safely receive dental hygiene services.
  - (4) Immediately prior to the provision of dental hygiene services, the patient or patient's representative verifies, by the signature or mark of the patient or representative, that no medically significant changes to the patient's medical or dental history have occurred since the authorizing dentist most recently reviewed and evaluated the history and determined that the patient could safely receive dental hygiene services. The signature or mark may be provided through reasonable accommodation, including the use of assistive technology or augmentative devices.
  - (5) Prior to receiving dental hygiene services, the patient and the operator of the facility where the dental hygiene services are to be provided are notified that no dentist will be present at the location and that the dental hygienist is prohibited from doing either of the following:
    - (a) Diagnosing the patient's oral health care status;

- (b) Providing dental hygiene services to the same patient on a subsequent occasion until the patient has received a clinical evaluation performed by a dentist, except in instances described in division (D)(2) of this section.
- (6) The dental hygienist is employed by, or under contract with, one of the following:
  - (a) The authorizing dentist;
  - (b) A dentist who is any of the following:
    - (i) The authorizing dentist's employer;
    - (ii) A shareholder in a professional association, formed under Chapter 1785. of the Revised Code, of which the authorizing dentist is a shareholder;
    - (iii) A member or manager of a limited liability company, formed under Chapter 1705. of the Revised Code, of which the authorizing dentist is a member or manager;
    - (iv) A shareholder in a corporation, formed under division (B) of section 1701.03 of the Revised Code, of which the authorizing dentist is a shareholder;
    - (v) A partner or employee of a partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee;
    - (vi) A partner or employee of a limited liability partnership, formed under Chapter 1775. of the Revised Code, of which the authorizing dentist is a partner or employee.
  - (c) A government entity that employs the dental hygienist to provide dental hygiene services.
- (7) If the patient to whom the services are to be provided previously received dental hygiene services under this section, there is written evidence that the patient received a clinical evaluation after the most recent provision of those services.
- (B) No dentist shall authorize a dental hygienist to perform, and no dental hygienist shall perform, dental hygiene services on a patient under this section unless all of the conditions in division (A) of this section are met.
- (C) If a patient or patient's representative indicates, under division (A)(4) of this section, that a medically significant change has occurred in the patient's medical or dental history since the authorizing dentist's most recent review and evaluation of the medical and dental history required by division (A)(3) of this section, no dental hygiene services shall be provided under this section until the authorizing dentist completes another review and evaluation of the patient's medical and dental history. The authorizing dentist may complete the subsequent review and evaluation of the patient's medical and dental history by telephone, facsimile, electronic mail, video, or any other means of electronic communication.
- (D) (1) Except as provided in division (D)(2) of this section, no dentist shall authorize a dental hygienist to provide, and no dental hygienist shall provide, dental hygiene services under this section to the same patient on a subsequent occasion until the patient has received a clinical evaluation performed by a dentist.
- (2) Division (D)(1) of this section does not apply if the patient requires multiple visits to complete one or more procedures that could not be completed during the visit in which dental hygiene services were commenced. If the patient requires multiple visits to complete the one or more procedures that could not be completed during the visit in which dental hygiene services were commenced, the one or more procedures shall be completed not later than eight weeks after the visit in which the dental hygiene services were commenced.
- (E) No authorizing dentist shall authorize a dental hygienist to diagnose a patient's oral health care status. No dental hygienist practicing under a permit issued under section 4715.363 of the Revised Code to practice under the oral health access supervision of a dentist shall diagnose a patient's oral health care status.

*Effective Date: 8/31/2010*

#### **4715.366 COMPLIANCE WITH PROTOCOLS; APPOINTMENT WITH AUTHORIZING DENTIST.**

- (A) A dental hygienist providing dental hygiene services under a permit issued under section 4715.363 of the Revised Code to practice under the oral health access supervision of a dentist shall do both of the following:
  - (1) Comply with written protocols established by the authorizing dentist who authorizes the dental hygienist's provision of services and standing orders established by the authorizing dentist, including protocols and standing orders regarding emergencies and, for the purpose of section 4715.365 of the Revised Code, protocols regarding what constitutes a medically significant change to a patient's medical or dental history;
  - (2) Immediately following the completion of the dental hygiene services and subject to division (B) of this section, direct the patient to a dentist for a clinical evaluation and schedule or cause to be scheduled an appointment for the patient with a dentist.
- (B) For purposes of division (A)(2) of this section, the dental hygienist shall make every attempt to schedule the patient's appointment with the dentist not later than six months after the completion of the dental hygiene services. The dental hygienist shall provide the patient with a written notice of the appointment that includes, at a minimum, the dentist's name, address, and telephone number; the date and time of the appointment; and a statement of the dental hygiene services

performed by the hygienist. The notice shall be given to the patient or the patient's representative and one copy shall be given to the dentist.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015*  
*Effective Date: 8/31/2010*

**4715.367      MAXIMUM NUMBER OF PERMITTEES UNDER AUTHORIZING DENTIST.**

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

*Effective Date: 8/31/2010*

**4715.368      LIST OF LOCATIONS WHERE SERVICES ARE PROVIDED.**

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

*Effective Date: 8/31/2010*

**4715.369      EXPIRATION OF ORAL HEALTH ACCESS SUPERVISION PERMIT; RENEWAL.**

- (A) An oral health access supervision permit issued under section 4715.362 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance. A dentist who desires to renew a permit shall apply, under oath, to the state dental board on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code. At the time of application, the dentist shall pay a renewal fee of twenty dollars.
- (B) The board shall renew an oral health access supervision permit for a two-year period if the dentist submitted a complete application, paid the renewal fee, is in good standing with the board, and verified with the board all of the following:
  - (1) The locations at which dental hygienists have, under the dentist's authorization, provided services during the two years prior to submission of the renewal application;
  - (2) The number of patients treated, during the two years prior to submission of the renewal application, by each dental hygienist providing dental hygiene services under the dentist's authorization;
  - (3) For each number of patients provided under division (B)(2) of this section, the number of patients whom the dentist clinically evaluated following the provision of dental hygiene services by a dental hygienist.

*Effective Date: 8/31/2010*

**4715.37      EXPIRATION OF PERMIT TO PRACTICE UNDER DENTIST'S SUPERVISION; RENEWAL.**

- (A) A permit to practice under the oral health access supervision of a dentist issued under section 4715.363 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance. A dental hygienist who desires to renew a permit to practice under the oral health access supervision of a dentist shall apply, under oath, to the state dental board on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code. At the time of application, the dental hygienist shall pay a renewal fee of twenty dollars.
- (B) The state dental board shall renew a permit for a two-year period if the dental hygienist submitted a complete application, paid the renewal fee, is in good standing with the board, and has verified with the board both of the following:
  - (1) The locations at which the hygienist has provided dental hygiene services under a permit to practice under the oral health access supervision of a dentist;
  - (2) The number of patients that the hygienist has treated under a permit during the two years prior to submission of the renewal application.

*Effective Date: 8/31/2010*

**4715.371 DIRECTORY OF PERMIT HOLDERS.**

The state dental board shall develop and publish on its internet web site a directory containing the names and contact information, including electronic mail addresses, of dentists and dental hygienists who hold current, valid permits issued under sections 4715.362 and 4715.363 of the Revised Code.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015  
Effective Date: 8/31/2010*

**4715.372 ADOPTION OF RULES; COURSE STANDARDS.**

(A) The state dental board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the oral health access supervision program, including rules that do all of the following:

- (1) For the purpose of division (G)(19) of section 4715.36 of the Revised Code, designate additional facilities at which a dental hygienist may be authorized to perform dental hygiene services under the oral health access supervision program;
- (2) For the purpose of section 4715.362 of the Revised Code, prescribe the application form and requirements for obtaining an oral health access supervision permit;
- (3) For the purpose of section 4715.363 of the Revised Code, prescribe the application form for a permit to practice as a dental hygienist under the oral health access supervision of a dentist;
- (4) For the purpose of division (B)(3) of section 4715.363 of the Revised Code and subject to division (B) of this section, establish standards for the course in the practice of dental hygiene under oral health access supervision;
- (5) For the purpose of section 4715.369 of the Revised Code, prescribe the form for renewal of an oral health access supervision permit;
- (6) For the purpose of section 4715.37 of the Revised Code, prescribe the form for renewal of a permit to practice as a dental hygienist under the oral health access supervision of a dentist.

(C) The course in the practice of dental hygiene under oral health access supervision for which the board establishes standards under division (A)(4) of this section shall meet all of the following requirements:

- (1) Be eight hours in length;
- (2) Include, at a minimum, instruction in both of the following:
  - (a) The treatment of geriatric patients, medically compromised patients, developmentally disabled patients, and pediatric patients;
  - (b) Recordkeeping practices.
- (3) Be developed and offered by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board;
- (4) Include content that is separate and independent from the course content required for the completion of dental hygiene education from an accredited dental hygiene school.

*Effective Date: 8/31/2010; 9/29/2013*

**4715.373 AUTHORIZED ACTIVITIES.**

Nothing in sections 4715.36 to 4715.372 of the Revised Code authorizes any activity prohibited by this chapter or prohibited by a rule adopted under this chapter by the state dental board, including the activities prohibited by division (F) of section 4715.22 of the Revised Code and the activities prohibited or not authorized by section 4715.23 of the Revised Code.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015  
Effective Date: 8/31/2010*

**4715.374 SUSPENSION OR REVOCATION OF PERMIT.**

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

*Effective Date: 8/31/2010*

**4715.375 ANNUAL REPORTS.**

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

- (A) The number of dentists who applied for and were issued oral health access supervision permits under section 4715.362 of the Revised Code;
- (B) The number of dental hygienists who applied for and were issued permits to practice under the oral health access supervision of a dentist under section 4715.363 of the Revised Code;
- (C) The number of dentists who applied for and were granted renewal of oral health access supervision permits under section 4715.369 of the Revised Code;
- (D) The number of dental hygienists who applied for and were granted renewal of permits to practice under the oral health access supervision of a dentist under section 4715.37 of the Revised Code;
- (E) The number and geographic locations of facilities at which dental hygienists provided dental hygiene services under permits to practice under the oral health access supervision of a dentist;
- (F) The number of patients who received dental hygiene services from dental hygienists providing services under permits to practice under the oral health access supervision of a dentist;
- (G) The number of patients who received a clinical evaluation from a dentist following the provision of dental hygiene services under section 4715.365 of the Revised Code.

*Effective Date: 8/31/2010*

## MISCELLANEOUS PROVISIONS

**4715.38 FEES IN EXCESS OF STATUTORY AMOUNTS.**

The state dental board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in sections 4715.01 to 4715.99, inclusive, of the Revised Code, provided that such fees do not exceed the amount permitted by these sections by more than fifty per cent.

*Effective Date: 10-14-1963*

**4715.39 PERMITTED DUTIES.**

- (A) The state dental board may define the duties that may be performed by dental assistants and other individuals designated by the board as qualified personnel. If defined, the duties shall be defined in rules adopted in accordance with Chapter 119 of the Revised Code. The rules may include training and practice standards for dental assistants and other qualified personnel. The standards may include examination and issuance of a certificate. If the board issues a certificate, the recipient shall display the certificate in a conspicuous location in any office in which the recipient is employed to perform the duties authorized by the certificate.
- (B) A dental assistant may polish the clinical crowns of teeth if all of the following requirements are met:
  - (1) The dental assistant's polishing activities are limited to the use of a rubber cup attached to a slow-speed rotary dental hand piece to remove soft deposits that build up over time on the crowns of teeth.
  - (2) The polishing is performed only after a dentist has evaluated the patient and any calculus detected on the teeth to be polished has been removed by a dentist or dental hygienist.
  - (3) The dentist supervising the assistant supervises not more than two dental assistants engaging in polishing activities at any given time.
  - (4) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification.
  - (5) The dental assistant receives a certificate from the board authorizing the assistant to engage in the polishing activities. The board shall issue the certificate if the individual has successfully completed training in the polishing of clinical crowns through a program accredited by the American dental association commission on dental accreditation or equivalent training approved by the board. The training shall include courses in basic dental anatomy and infection control, followed by a course in coronal polishing that includes didactic, preclinical, and clinical training; any other training required by the board; and a skills assessment that includes successful completion of standardized testing. The board shall adopt rules pursuant to division (A) of this section establishing standards for approval of this training.
- (C) A dental assistant may apply pit and fissure sealants if all of the following requirements are met:

- (1) A dentist evaluates the patient and designates the teeth and surfaces that will benefit from the application of sealant on the day the application is to be performed.
  - (2) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification.
  - (3) The dental assistant has successfully completed a course in the application of sealants consisting of at least two hours of didactic instruction and six hours of clinical instruction through a program provided by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board.
  - (4) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants.
  - (5) Except as provided in division (D) or (E) of this section, the dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed.
- (D) (1) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification may provide, for not more than fifteen consecutive business days, all of the following services to a patient when the supervising dentist is not physically present at the location where the services are provided if the conditions specified in division (D)(2) of this section have been satisfied:
- (a) Recementation of temporary crowns or recementation of crowns with temporary cement;
  - (b) Application of fluoride varnish;
  - (c) Application of disclosing solutions;
  - (d) Application of desensitizing agents;
  - (e) Caries susceptibility testing;
  - (f) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss.
- (2) The conditions that must be satisfied before a dental assistant may provide the services specified in division (D)(1) of this section are all of the following:
- (a) The dental assistant has at least two years and a minimum of three thousand hours of experience practicing as a dental assistant.
  - (b) The dental assistant has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies.
  - (c) The supervising dentist has evaluated the dental assistant's skills.
  - (d) The supervising dentist examined the patient not more than one year prior to the date that the dental assistant provides the services to the patient.
  - (e) The supervising dentist has established written protocols or written standing orders for the dental assistant to follow during and in the absence of an emergency.
  - (f) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the dental assistant provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.
  - (g) The patient is notified, in advance of the appointment for services, that the supervising dentist will be absent from the location and that the dental assistant cannot diagnose the patient's dental health care status.
  - (h) The dental assistant is employed by, or under contract with, the supervising dentist, a dentist licensed under this chapter who meets one of the criteria specified in division (C)(11)(b) of section 4715.22 of the Revised Code, or a government entity that employs the dental assistant to provide services in a public school or in connection with other programs the government entity administers.
- (3) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification may apply, for not more than fifteen business days, pit and fissure sealants when the supervising dentist is not physically present at the location where the sealants are to be applied if the dental assistant meets the requirements in divisions (C)(3) and (4) of this section and all of the conditions specified in division (D)(2) of this section have been satisfied.
- (E) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:
- (1) The dental assistant meets the requirements in divisions (C)(3) and (4) of this section.
  - (2) All of the conditions specified in division (D)(2) of this section have been satisfied.
  - (3) The dental assistant is providing the service as part of a program operated through any of the following: a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised

- Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.
- (4) A supervising dentist for the program described in division (E)(3) of this section meets both of the following conditions:
- (a) Is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated;
  - (b) Is available for consultation by telephone, videoconferencing, or other means of electronic communication.
- (5) The application of pit and fissure sealants is limited to erupted permanent posterior teeth without suspicion of dental cavitation.
- (6) If the patient is a minor, a parent, guardian, or other person responsible for the patient has been notified that a dentist will not be present at the location and that the dental assistant is not trained to diagnose or treat other serious dental concerns that could exist.
- (F) Subject to this section and the applicable rules of the board, licensed dentists may assign to dental assistants and other qualified personnel dental procedures that do not require the professional competence or skill of the licensed dentist, a dental hygienist, or an expanded function dental auxiliary as this section or the board by rule authorizes dental assistants and other qualified personnel to perform. Except as provided in division (D) or (E) of this section, the performance of dental procedures by dental assistants and other qualified personnel shall be under direct supervision and full responsibility of the licensed dentist.
- (G) Nothing in this section shall be construed by rule of the state dental board or otherwise to do the following:
- (1) Authorize dental assistants or other qualified personnel to engage in the practice of dental hygiene as defined by sections 4715.22 and 4715.23 of the Revised Code or to perform the duties of a dental hygienist, including the removal of calcareous deposits, dental cement, or accretions on the crowns and roots of teeth other than as authorized pursuant to this section;
  - (2) Authorize dental assistants or other qualified personnel to engage in the practice of an expanded function dental auxiliary as specified in section 4715.64 of the Revised Code or to perform the duties of an expanded function dental auxiliary other than as authorized pursuant to this section.
  - (3) Authorize the assignment of any of the following:
    - (a) Diagnosis;
    - (b) Treatment planning and prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic, or orthodontic appliances;
    - (c) Surgical procedures on hard or soft tissue of the oral cavity, or any other intraoral procedure that contributes to or results in an irremediable alteration of the oral anatomy;
    - (d) The making of final impressions from which casts are made to construct any dental restoration.
- (H) No dentist shall assign any dental assistant or other individual acting in the capacity of qualified personnel to perform any dental procedure that the assistant or other individual is not authorized by this section or by board rule to perform. No dental assistant or other individual acting in the capacity of qualified personnel shall perform any dental procedure other than in accordance with this section and any applicable board rule or any dental procedure that the assistant or other individual is not authorized by this section or by board rule to perform.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015  
Effective Date: 10-29-2003; 05-12-2006; 09-21-2006*

#### **4715.40 EFFECT OF CHILD SUPPORT DEFAULT ON LICENSE.**

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state dental board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

*Effective Date: 03-22-2001*

#### **4715.41 COMPLIANCE WITH LAW REGARDING SANCTIONS FOR HUMAN TRAFFICKING.**

The state dental board shall comply with section 4776.20 of the Revised Code.

*Effective Date: 3/22/2013.*

## VOLUNTEER'S CERTIFICATE

### 4715.42 VOLUNTEER'S CERTIFICATE.

- (A) (1) As used in this section
- (a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.
  - (b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.
- (2) For the purposes of this section, a person shall be considered retired from practice if the person's license has been surrendered or allowed to expire with the intention of ceasing to practice as a dentist or dental hygienist for remuneration.
- (B) Within thirty days after receiving an application for a volunteer's certificate that includes all of the items listed in divisions (C)(1), (2), and (3) of this section, the state dental board shall issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide dental services to indigent and uninsured persons at any location, including a free clinic.
- (C) An application for a volunteer's certificate shall include all of the following:
- (1) A copy of the applicant's degree from dental college or dental hygiene school.
  - (2) One of the following, as applicable:
    - (a) A copy of the applicant's most recent license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.
    - (b) A copy of the applicant's most recent license equivalent to a license to practice dentistry or dental hygiene in one or more branches of the United States armed services that the United States government issued.
  - (3) Evidence of one of the following, as applicable:
    - (a) The applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.
    - (b) The applicant has practiced as a dentist or dental hygienist in good standing for at least ten years prior to retirement in one or more branches of the United States armed services.
- (D) The holder of a volunteer's certificate may provide dental services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing dental services while in possession of the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code.
- (E) (1) A volunteer's certificate shall be valid for a period of three years, and may be renewed upon the application of the holder, unless the certificate was previously revoked under division (D) of this section. The board shall maintain a register of all persons who hold volunteer's certificates. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.
- (2) To be eligible for renewal of a volunteer's certificate, the holder of the certificate shall certify to the board completion of sixty hours of continuing dental education that meets the requirements of section 4715.141 of the Revised Code and the rules adopted under that section, or completion of eighteen hours of continuing dental hygiene education that meets the requirements of section 4715.25 of the Revised Code and the rules adopted under that section, as the case may be. The board may not renew a certificate if the holder has not complied with the appropriate continuing education requirements. Any entity for which the holder provides dental services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing education credits.
- (3) The board shall issue to each person who qualifies under this section for a volunteer's certificate a wallet certificate and a wall certificate that state that the certificate holder is authorized to provide dental services pursuant to the laws of this state. The holder shall keep the wallet certificate on the holder's person while providing dental services and shall display the wall certificate prominently at the location where the holder primarily practices.
- (4) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code.
- (F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.
- (G) The state dental board shall make available through the board's web site the application form for a volunteer's certificate under this section, a description of the application process, and a list of all items that are required by division (C) of this section to be submitted with the application.

*Amended by 130th General Assembly File No. TBD, HB 320, §1, eff. 3/23/2015  
Effective Date: 04-13-2004; 04-07-2005*

**4715.421 TEMPORARY DENTAL VOLUNTEER'S CERTIFICATE.**

- (A) As used in this section:
- (1) "Accredited dental college" has the same meaning as in section 4715.10 of the Revised Code.
  - (2) "Accredited dental hygiene school" has the same meaning as in section 4715.36 of the Revised Code.
  - (3) "Operation" has the same meaning as in section 2305.234 of the Revised Code.
- (B) Within thirty days after receiving an application for a temporary volunteer's certificate that includes all of the items listed in divisions (C)(1) and (2) of this section, the state dental board shall issue, without examination, a temporary volunteer's certificate to a person not licensed under this chapter so that the person may provide dental services in this state as a volunteer.
- (C) An application for a temporary volunteer's certificate shall include both of the following:
- (1) A copy of the applicant's degree from an accredited dental college or accredited dental hygiene school;
  - (2) One of the following, as applicable:
    - (a) Evidence satisfactory to the board that the applicant holds a valid, unrestricted license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene;
    - (b) Evidence satisfactory to the board that the applicant is practicing dentistry or dental hygiene in one or more branches of the United States armed services.
- (D) The holder of a temporary volunteer's certificate shall not accept any form of remuneration for providing dental services pursuant to the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a temporary volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code.
- (E) A temporary volunteer's certificate shall be valid for a period of seven days, and may be renewed upon the application of the holder, unless the certificate was previously revoked under division (D) of this section. The board shall maintain a register of all persons who hold a temporary volunteer's certificate. The board may charge a fee not to exceed twenty-five dollars for issuing or renewing a certificate pursuant to this section.
- (1) The board shall issue to each person who qualifies under this section for a temporary volunteer's certificate a wallet certificate that states that the certificate holder is authorized to provide dental services pursuant to the laws of this state. The holder shall keep the wallet certificate on the holder's person while providing dental services.
  - (2) The holder of a temporary volunteer's certificate issued pursuant to this section is subject to the immunity provisions in section 2305.234 of the Revised Code.
- (F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.
- (G) Not later than ninety days after the effective date of this section, the state dental board shall make available through the board's internet web site the application form for a temporary volunteer's certificate under this section, a description of the application process, and a list of all items that are required by division (C) of this section to be submitted with the application.

*Added by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015.*

**DENTAL X-RAY MACHINE OPERATORS****4715.51 DENTAL X-RAY MACHINE OPERATOR DEFINITIONS.**

As used in sections 4715.52 to 4715.57 of the Revised Code, "dental x-ray machine operator" means 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. As used in this section, "standard, diagnostic, radiologic procedures" means those procedures involved in using dental equipment that emits ionizing radiation, as defined in section 4773.01 of the Revised Code.

*Effective Date: 10-29-1995; 05-12-2006*

**4715.52 UNLICENSED PRACTICE.**

- (A) Except as provided in division (B) of this section, no person shall practice or hold that person out as a dental x-ray machine operator without a valid certificate issued under section 4715.53 of the Revised Code.
- (B) Division (A) of this section does not apply to any of the following:
- (1) Dentists or dental hygienists licensed under this chapter;

- (2) As specified in 42 C.F.R. 75, radiologic personnel employed by the federal government or serving in a branch of the armed forces of the United States;
- (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 receipt of a license or certificate issued under this chapter, a license issued under Chapter 4734. or Chapter 4773. of the Revised Code, or a certificate issued under Chapter 4731. of the Revised Code.

*Effective Date: 10-20-1995; 05-12-2006*

#### **4715.53 LICENSE QUALIFICATIONS.**

- (A) Each individual seeking a certificate to practice as a dental x-ray machine operator shall apply to the state dental board on a form the board shall prescribe and provide. The application shall be accompanied by an application fee of twenty-five dollars.
- (B) The board shall review all applications received and issue a dental x-ray machine operator certificate to each applicant who submits evidence satisfactory to the board of one of the following:
  - (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 that the board determines uses standards for dental x-ray machine operators that are at least equal to those established under this chapter.
  - (3) The applicant has successfully completed an educational program consisting of at least seven hours of instruction in dental x-ray machine operation that meets either of the following requirements:
    - (a) Has been approved by the board in accordance with section 4715.57 of the Revised Code;
    - (b) Is conducted by an institution accredited by the American dental association commission on dental accreditation.
- (C) A certificate issued under this section expires two years after it is issued and may be renewed if the certificate 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 in accordance with section 4715.57 of the Revised Code during the two-year period preceding the date the renewal application is received by the board.
  - (2) Submits a renewal fee of twenty-five dollars to the board. Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code.

*Effective Date: 10-20-1994; 05-12-2006*

#### **4715.56 DENTIST SUPERVISION OF RADIOLOGIC PROCEDURES.**

- (A) Except as provided in division (B) of this section, a dental x-ray machine operator may perform radiologic procedures only if a dentist is providing direct supervision. Direct supervision does not require the dentist to observe each radiologic procedure performed by the operator, but does require that the dentist be present at the location where the operator is performing radiologic procedures for purposes of consulting with and directing the operator while performing the procedures.
- (B) A dental x-ray machine operator may perform radiologic procedures for a patient when the supervising dentist is not physically present at the location where the radiologic procedures are performed if the supervising dentist examined the patient not more than one year prior to the date the dental x-ray machine operator performs the radiologic procedures and the supervising dentist has ordered the radiologic procedures.

*Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015*

*Effective Date: 10-20-1994*

#### **4715.57 CONTINUING EDUCATION ACCREDITATION.**

- (A) Each person seeking approval for an educational program in dental x-ray machine operation shall apply to the state dental board on a form the board shall prescribe and provide. The application shall be accompanied by the fee established in rules adopted under division (C) of this section.
- (B) The board shall approve educational programs that meet the standards established in rules adopted under division (C) of this section. The approval shall be valid until surrendered by the program or suspended or revoked by the board. A program's approval may be suspended or revoked if the program does not comply with applicable requirements of this chapter or rules adopted under it.

- (C) The board shall adopt rules to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall be no less stringent than any applicable standards specified in 42 C.F.R. 75. The rules shall do at least both of the following:
- (1) Establish the fee that must accompany each application for approval of an educational program;
  - (2) Establish standards that an educational program must meet to be approved by the board.

*Effective Date: 10-20-1994; 05-12-2006*

## EXPANDED FUNCTION DENTAL AUXILIARIES

### **4715.61 REGISTRATION AS EXPANDED FUNCTION DENTAL AUXILIARY REQUIRED.**

- (A) Except as provided in division (B) of this section, no person shall practice as an expanded function dental auxiliary without being registered under this chapter as an expanded function dental auxiliary.
- (B) Division (A) of this section does not apply to any of the following:
- (1) A dentist licensed under this chapter;
  - (2) A dental student who engages in any activities performed by expanded function dental auxiliaries as an integral part of a program of study leading to the receipt of a license to practice as a dentist under this chapter;
  - (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 expanded function dental auxiliary;
    - (b) Ensures that a dentist licensed under this chapter, or a dentist who holds a limited teaching license issued under this chapter, is physically present in the facility where the expanded function dental auxiliary performs clinical dental procedures on patients.

*Effective Date: 05-12-2007*

### **4715.62 APPLICATION TO REGISTER AS EXPANDED FUNCTION DENTAL AUXILIARY.**

- (A) Each individual seeking to register with the state dental board as an expanded function dental auxiliary shall file with the secretary of the board a written application for registration, under oath, on a form the board shall prescribe and provide. An applicant shall include with the completed application all of the following:
- (1) An application fee of twenty dollars;
  - (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 adopted under section 4715.66 of the Revised Code as the education or training that is necessary to obtain registration under this chapter to practice as an expanded function dental auxiliary, 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 applicant has passed an examination that meets the standards established by the board in rules adopted under section 4715.66 of the Revised Code to be accepted by the board as an examination of competency to practice as an expanded function dental auxiliary;
  - (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 the American red cross, the American heart association, or the American safety and health institute.
- (B) If an applicant complies with division (A) of this section, the board shall register the applicant as an expanded function dental auxiliary.

*Effective Date: 05-12-2006; 2008 SB279 01-06-2009*

### **4715.63 EXPIRATION AND RENEWAL OF EXPANDED FUNCTION DENTAL AUXILIARY REGISTRATION.**

- (A) Registration under section 4715.62 of the Revised Code expires on the thirty-first day of December of the year following the year in which the registration occurs. An individual may renew a registration for subsequent two-year periods by submitting both of the following to the secretary of the state dental board each time the individual seeks to renew a registration:
- (1) A completed application for renewal, under oath, on a form the board shall prescribe and provide;
  - (2) A renewal fee of twenty dollars.

- (B) If an individual complies with division (A) of this section and is not in violation of any section of this chapter or rule adopted under it, the board shall renew the individual's registration for a two-year period that expires on the thirty-first day of December of the year following the year in which the registration was renewed.
- (C) Registration renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code.

*Effective Date: 05-12-2006*

#### **4715.64 PRACTICE AS EXPANDED FUNCTION DENTAL AUXILIARY.**

- (A) Subject to divisions (B), (C), and (D) of this section, the practice of an expanded function dental auxiliary shall consist of the following:
  - (1) Procedures involved in the placement of restorative materials limited to amalgam restorative materials and nonmetallic restorative materials, including direct-bonded restorative materials;
  - (2) Application of pit and fissure sealants;
  - (3) Recementation of temporary crowns or recementation of crowns with temporary cement;
  - (4) Application of topical fluoride;
  - (5) Application of fluoride varnish;
  - (6) Application of disclosing solutions;
  - (7) Application of desensitizing agents;
  - (8) Caries susceptibility testing;
  - (9) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss;
  - (10) Any additional procedures authorized by the state dental board in rules adopted under section 4715.66 of the Revised Code.
- (B) An expanded function dental auxiliary shall perform the services specified in divisions (A)(1) and (11) of this section only under the supervision, order, control, and full responsibility of a dentist licensed under this chapter. At no time shall more than two expanded function dental auxiliaries be practicing as expanded function dental auxiliaries under the supervision of the same dentist. Except as provided in divisions (C) and (D) of this section, an expanded function dental auxiliary shall not practice as an expanded function dental auxiliary when the supervising dentist is not physically present at the location where the expanded function dental auxiliary is practicing.
- (C) An expanded function dental auxiliary may perform, for not more than fifteen consecutive business days, the services specified in divisions (A)(2) to (10) of this section when the supervising dentist is not physically present at the location where the expanded function dental auxiliary is practicing if all of the following conditions have been satisfied:
  - (1) The expanded function dental auxiliary has at least two years and a minimum of three thousand hours of experience practicing as an expanded function dental auxiliary.
  - (2) The expanded function dental auxiliary has successfully completed a course approved by the board in the identification and prevention of potential medical emergencies.
  - (3) The supervising dentist has evaluated the expanded function dental auxiliary's skills.
  - (4) The supervising dentist examined the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient.
  - (5) The supervising dentist has established written protocols or written standing orders for the expanded function dental auxiliary to follow during and in the absence of an emergency.
  - (6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the expanded function dental auxiliary provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.
  - (7) In advance of the appointment for services, the patient is notified that the supervising dentist will be absent from the location and that the expanded function dental auxiliary cannot diagnose the patient's dental health care status.
  - (8) The expanded function dental auxiliary is employed by, or under contract with, the supervising dentist, a dentist licensed under this chapter who meets one of the criteria specified in division (C)(11)(b) of section 4715.22 of the Revised Code, or a government entity that employs the expanded function dental auxiliary to provide services in a public school or in connection with other programs the government entity administers.
- (D) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:
  - (1) All of the conditions specified in division (C) of this section have been satisfied.
  - (2) The expanded function dental auxiliary is providing the service as part of a program operated through any of the following: a school district board of education or the governing board of an educational service center; the board of

- health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.
- (3) A supervising dentist for the program described in division (D)(2) of this section meets both of the following conditions:
- (a) Is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated;
  - (b) Is available for consultation by telephone, videoconferencing, or other means of electronic communication.
- (4) The application of pit and fissure sealants is limited to erupted permanent posterior teeth without suspicion of cavitation.
- (5) If the patient is a minor, a parent, guardian, or other person responsible for the patient has been notified that a dentist will not be present at the location and that the expanded function dental auxiliary is not trained to diagnose or treat other serious dental concerns that could exist.
- (E) Nothing in this section shall be construed by rule of the board or otherwise to authorize an expanded function dental auxiliary to engage in the practice of dental hygiene as defined by sections 4715.22 and 4715.23 of the Revised Code.
- Amended by 130th General Assembly File No. TBD, HB 463, §1, eff. 3/23/2015.*  
*Effective Date: 05-12-2006*

#### **4715.65 RECORD OF EXPANDED FUNCTION DENTAL AUXILIARY REGISTRANTS.**

The secretary of the state dental board shall keep a record of all persons registered under this chapter as expanded function dental auxiliaries. For each expanded function dental auxiliary, the record shall identify the location where the person primarily practices and the person's one or more supervising dentists.

*Effective Date: 05-12-2006*

#### **4715.66 RULES GOVERNING EXPANDED FUNCTION DENTAL AUXILIARIES.**

- (A) The state dental board shall adopt rules as the board considers necessary to implement and administer sections 4715.61 to 4715.64 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.
- (B) In adopting rules under this section, all of the following apply:
- (1) The board shall adopt rules specifying the education or training necessary for an individual to register as an expanded function dental auxiliary under this chapter.
  - (2) The board shall 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 expanded function dental auxiliary. In specifying the standards, the board shall 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 to the examination:
    - (a) An unlicensed dentist who has graduated from an accredited dental college, as specified in section 4715.10 of the Revised Code, 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, as specified in section 4715.10 of the Revised Code, and is considered by the dean of the college to be in good standing as a dental student;
    - (c) A graduate of a dental college located outside of the United States;
    - (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 under this chapter whose license is in good standing;
    - (f) An unlicensed dental hygienist who has graduated from an accredited dental hygiene school, as specified in section 4715.21 of the Revised Code, and does not have a dental hygienist license under suspension or revocation by the board.
  - (3) The board may adopt rules specifying procedures an expanded function dental auxiliary may perform that are in addition to the procedures specified in divisions (A)(1) and (2) of section 4715.64 of the Revised Code.
- Effective Date: 05-12-2006*

## **PENALTIES**

#### **4715.99 PENALTY.**

- (A) Whoever violates section 4715.17 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

- (B) Whoever violates section 4715.18 of the Revised Code is guilty of a misdemeanor of the fourth degree.
- (C) Whoever violates section 4715.09, 4715.19, 4715.20, 4715.29, 4715.32, 4715.39, 4715.52, or 4715.61 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.
- (D) Whoever violates any provision of this chapter for which no specific penalty has been prescribed is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the second degree on each subsequent offense.

*Effective Date: 07-01-1996; 05-12-2006*

# OHIO ADMINISTRATIVE CODE

## GENERAL PROVISIONS

### 4715-1-01 METHOD OF PUBLIC NOTICE.

- (A) Prior to the proposed adoption, amendment or rescission of any rule by the state dental board, public notice thereof shall be given at least thirty days prior to the date set for the public hearing thereon, by publication of that notice in the register of Ohio. Such notice shall include a statement of the board's intention to consider adopting, amending, or rescinding a rule; a synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment or rescission relates; a statement of the reason or purpose for adopting, amending, or rescinding the rule; and the date, time, and place of the public hearing on said proposed actions.
- (B) The board may give whatever other notice it reasonably considers necessary including, but not limited to, the following:
- (1) The board may post the notice of the public rules hearing on the board's web site.
  - (2) The board may maintain a mailing list of all persons who have made a prior written request to receive a copy of each public notice provided for in paragraph (A) of this rule, and copies of such notices shall be sent by regular mail or electronic mail to each person on the mailing list at least thirty days prior to the date set for the hearing. Upon request, the board shall also promptly send a copy of any notice provided for in paragraph (A) of this rule by regular or electronic mail to any person not appearing on its mailing list. The board may assess a reasonable fee, not to exceed the cost of copying and mailing, for notices sent to persons in accordance with this rule.
  - (3) Copies of the notice of the public rules hearing and the full text of the proposed rules shall be available at the board's offices at least thirty days prior to the date of the public rules hearing.
- (C) Prior to the effective date of a rule, amendment, or rescission, the board shall make a reasonable effort to inform those affected by the rule, amendment, or rescission. The method of notification may include posting the full text of the rule as adopted or amended on the board's web site, publishing the rules in the board's newsletter, and/or sending by regular mail or electronic mail a notice of the action to all persons whose name appears on the mailing list maintained by the board pursuant to paragraph (A) of this rule, or to any person or his attorney who provided evidence, oral testimony, and/or a written statement which were made part of the record of the public hearing held pursuant to section 119.03 of the Revised Code. The board may assess a reasonable fee, not to exceed the cost of copying and mailing, for notices sent to persons in accordance with this rule.

*Effective: 05-22-2009*

*Prior Effective Dates: 8-1-74, 2-5-93, 4-5-01*

## DEFINITIONS

### 4715-3-01 DEFINITIONS.

Definition of terms are listed by category. Categories are listed alphabetically.

- (A) Advertising terms
- (1) "Invasion of privacy" - to encroach upon or violate a person's personal, intimate, and/or private space.
  - (2) "Misrepresentation" - to represent falsely, wrongly, or misleadingly.
  - (3) "Overreach" - to get the better of, especially by deceit or trickery; to outwit; to reach too far; to cheat others.
  - (4) "Reasonably dignified" - possessing distinction, poise, honor, esteem.
  - (5) "Reasonably restrained" - moderation in action or expression.
  - (6) "Undue influence" - using power in an excessive or unreasonable way to produce effects, either, directly, indirectly, or through an intermediary.
  - (7) "Unreasonable interference" - to unreasonably come between so as to impede, hinder or obstruct
- (B) Anesthesia/sedation terms
- (1) "Administration" - providing, applying, or injecting a drug or other therapeutic agent for a patient of record, including providing a patient with a single dose of a controlled substance or other dangerous drug that is to be used incidental to, or contemporaneously with, a planned procedure, with the intent of being an integral and indicated action to properly initiate and complete the dental procedure within the standard of care in dentistry.
  - (2) "Analgesia" - the diminution or elimination of pain.
  - (3) "Anxiolysis" - the diminution or elimination of anxiety.

- (4) "Enteral/oral conscious sedation" - The use of a single drug administered orally or sublingually at one time on a given treatment day, or combination of drugs administered concomitantly orally or sublingually at one time on a given treatment day, in order to provide sedation or anxiolysis for dentistry. If the dosage is determined to be inadequate and an increased dosage is required to sufficiently provide sedation or anxiolysis, the practitioner must reschedule the patient for a subsequent appointment on a different day. All enteral/oral sedatives shall be administered at the same time and only once during any given treatment day unless the administering dentist is permitted to provide intravenous conscious sedation or general anesthesia.
  - (5) "Combination inhalation-enteral conscious sedation (combined conscious sedation)" - conscious sedation using enteral agents, as indicated in paragraph (B) (4) of rule 4715-3-01 of the Administrative Code, and nitrous oxide/oxygen inhalation sedation. Nitrous oxide/oxygen used in combination with sedative agents may produce conscious or deep sedation or general anesthesia.
  - (6) "Conscious sedation" - a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, and that is produced by a pharmacologic or non-pharmacologic method, or a combination thereof.  
In accord with this particular definition, the drugs and/or techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. Further, patients whose only response is reflex withdrawal from repeated painful stimuli would not be considered to be in a state of conscious sedation.
  - (7) "Continual" - repeated regularly and frequently in a steady succession.
  - (8) "Continuous" - prolonged without any interruption at any time.
  - (9) "Deep sedation" - an induced state of depressed consciousness, accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method, or combination thereof.
  - (10) "Enteral" - any technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa [i.e., oral, rectal, sublingual].
  - (11) "General anesthesia" - an induced state of unconsciousness accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method, or combination thereof.
  - (12) "Immediately available" - on site in the facility and available for immediate use.
  - (13) "Inhalation" - a technique of administration in which a gaseous or volatile agent is introduced into the pulmonary tree and whose primary effect is due to absorption through the pulmonary bed.
  - (14) "Local anesthesia" - the elimination of sensation, especially pain, in one part of the body by regional injection of a drug.
  - (15) "Minimal sedation" - a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.
  - (16) "Moderate sedation" - a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patient airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
  - (17) "Parenteral" - a technique of administration in which the drug bypasses the gastrointestinal (GI) tract [i.e., intramuscular (IM), intravenous (IV), intranasal (IN), submucosal (SM), subcutaneous (SC), intraocular (IO)].
  - (18) "Time-oriented anesthesia record" - documentation at appropriate intervals of drugs, doses and physiologic data obtained during patient monitoring.
  - (19) "Topical anesthesia" - the elimination of sensation, especially pain, in one part of the body by skin or mucous membrane surface application of a drug.
  - (20) "Transdermal/transmucosal" - a technique of administration in which the drug is administered by patch or iontophoresis.
- (C) Dental personnel
- (1) "Licensed dentist" - a graduate of an accredited or a foreign dental school who has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.10 of the Revised Code and the agency rules of this board, and holds a current license to practice dentistry in Ohio which is not suspended or revoked by board action.
  - (2) "Unlicensed dentist" - a graduate of an accredited dental school who has not successfully passed all examinations or completed the application requirements for licensure in Ohio as set forth in section 4715.10 of the Revised Code and

- the agency rules of this board; or the holder of a license to practice dentistry in Ohio which has been suspended or revoked by board action.
- (3) "Graduates of unaccredited dental colleges located outside the United States" - a graduate of a dental school that is located outside the United States and is not accredited by the American dental association commission on dental accreditation.
  - (4) "Dental student" - a student in good standing currently enrolled in an accredited dental school.
  - (5) "Licensed dental hygienist" - a graduate of an accredited dental hygiene school or program who has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this board, and holds a current license to practice dental hygiene in Ohio which is not suspended or revoked by board action.
  - (6) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene school or program who has not successfully passed all examinations or completed the application requirements for licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this board; or the holder of a license to practice dental hygiene in Ohio which has been suspended or revoked by board action.
  - (7) "Certified dental assistant" - a dental assistant who maintains current certification by completion of the continuing education requirements upon successfully passing the certification examination of the dental assisting national board (DANB) or the Ohio commission on dental assistant certification (OCDAC).
  - (8) "Basic qualified personnel" - basic qualified personnel are those persons who are adjudged by the licensed dentist to be capable and competent of performing basic remediable intra-oral and extra-oral dental tasks and/or procedures under his direct supervision and full responsibility. These persons must be trained directly via an employer-dentist, via a planned sequence of instruction in an educational institution or via in-office training.
  - (9) "Advanced qualified personnel" (hereinafter referred to as expanded function dental auxiliaries or EFDA's) - those persons who have passed the Ohio state dental board designated examination for expanded function dental auxiliaries who may perform advanced remediable intra-oral dental tasks and/or procedures under the direct supervision and full responsibility of a licensed dentist.  
Upon submitting proof of successful completion of acceptable training on a form prescribed by the board and signed by the chief administrative officer of the program at the accredited institution, the following applicants shall be admitted to the state board designated examination for expanded function dental auxiliary:
    - (a) "Unlicensed dentist" - a graduate of an accredited dental school unless his license is under suspension or revocation by the board.
    - (b) "Dental student" - a dental student in good standing and currently enrolled in an accredited institution, upon recommendation of the dean.
    - (c) "Graduates of unaccredited dental colleges located outside the United States" - a graduate of a dental school located outside the United States that is not accredited by the American dental association commission on dental accreditation and after admission to an accredited educational institution or program.
    - (d) "Certified dental assistant" - a certified dental assistant if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation. The curriculum must include clinical experience.
    - (e) "Licensed dental hygienist" - a graduate of an accredited dental hygiene program if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation, unless her license is under suspension or revocation. The curriculum must include clinical experience.
    - (f) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene program if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation. The curriculum must include clinical experience.
  - (10) "Dental auxiliaries" - dental auxiliaries are all persons, not licensed to practice dentistry in Ohio, who assist in the dental practice.
    - (a) Subject to those more specific laws or rules regulating the functions of basic qualified personnel, expanded function dental auxiliaries and hygienists, a dental auxiliary may, under the personal supervision and full responsibility of a licensed dentist, assist in the concurrent performance of supportive procedures, and may assist with the administration of drugs, medications, and inhalation anesthetic agents, including nitrous oxide.
    - (b) Further, parenteral injections for the administration of drugs, including local anesthetic agents may not be delegated to dental auxiliaries unless they are appropriately licensed in the state of Ohio.

- (11) "Dental health care workers" - dental health care workers are all personnel utilized by a licensed dentist who assist in a dental practice and who may be exposed to body fluids such as blood or saliva.
- (D) Disciplinary terms
- (1) "Revocation" - permanent loss of license to practice in Ohio with no ability to apply for licensure in this state in the future.
  - (2) "Suspension" - loss of license to practice for a specific period of time (definite suspension) or until specific conditions are met (indefinite suspension). In the case of indefinite suspension, the board may specify a minimum period of time during which the licensee may not practice, in addition to other conditions for reinstatement of license.
  - (3) "Restriction" - license to practice is restricted in some way (eg., licensee is prohibited from practicing a certain specialty or procedure or prescribing, etc.) or is subject to terms and conditions specified by the board. The restriction can be permanent or temporary.
  - (4) "Probation" - a specific type of restriction wherein the license to practice remains dependent upon compliance with terms and conditions specified by the board (eg., periodic appearances, drug logs, reports by treating practitioners, etc.). The probation period may be for a definite or indefinite period of time. In the case of indefinite probation, the board may establish a minimum probationary period, with provisions for termination of probation at the board's discretion thereafter.
  - (5) "Censure/reprimand" - the licensee is formally and publicly reprimanded in writing.
- (E) Educational terms
- (1) "Accreditation" - a procedure for recognizing or certifying that an educational institution or program meets prescribed standards that qualify its graduates for entitlement to take the state board designated examination.
  - (2) "Accredited educational institution or program" - an educational institution or program accredited by one or more of the following:
    - (a) American dental association commission on dental accreditation; responsible for the accreditation of dental and dental-related education within the United States and Canada.
    - (b) Accreditation council for graduate medical education (ACGME); responsible for the accreditation of post-doctoral medical training programs within the United States.
    - (c) Joint commission on accreditation of healthcare organizations (JCAHO); responsible for the evaluation and accreditation of health care organizations and programs in the United States. An independent, not-for-profit accrediting organization which sets professionally based standards and evaluates the compliance of health care organizations.
  - (3) "Accredited dental school" - a dental school accredited by the American dental association commission on dental accreditation.
  - (4) "Accredited dental hygiene program" - a dental hygiene program accredited by the American dental association commission on dental accreditation.
  - (5) "Accredited dental assisting program" - a dental assisting program accredited by the American dental association commission on dental accreditation.
- (F) General terms
- (1) "Must/shall" - indicates an imperative need and/or duty; an essential or indispensable item; mandatory.
  - (2) "Should" - indicates the recommended manner to obtain the standard; highly desirable.
  - (3) "May" - indicates freedom, or liberty to follow a reasonable alternative.
  - (4) "Immediately available" - on site in the facility and available for immediate use/review/inspection.
  - (5) "All" - the whole extent or quantity of; every one of; the entire number of.
- (G) Impairment
- (1) "Impairment" - means impairment of ability to practice under accepted standards of the profession because of physical or mental disability, or dependence on alcohol or other drugs, or habitual or excessive use or abuse of alcohol, drugs or other substances. Impairment includes inability to practice in accordance with such standards, and inability to practice in accordance with such standards without appropriate treatment, monitoring and supervision.
  - (2) "Inability to practice" - means impairment of ability 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.
  - (3) "No longer drug or alcohol dependent" - means a demonstration of abstinence from alcohol, and from drugs or substances that may impair the ability to practice.
  - (4) "Relapse" - means any use of, or obtaining for the purpose of using, alcohol or other drugs or substances that may impair the ability to practice, including a return to the pattern of impairment activities, by one previously diagnosed and treated for drug or alcohol abuse or dependence. This does not apply to substances obtained pursuant to the direction of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

- (H) Infection control
- (1) "Appropriate disinfectant" - a diluted bleach solution, EPA-registered tuberculocides, sterilants, or products registered against HIV/HBV, provided the surfaces have not become contaminated with agents or volumes of or concentrations of agents for which higher level disinfection is recommended.
  - (2) "Chemical sterilization process" - use of a sterilant cleared by the food and drug administration in a 510 (K) in accordance with the manufacturer's instructions.
  - (3) "Immediate remedial action" - after the first positive spore test occurs, a second biological spore test must be performed according to manufacturer's guidelines. In the event a second positive biological spore test occurs, the device must be removed from service until repaired.
  - (4) "Overgloving" - placing one disposable glove over another disposable glove between patients when the first glove is contaminated.
- (I) Levels of knowledge
- (1) "Familiarity" - a simplified knowledge for the purpose of orientation and recognition of general principles.
  - (2) "In-depth" - a thorough knowledge of concepts and theories for the purpose of critical analysis and the synthesis of more complete understanding (highest level of knowledge).
- (J) Levels of skill
- (1) "Exposed" - the level of skill attained by observation of or participation in a particular activity.
  - (2) "Competent" - displaying special skill or knowledge derived from training and experience.
  - (3) "Proficient" - the level of skill attained when a particular activity is accomplished with repeated quality and a more efficient utilization of time (highest level of skill).
- (K) Miscellaneous terms
- (1) Construction
    - (a) Where a pronoun of one gender appears in these rules, it shall be interpreted to mean or include the pronoun of the other gender where appropriate.
  - (2) "Director of continuing education practicum" - the director of a continuing education practicum must be a dentist licensed to practice in the state of Ohio.
  - (3) "Emergency" - a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.
  - (4) "Final placement or removal of appliances" - the word "final" as used in paragraphs (B) and (C) of rule 4715-11-06 of the Administrative Code means the last step in the therapeutic process concerning the placement, replacement or removal of a removable appliance, or a fixed appliance directly attached to a tooth or teeth by cementation, direct bonding or other similar process, and the same applies to appliances utilized for the correction of malpositions of the teeth. The temporary placement of any appliance is not considered the final placement in the therapeutic process
  - (5) "License" - a current valid license, certificate or permit issued pursuant to sections 4715.01 to 4715.99 of the Revised Code, which has not been revoked or suspended.
  - (6) "Licensee" - the holder of a current valid license, certificate or permit issued pursuant to sections 4715.01 to 4715.99 of the Revised Code, which has not been revoked or suspended.
  - (7) "Treatment day" - any portion of any day during which treatment is rendered to a patient constitutes a treatment day.
- (L) Personal information system
- (1) "Access" as a noun means an opportunity to copy, view, or otherwise perceive whereas "access" as a verb means to copy, view, or otherwise perceive.
  - (2) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.
  - (3) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
  - (4) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.
  - (5) "Employee of the board" means each employee of the dental board as well as each member of the dental board appointed to the board pursuant to section 4715.02 of the Revised Code.
  - (6) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
  - (7) "Individual" means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

- (8) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.
  - (9) "Person" means natural person.
  - (10) "Personal information" has the same meaning as defined in division (E) of section 1347.05 of the Revised Code.
  - (11) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems.
  - (12) "Research" means a methodical investigation into a subject.
  - (13) "Routine" means common place, regular, habitual, or ordinary.
  - (14) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees that is maintained by the board for administrative and human resource purposes.
  - (15) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.
  - (16) "Upgrade" means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.
- (M) Special needs program
- (1) "Special needs program" - a program that is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized and approved by the state dental board.
- (N) Supervision
- (1) "Supervision" - acts are deemed to be under the supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility. Such acts shall be performed only after examination and diagnosis by said dentist and in accordance with said dentist's treatment plan for the procedure to be performed by the dental hygienist. This definition is subject to the exceptions noted in section 4715.22 of the Revised Code.
  - (2) "Direct supervision" - acts are deemed to be under the direct supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility, and are checked and approved by the licensed dentist before the patient upon whom such act has been performed departs from the dental facility of said dentist.
  - (3) "Personal supervision" - acts are deemed to be under the personal supervision of the licensed dentist when the dentist is personally operating on a patient and authorizes an auxiliary to aid treatment by concurrently performing supportive procedures.
  - (4) "Under the direction of" - pursuant to division (A) of section 4715.16 of the Revised Code, acts are deemed to be under the direction of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and performed pursuant to his control and oversight. Acts are also deemed to be under the direction of a licensed dentist when performed in connection with residency programs approved by the American dental association commission on dental accreditation and operated in accordance with the guidelines for the supervision of residents as set forth in the accreditation standards.
- (O) Tasks and/or procedures categories
- (1) "Basic remediable intra-oral and extra-oral dental tasks and/or procedures" - those dental tasks and/or procedures which do not create irreparable changes within the oral cavity and/or the contiguous structures and which are set forth in rule 4715-11-02 of the Administrative Code.
  - (2) "Advanced remediable intra-oral dental tasks and /or procedures" - all tasks and/or procedures involved in the art or placement of preventive or restorative materials limited to the following:
    - (a) Placement of sealants;
    - (b) Amalgam restorative materials; and
    - (c) Non-metallic restorative materials, including direct-bonded restorative materials.

- (3) "Irremediable tasks and/or procedures" - irremediable tasks and/or procedures are those which, when performed, may create irreparable changes within the oral cavity or contiguous structures. Further, parenteral injections for the administration of drugs, including local anesthetic agents, are considered to be irremediable tasks under agency 4715 of the Administrative Code.

*Effective: 05/05/2014*

*Prior Effective Dates: 04-7-00, 04-12-02, 04-15-03, 06-21-04, 04-07-05, 07-06-06, 05-22-09, 10-05-10, 12-24-10*

## **CRIMINAL RECORDS CHECK**

### **4715-4-01 CRIMINAL RECORDS CHECK.**

- (A) All applicants for initial licensure pursuant to sections 4715.12, 4715.16, 4715.21, and 4715.27 of the Revised Code, shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with sections 4715.101 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice.
- (B) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the name and address for the Ohio state dental board.
- (C) In the request, the applicant shall ask the superintendant of the bureau of criminal identification and investigation to obtain from the federal bureau of investigation any information it has pertaining to the applicant.
- (D) The dental board will only accept the results of a criminal records check that is submitted to the board directly from the bureau of criminal identification and investigation.

*Effective: 05-22-2009*

## **DENTISTS**

### **4715-5-01 CRITERIA FOR ADMISSION TO DENTAL LICENSING EXAMINATION.**

The Ohio state dental board will admit to examination only those persons who have graduated from a dental college which was accredited at the time of graduation, or who has received certification from the dean of the accredited dental college stating the applicant will be graduating from the dental college and who have met the requirements set forth in section 4715.10 of the Revised Code.

*Effective: 5-15-03*

*Prior Effective Dates: 8-1-74; 4-27-98*

#### **4715-5-01.1 REQUIREMENTS FOR INITIAL LICENSURE FOR DENTISTS.**

- (A) Applicants for licensure to practice dentistry as provided in sections 4715.10, 4715.11 and 4715.12 of the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:
- (1) He is at least eighteen years of age; and
  - (2) He is of good moral character; and
  - (3) He is a graduate of an accredited dental college, or a graduate of an unaccredited dental college located outside the United States and meets the requirements set forth in rule 4715-18-01 of the Administrative Code; and
  - (4) He has successfully passed all parts of the examination given by the joint commission on national dental examinations; and
  - (5) He provides evidence of successfully passing all components based on a conjunctive scoring method of one of the following regional board examinations: the North east regional board of dental examiners, inc. (NERB), the Central regional dental testing service, inc. (CRDTS), the Southern regional testing agency, inc. (SRTA), or the Western regional examining board (WREB); or
  - (6) He possesses a license in good standing from another state for five years and has actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application.
- (E) Each applicant shall successfully pass a written jurisprudence examination approved by the state dental board on the statute and rules governing the practice of dentistry in the state of Ohio.

*Effective: 05-22-2009*

*Prior Effective Dates: 5-15-03, 6-7-04*

**4715-5-02 WRITTEN WORK AUTHORIZATION.**

- (A) The Ohio state dental board hereby prescribes that the written work authorization required in division (B) of section 4715.09 of the Revised Code shall be on printed forms for both original and copy and shall contain the following:
- (1) The name and address of the entity or person to whom the written work authorization is directed, hereinafter referred to as "primary contractor".
  - (2) The patient's name and/or identifying number. In the event such identifying number is used, the name of the patient shall be written upon a copy of such written work authorization retained by the dentist.
  - (3) A description of the work to be done, with diagrams if applicable.
  - (4) A description of the type of the materials to be used.
  - (5) The actual date on which the authorization was written.
  - (6) The signature in ink by the dentist issuing the said written work authorization, his state dental license number and his office address.
  - (7) A section to be completed by the primary contractor and returned to the issuing dentist that shall disclose all of the following information and certify that the information is accurate by including the signature of a responsible party of the primary contractor:
    - (a) A list of all materials in the composition of the final appliance;
    - (b) The location where the appliance was fabricated, including the name, address, phone number and FDA registration number, if applicable, of the person or entity performing the work;
    - (c) The location, including name, address, phone number and FDA registration number, if applicable, of any sub-contractors utilized to perform some or all of the services relative to the fabrication of the appliance;
    - (d) A description of all disinfection methods used in the fabrication of the appliance.
- (B) Upon request, the dentist shall provide each patient or authorized patient representative with a duplicate copy of the section of the form described in paragraph (A)(7) of this rule.
- (C) The dentist shall retain a copy of the written work authorization for two years from its date as a part of the patient record.
- (D) The primary contractor shall retain the original work authorization for two years from its date. Copies of work authorization forms shall be open for inspection by the Ohio state dental board and its investigators.
- (E) If the primary contractor receiving a written work authorization from a licensed dentist engages another unlicensed person, partnership, association, or corporation (herein referred to as "sub-contractor") to perform some of the services relative to such work authorization, as provided for in division (C) of section 4715.09 of the Revised Code, he or it shall notify the issuing dentist in advance of the fabrication of the appliance of the name and location of the subcontractor and shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board. The sub-contractor shall retain the sub-work authorization and the primary contractor shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years. Copies of work authorization forms shall be open for inspection by the Ohio state dental board and its investigators.
- (F) The foregoing does not prohibit the inclusion of additional information on the written work authorization when the same is necessary or desirable.
- (G) "Unlicensed person, partnership, association or corporation" as used in this rule, includes, but is not limited to, dental laboratory or dental laboratory technician.
- (H) "Appliance" as used in this rule, includes, but is not limited to, any denture, plate, bridge, splint, crown, veneer, or orthodontic or prosthetic dental device.

*Effective: 10-1-08*

*Prior Effective Dates: 9-30-70; 4-27-98; 5-15-03*

**4715-5-03 EXAMINATION FOR DENTISTS.**

- (A) In order to fulfill the requirements of paragraph (D)(1) of Ohio Revised Code 4715.10 and paragraph (A)(5) of agency level rule 4715-5-01.1, each applicant for licensure to practice dentistry in the state of Ohio must provide evidence of a passing score on each component of the regional examination as established by the agency for the component.
- (B) In cases wherein the regional examining agency has not established passing scores for each component of the examination the board requires that each component must be passed by a minimum seventy-five percent.

*Effective 5-15-03; Rescinded and reenacted eff. 6-7-04*

**4715-5-04 SPECIALTY DESIGNATION.**

- (A) A licensed dentist is recognized as a specialist in Ohio if the dentist meets the standards set forth in paragraph (B) of this rule. Any licensed dentist who does not meet the standards set forth in paragraph (B) of this rule is a general dentist. A general dentist is permitted to render specialty services in Ohio but may not formally limit his practice to any specific area(s) of practice.
- (B) A licensed dentist must comply with the following requirements before being recognized as a specialist in Ohio:
- (1) The indicated specialty(s) of dentistry must be those for which there are certifying boards recognized by the American dental association; and
  - (2) The practice of the licensed dentist seeking specialty recognition must be limited exclusively to the indicated specialty area(s); and
  - (3) The licensed dentist seeking specialty recognition must have successfully completed a post-doctoral education program for each specialty, which post-doctoral education program, at the time of completion, was accredited or held "preliminary provisional approval" or "accreditation eligible status" by the American dental association commission on dental accreditation; or
  - (4) The licensed dentist seeking specialty recognition must be a diplomate of the national certifying board of a specialty recognized by the American dental association.
  - (5) The requirements of paragraphs (B)(3) and (B)(4) of this rule shall not apply to otherwise qualified specialists who have announced their specialty or designation prior to August 1, 1974.
- (C) The use of the terms "specialist", "specializes" or "practice limited to" or the terms "orthodontist", "oral and maxillofacial surgeon", "oral and maxillofacial radiologist", "periodontist", "pediatric dentist", "prosthodontist", "endodontist", "oral pathologist", or "public health dentist" or other similar terms which imply that the dentist is a specialist may only be used by licensed dentists meeting the requirements of paragraph (B) of this rule.
- (D) All licensed dentists who advertise services must comport with rules 4715-13-01 through 4715-13-05 of the Administrative Code.
- (E) Rules regarding the advertising of specialty services are specifically set forth in rule 4715-13-05 of the Administrative Code.

*Effective: 07-06-2006*

*Prior Effective Dates: 8-1-74; 10-1-88; 2-5-93; 10-23-95 (Emer.); 1-27-96; 4-28-98; 5-15-03*

**4715-5-05 USE OF GENERAL ANESTHESIA AND DEEP SEDATION.**

- (A) No dentist shall administer general anesthesia or deep sedation in the state of Ohio unless such dentist possesses a permit of authorization issued by the Ohio state dental board or has made application for such permit and, based on a credentials review, is notified that a formal evaluation as outlined in paragraph (C) of this rule is pending. The dentist holding such permit shall be subject to review and such permit must be renewed biennially.
- (B) In order to receive such permit, the dentist must apply on a prescribed application form to the Ohio state dental board, submit the application fee, and produce evidence showing that he or she:
- (1) Has completed an approved, accredited post-doctoral training program which affords appropriate training necessary to administer deep sedation and general anesthesia; and/or
  - (2) Has completed an approved Accreditation council for graduate medical education (ACGME) accredited post-doctoral training program in anesthesiology which affords appropriate training necessary to administer deep sedation and general anesthesia; and/or
  - (3) Has completed a minimum of two year advanced clinical training in anesthesiology from an American dental association commission on dental accreditation accredited institution that meets the objectives set forth in the "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students" as adopted by the October 2007 American dental association house of delegates; and
  - (4) Has a properly equipped facility(s), whether fixed, mobile, or portable, for the administration of general anesthesia or deep sedation in which the permit holder agrees to have available and utilize adequate monitoring, personnel, emergency equipment and drugs as recommended in the "Guidelines for the Use of Sedation and General Anesthesia by Dentists" as adopted by the October 2007 American dental association house of delegates and/or the American association of oral and maxillofacial surgeon's "Office Anesthesia Evaluation Manual", 8th edition; and
  - (5) At the time of application maintains successful completion of an advanced cardiac life support course, or its age appropriate equivalent; and

- (6) Maintains a permanent address within the state of Ohio in which he or she conducts business pursuant to his or her Ohio dental license.
- (C) Prior to the issuance of such permit, the Ohio state dental board shall require an on-site evaluation of the facility(s), equipment, personnel, anesthetic techniques, and related document(s) to determine if the aforementioned requirements have been met. This evaluation shall be conducted by a qualified consultant appointed by the Ohio state dental board and will follow the "Guidelines for the Use of Sedation and General Anesthesia by Dentists" as adopted by the October 2007 American dental association house of delegates and/or the American association of oral and maxillofacial surgeon's "Office Anesthesia Evaluation Manual", 8th edition. In the case of a mobile or portable facility, one inspection of that facility shall be conducted in the office of an Ohio licensed dentist where deep sedation or general anesthesia is administered. A written list of all monitors, emergency equipment, and other materials which the mobile anesthesia provider agrees to have available at all times while administering conscious sedation, deep sedation, and general anesthesia in multiple locations shall be provided to the Ohio state dental board. The applicant shall be responsible for the cost of this evaluation not to exceed four hundred dollars.
- (D) In the event the Ohio state dental board deems the application or evaluation unsatisfactory, a written explanation documenting deficiencies and suggested remedies shall be forwarded to the applicant within fourteen days. The board may issue a permit based on documentation that deficiencies have been corrected; or the board may require a formal re-evaluation; or the applicant may request an appearance before the board to address the documented deficiencies.
- (E) The board shall without charge renew the general anesthesia permit biennially at the time of dental licensure renewal, provided the permit holder attests to the Ohio state dental board that he or she has maintained successful completion of a basic life support course, and maintains successful completion of a course in advanced cardiac life support or its age appropriate equivalent, or a minimum of six hours of board approved continuing education devoted specifically to the management and/or prevention of emergencies associated with general anesthesia/deep sedation. The board shall renew the permit unless the permit holder is informed in writing that a reevaluation, as described in paragraph (C) of this rule, of his or her facility(s) and/or methods, is to be required. In determining whether such reevaluation is necessary, the board shall consider such factors as it deems pertinent including, but not limited to, patient complaints, reports of adverse occurrences, and random quality assurance audits. Such quality assurance audit(s), may include, but are not limited to, a review of documentation of pre-anesthetic evaluation(s), anesthetic and recovery records, and documentation of appropriateness for discharge. The permit holder shall be responsible for any costs incurred in a formal reevaluation, not to exceed four hundred dollars.
- (F) A dentist holding a general anesthesia permit may supervise a certified registered nurse anesthetist for any anesthetic procedure for which the dentist is qualified.
- (G) All permit holders shall provide written notification within ten days to the Ohio state dental board if anesthesia services are provided at any new facility(s) other than those already listed with the Ohio state dental board.
- (H) No dentist, without personally obtaining a general anesthesia permit, may employ or work in conjunction with a general anesthesia/deep sedation provider in an out-patient dental facility unless that anesthesia provider is a dentist holding a valid general anesthesia permit under rule 4715-5-05 of the Administrative Code or an Ohio licensed physician who has successfully completed graduate medical education, as defined in section 4731.091 of the Revised Code, in the field of anesthesiology, provided that such physician maintains successful completion of advanced cardiac life support whenever general anesthesia or deep sedation is provided in a dental facility. The general anesthesia/deep sedation provider, whether a dentist or physician, must remain on the premises of the dental facility until any patient given a general anesthetic or deep sedation regains consciousness and has adequately recovered. The operating dentist shall provide advanced written notice to the Ohio state dental board that general anesthesia/deep sedation services are provided at his or her facility by a physician anesthesiologist. Failure to comply with paragraph (H) of this rule when the general anesthesia/deep sedation provider is a physician may result in disciplinary action against the operating dentist.
- (I) Reference materials for paragraphs (B)(3), (B)(4), and (C) of this rule may be found at the following addresses:
- (1) American dental association: 211 E. Chicago Avenue, Chicago, Illinois, 60611-2678; telephone - 312-440-2500; facsimile - 312-440-2800; internet website address - [www.ada.org](http://www.ada.org).
  - (2) American association of oral and maxillofacial surgeons: 9700 West Bryn Mawr Avenue, Rosemont, Illinois, 60018-5701; telephone - 847-678-6200 or 800-822-6637; facsimile - 847-678-6286; internet website address - [www.aaoms.org](http://www.aaoms.org).

Effective: 05/05/2014

Prior Effective Dates: 8-1-74, 10-1-88, 3-3-95, 4-27-98, 5-15-03, 4-7-05, 4-2-10

**4715-5-06      REPORTS OF ADVERSE OCCURRENCES.**

- (A) All licensees engaged in the practice of dentistry in the state of Ohio must notify the Ohio state dental board within seventy-two hours, and submit a complete written report within thirty days of any untoward event requiring hospital admission or any mortality which occurred as a direct result of treatment in an out-patient dental facility.
- (B) Failure to comply with this rule when said mortality or untoward event is related to the use of conscious sedation, deep sedation, or general anesthesia may result in the restriction, suspension, or revocation of such permits as described in rules 4715-5-05 and 4715-5-07 of the Administrative Code and/or other disciplinary action.

*Effective: 5-15-03*

*Prior Effective Dates: 8-1-74; 10-1-88; 4-27-98*

**4715-5-07      USE OF CONSCIOUS SEDATION.**

- (A) With the exception of nitrous oxide/oxygen inhalation conscious sedation for patients of any age and/or oral conscious sedation or anxiolysis of patients age thirteen or older, no dentist shall administer conscious sedation in the state of Ohio, in accordance with the definition of "conscious sedation," as defined in rule 4715-3-01 of the Administrative Code, unless such dentist possesses a permit of authorization or has made application for such permit and, based on a credentials review, is notified that a formal evaluation as outlined in paragraph (C) of this rule is pending. The dentist holding such permit shall be subject to review and such permit must be renewed biennially.
- (B) In order to receive such permit, the dentist must apply on a prescribed application to the Ohio state dental board, submit the fee as established by division (E) of section 4715.13 of the Revised Code, and produce evidence showing that he or she:
  - (1) Has satisfactorily completed comprehensive pre-doctoral or continuing education conscious sedation training in an accredited educational institution or program, which included a minimum of sixty hours of didactic instruction and twenty cases of clinical experience commensurate with each intended route(s) of administration, whether:
    - (a) Oral for children twelve years or younger; or
    - (b) Non-intravenous parenteral; or
    - (c) Intravenous.Training in intravenous conscious sedation qualifies the permit holder to administer any route of conscious sedation. Didactic and clinical training shall conform to the principles in the "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students" as adopted by the October 2007 American dental association house of delegates, with clinical experience commensurate with the intended route of administration; or
  - (2) Has satisfactorily completed an accredited post-doctoral training program which included conscious sedation training equivalent to paragraph (B)(1) of this rule; or
  - (3) Has satisfactorily completed the qualifications governing the use of general anesthesia in rule 4715-5-05 of the Administrative Code; and
  - (4) Has a properly equipped facility(s), whether fixed, mobile, or portable, in which the permit holder agrees to have available and utilize adequate monitoring, personnel, emergency equipment and drugs as recommended in the "Guidelines for the Use of Sedation and General Anesthesia by Dentists" as adopted by the October 2007 American dental association house of delegates; and
  - (5) At the time of application maintains successful completion of an advanced cardiac life support course, or its age appropriate equivalent; and
  - (6) Maintains a permanent address within the state of Ohio where he or she conducts business pursuant to his or her Ohio state dental license.
- (C) Prior to the issuance of such permit, the Ohio state dental board shall require an on-site evaluation of the facility(s), equipment, personnel, conscious sedation techniques and related document(s) to determine if the aforementioned requirements have been met. This evaluation shall be conducted by a qualified consultant appointed by the Ohio state dental board, and will follow the "Guidelines for the Use of Sedation and General Anesthesia by Dentists" as adopted by the October 2007 American dental association house of delegates. In the case of a mobile or portable facility, one inspection of that facility shall be conducted in the office of an Ohio licensed dentist where conscious sedation is administered. A written list of all monitors, emergency equipment and other materials which the mobile conscious sedation provider agrees to have available at all times while administering conscious sedation in multiple locations shall be provided to the Ohio state dental board. The applicant shall be responsible for the cost of this evaluation, which will be an amount not to exceed two hundred dollars.
- (D) In the event the Ohio state dental board deems the application or evaluation unsatisfactory, a written explanation documenting deficiencies and suggested remedies shall be forwarded to the applicant within fourteen days. The board may

- issue a permit based on documentation that deficiencies have been corrected; or the board may require a formal re-evaluation; or the applicant may request an appearance before the board to address the documented deficiencies.
- (E) The board shall without charge renew the conscious sedation permit biennially at the time of dental licensure renewal, provided the permit holder attests to the Ohio state dental board that he or she has maintained successful completion of a basic life support course, and maintains successful completion of a course in advanced cardiac life support or its age appropriate equivalent, or a minimum of six hours of board approved continuing education devoted specifically to the management and/or prevention of emergencies which may result from the use of conscious sedation. The board shall renew the permit unless the conscious sedation permit holder is informed in writing that a reevaluation as outlined in paragraph (C) of this rule, of his or her facility(s) and/or methods, is to be required. In determining whether such reevaluation is necessary, the board shall consider such factors as it deems pertinent including, but not limited to, patient complaints, reports of adverse occurrences, and random quality assurance audits. Such quality assurance audit(s), may include, but are not limited to, a review of documentation of pre-sedation evaluations, sedation and recovery records, and documentation of appropriateness for discharge. The permit holder shall be responsible for any costs incurred in a formal reevaluation, not to exceed two hundred dollars.
- (F) The Ohio state dental board may grant a permit authorizing the administration of conscious sedation to those Ohio licensed dentists who do not meet the qualifications outlined in paragraphs (B)(1) and (B)(2) of this rule, but who have provided conscious sedation in a safe, competent, ethical and effective manner, and who have moved to Ohio within the six months preceding his or her application, provided such dentist meets the requirements of paragraphs (B)(4), (B)(5) and (B)(6) of this rule.
- (G) A dentist holding a general anesthesia permit under rule 4715-5-05 of the Administrative Code may administer conscious sedation without a conscious sedation permit.
- (H) No dentist shall administer or employ any agent(s) which has a narrow margin for maintaining consciousness including, but not limited to, ultra-short acting barbiturates, propofol, parenteral ketamine, and similarly acting drugs, or quantity of agent(s), or technique(s), or any combination thereof that would likely render a patient deeply sedated, generally anesthetized or otherwise not meeting the conditions of the definition of conscious sedation as stated in paragraph (B)(5) of rule 4715-3-01 of the Administrative Code, unless he or she holds a valid general anesthesia permit issued by the Ohio state dental board.
- (I) A dentist holding a valid conscious sedation permit may supervise a certified registered nurse anesthetist only for conscious sedation procedures for which the dentist is qualified.
- (J) All conscious sedation permit holders shall provide written notification within ten days to the Ohio state dental board if conscious sedation services are to be provided at any new facility(s) other than those already listed with the Ohio state dental board.
- (K) No dentist, without personally obtaining a conscious sedation permit, may employ or work in conjunction with a conscious sedation provider in an out-patient dental facility unless that conscious sedation provider is a dentist holding a valid general anesthesia or conscious sedation permit under rule(s) 4715-5-05 and/or 4715-5-07 of the Administrative Code or an Ohio licensed physician, who has successfully completed graduate medical education, as defined in section 4731.091 of the Revised Code, in the field of anesthesiology, provided that such physician maintains successful completion of a course in advanced cardiac life support whenever conscious sedation is provided in a dental facility. The conscious sedation provider, whether a dentist or physician, must remain on the premises of the dental facility until any patient given conscious sedation has adequately recovered. The operating dentist shall provide advanced written notification to the Ohio state dental board that conscious sedation services are provided at his or her facility by a physician anesthesiologist. Failure to comply with paragraph (K) of this rule when the conscious sedation provider is a physician may result in disciplinary action against the operating dentist.
- (L) Reference materials for paragraphs (B)(1)(c), (B)(4), and (C) of this rule may be found at the following address:  
American dental association: 211 E. Chicago Avenue, Chicago, Illinois, 60611-2678; telephone - 312-440-2500; facsimile - 312-440-2800; internet website address - [www.ada.org](http://www.ada.org).

*Effective: 05/05/2014*

*Prior Effective Dates: 10-1-88, 6-8-98, 5-15-03, 4-2-10*

#### **4715-5-08 DENTURE IDENTIFICATION.**

Each licensed dentist shall ensure that every removable prosthesis is identified.

- (A) After the effective date of this rule, every removable prosthesis fabricated by a dentist, or fabricated pursuant to his or her work authorization form, shall be marked with the name and/or social security number of the patient for whom the denture is intended. The markings shall be made prior to final seating and shall be permanent, legible and cosmetically acceptable.

The exact location of the markings and the methods used to apply or implant them shall be determined by the dentist, entity or person fabricating the prosthesis.

- (B) Any removable prosthesis which has not been marked in accordance with paragraph (A) of this rule at the time of fabrication, shall be so marked at the time of any subsequent rebasing or duplication.

*Effective: 05-05-2008*

*Prior Effective Dates: 9-27-93; 4-28-98; 5-15-03*

## **REVIEW OF OHIO AUTOMATED RX REPORTING SYSTEM**

### **4715-6-01 STANDARDS AND PROCEDURES FOR REVIEW OF OHIO AUTOMATED RX REPORTING SYSTEM (OARRS).**

- (A) For purposes of this rule and division (A)(13) of section 4715.30 and section 4715.302 of the Revised Code:
- (1) "OARRS" means Ohio automated prescription reporting system;
  - (2) "OARRS report" means a report of information related to a specific patient generated by the drug database established and maintained by the State board of pharmacy pursuant to section 4729.75 of the Revised Code.
  - (3) "Personally furnishing" does not include the administration of a drug.
  - (4) "Reported drugs" includes the following:
    - (a) All controlled substances in scheduled II, III, IV, and V; and
    - (b) All dangerous drug products containing carisoprodol or tramadol.
  - (5) "Diversion" includes but is not limited to the following:
    - (a) Selling drugs;
    - (b) Borrowing drugs;
    - (c) Sharing drugs.
  - (6) "Protracted basis" means for a period in excess of twelve continuous weeks, and for no more than twenty four weeks over a period of one year.
- (B) If a dentist knows or has reason to believe that a patient may be abusing or diverting drugs, the dentist shall use sound clinical judgment in determining whether or not a reported drug should be prescribed or personally furnished to the patient under the circumstances. To assist in this determination, the dentist shall consider whether to access OARRS and document receipt and assessment of the information received if the patient exhibits signs of drug abuse or diversion. These signs may include, but are not limited to, the following:
- (1) Engaging in or has a history of drug related criminal activity;
  - (2) Is receiving reported drugs from multiple prescribers;
  - (3) Has family members, friends, law enforcement officers, or health care professionals express concern related to the patient's use of illegal or reported drug;
  - (4) Has a known history of chemical abuse or dependency;
  - (5) Is requesting reported drugs by street name, color, or identifying marks;
  - (6) Frequently requesting early refills of reported drugs;
  - (7) Frequently losing prescriptions for reported drugs.
- (C) Following review of OARRS report information, the dentist shall document receipt of the information in the patient's record.
- (D) A dentist licensed under this chapter who prescribes or personally furnishes reported drugs to treat a patient on a protracted basis shall, at a minimum, document receipt and assessment of an OARRS report in the following circumstances:
- (1) Once the dentist has reason to believe that treatment will be required on a protracted basis;
  - (2) At least once annually thereafter.
- (E) In requesting OARRS reports according to this rule:
- (1) Reports requested should cover a time period of at least one year;
  - (2) In the event an OARRS report is not immediately available prior to writing a prescription for, or personally furnishing, a reported drug, the dentist shall document in the patient record why the OARRS report was not available.
- (F) Paragraph (D) of this rule does not apply to a hospice patient in a hospice care program as those terms are defined in section 3712.01 of the Revised Code.

*Effective: 01/10/2012*

## LIMITED LICENSES

### 4715-7-01 LIMITED RESIDENT'S LICENSE.

- (A) An application for a limited resident's license must be certified by the program director or directing head of an institution employing the applicant and/or the chief of dental services of said institution. The application shall contain a statement signed by the applicant as to his knowledge of the dental laws of this state.
- (B) A limited resident's license shall be issued only to such applicant who is qualified in accordance with section 4715.16 of the Revised Code, and other provisions of this rule, and who is enrolled in a residency or fellowship program that has been approved or accredited by the American Dental Association "Commission on Dental Accreditation or the Accreditation Council for Graduate Medical Education (AGGME) and/or the Ohio state dental board. The limited resident's license is valid for the term of the residency or fellowship program for which the applicant has applied. This time period shall be so specified on the application.
- (C) A limited resident's license entitles such limited resident's license holder to practice dentistry only within the provisions of the approved resident's program and according to section 4715.16 of the Revised Code.
- (D) A limited resident's license application shall be submitted for each residency program in which the applicant is enrolled.

*Effective: 4-4-02*

*Prior Effective Dates: 8-1-74; 10-1-88*

### 4715-7-02 LIMITED TEACHING LICENSE.

An application for a limited teaching license must be certified by both the dean of the dental school and/or the chairman of the department where applicable. The application shall contain a statement by the applicant as to his knowledge of the dental laws of this state.

*Effective: 4-4-02*

*Prior Effective Dates: 8-1-74; 10-1-88*

### 4715-7-03 LIMITED RESIDENT'S LICENSE, LIMITED TEACHING LICENSE, LIMITED CONTINUING EDUCATION LICENSE DISPLAY.

- (A) The limited resident's license and the limited continuing education license granted under the provisions of section 4715.16 of the Revised Code, shall be kept on file at the school, institution, or facility wherein the license holder practices, and shall be made immediately available to agents of the board upon request.
- (B) The limited teaching license granted under the provisions of section 4715.16 of the Revised Code, shall be displayed in a conspicuous place in the school, institution, or facility where the person is authorized to practice or teach.

*Effective: 4-4-02*

*Prior Effective Dates: 8-1-74; 10-1-88*

## CONTINUING EDUCATION

### 4715-8-01 CONTINUING EDUCATION REQUIREMENTS.

Acceptable continuing education for all Ohio licensees is defined as educational and scientific courses given by board-approved sponsors consisting of activities designed to review existing concepts and techniques, to convey information beyond the basic dental education and to update knowledge on advances in scientific, non-clinical and clinical practice related subject matter, including ethics, regulatory compliance, risk management, nutrition, and evidence-based dentistry wherein the objective is to improve the knowledge, skills and ability of the individual to provide the highest quality of service to the public and the profession. Categories of credit - To fulfill the minimum requirements set forth in sections 4715.141 and 4715.25 of the Revised Code, the licensee is free to select areas of study within the stated categories, not to exceed the maximum number of hours in each category.

- (A) "Directly interactive presentation format" means a presentation format in which each participant is able to provide direct feedback and have interaction with the instructor through a question and answer format in real time.
- (B) "Supervised self-instruction" means the coursework is provided in a self-instruction format which must include a testing mechanism supplied by a board-approved sponsor. The licensee must complete a test with a passing score of not less than seventy-five percent and demonstrate a level of comprehension before credit is awarded. Tests must be graded by the sponsor and results returned to the licensee. Supervised self-instruction includes, but is not limited to:

- (1) Graded audio/video courses.
  - (2) Graded correspondence courses.
  - (3) Graded internet computer courses.
- (C) "Non-clinical dental practice related continuing education" means continuing education experiences which may include, but is not limited to, those courses which aid in the management of a dental practice or clinic, including those courses pertaining to the management of third party payer issues, dental billing practices, patient and provider appeals of payment disputes and patient management of billing matters; courses to improve recall and scheduling systems, production flow, communication systems and data management; courses in organization and management of the dental practice including office computerization and design, ergonomics, and the improvement of practice administration and office operations; courses in leadership development and team development; and, courses in human resource management and employee benefits. A maximum of six continuing education hours may be obtained in this category.
- (D) "Papers, publications and scientific presentations" means scientific papers authored by the licensee and published in a scientific professional journal, and/or the original presentation of papers, essays, scientific exhibits or formal lectures to recognized groups of fellow professionals. A maximum of four continuing education hours may be obtained in this category.
- (E) "Teaching and research appointments" means documented teaching or research activities at an accredited institution, at least one-half day per week per academic year, and holding at least a part-time faculty or research appointment as evidenced by a signed, dated letter of appointment from the chair or director of the accredited institution. A maximum of four continuing education hours may be obtained in this category.
- (F) "Volunteer service as a clinician" means continuing education credit may be awarded at a ratio of one continuing education credit for each four hours of volunteer clinical services provided through an approved program. An approved program is one sponsored by a permanent sponsor as defined in paragraph (A) of rule 4715-8-02 of the Administrative Code, that allows licensees to provide substantial pro bono dental and dental hygiene services to indigent and underserved populations, or to persons who reside in areas of critical need in the state of Ohio. No remuneration shall be made to the licensee or the program sponsor for services provided under this section. A maximum of four continuing education hours may be obtained in this category.
- (G) "Table clinics" means the original presentation of or documented viewing of a table clinic at a professional meeting. A maximum of two continuing education hours may be obtained in this category.

*Effective: 05/05/2014*

*Prior Effective Dates: 5-11-89, 4-5-01, 5-5-08*

#### **4715-8-02 SPONSORS OF CONTINUING EDUCATION.**

The sponsor is the individual, organization or educational institution or other entity conducting the professional education course. Sponsors shall be as follows:

- (A) Permanent sponsor – An organization, school or other dental-related organization as set forth in sections 4715.141(B)(1) and (B)(2) and 4715.25(A)(1) to (A)(4) of the Revised Code whose continuing education courses are approved by the state dental board. These sponsors are:
- (1) "American Dental Association," and constituent and component dental associations and societies affiliated with the "American Dental Association."
  - (2) "National Dental Association," and constituent and component dental associations and societies affiliated with the "National Dental Association."
  - (3) "American Dental Hygienists Association," and its recognized constituents, components and affiliated societies.
  - (4) "National Dental Hygienists' Association" and constituent and component dental hygienists' associations and societies affiliated with the "National Dental Hygienists' Association."
  - (5) National, state, district or local dental specialty organizations affiliated with the "American Dental Association."
  - (6) Academy of General Dentistry" and its constituent and component organizations.
  - (7) Colleges and universities with accredited schools of dentistry or dental hygiene and community colleges with approved dental hygiene programs, when the continuing professional education program is held under the auspices of the school of dentistry or dental hygiene, or the dental hygiene program.
  - (8) Colleges and universities accredited by an accrediting agency approved by the United States office of education. Hospitals accredited by the "Joint Commission on Accreditation of Healthcare Organizations (JCAHO)."
  - (9) Other organizations, schools or other dental-related organizations that by board action are listed as permanent sponsors.
- (B) Biennial sponsor – individuals, trade corporations, institutions, study clubs, dental research clinics, and nondental-related entities or groups that have applied and been approved by the board as sponsors for the current biennium. Sponsor approval shall be based upon the criteria identified in rule 4715-8-03 of the Administrative Code. Approval as a biennial

sponsor automatically expires at the end of the biennium, and approval must be obtained for each successive biennial licensing period.

- (C) The board retains the right and authority, upon notification, to audit, monitor. Or request evidence demonstrating adherence to Chapter 4715 of the Revised Code, for courses given by any sponsor. The board may rescind biennial sponsor status if the sponsor has disseminated any false or misleading information in connection with the continuing education program, or if the sponsor has failed to conform to sections 4715.141 and 4715.25 of the Revised Code, or rules 4715-8-01, 4715-8-02 and 4715-8-03 of the Administrative Code.
- (D) Continuing education sponsors submitting an application must meet the following eligibility criteria:
  - (1) A CE sponsor must ensure that all courses that are to be considered for Ohio licensure renewal have a sound scientific basis, proven efficacy to ensure public safety and must comply with the guidelines set forth in sections 4715.141 and 4715.25 of the Revised Code and all rules of the board.
  - (2) Sponsorship approval extends only to the CE sponsor; approval does not necessarily extend to individual courses, programs, lecturer(s) and instructor(s).
  - (3) A CE sponsor must document that it is targeting its activities to a great extent to dentists/dental hygienists/dental assistant radiographers by providing dental oriented topics within the scope of the profession.
- (E) All biennial sponsors of continuing education shall ensure that all publicity criteria abide by the following:
  - (1) Publication must be informative and not misleading. It must include at a minimum the following:
    - (a) The name of the sponsor, as well as any organization or agencies providing financial support, must be clearly stated;
    - (b) Course title;
    - (c) Description of course content;
    - (d) The educational objectives;
    - (e) A description of teaching methods used;
    - (f) Costs and contact person;
    - (g) Course instructor(s) and their qualifications;
    - (h) Location, date and time;
    - (i) Specifics as to the sponsors board sponsorship status; and
    - (j) Number of credit hours each course provides towards fulfillment of CE obligation.
  - (2) Sponsors shall ensure that providers must avoid misleading statements regarding the nature of the activity or the benefits to be derived from participation.
- (F) The requirements outlined in paragraphs (E)(1)(a) to (E)(1)(j) of this rule do not apply to board approved study clubs.

*Effective Date: 4-5-01*

*Prior Effective Dates: 5-11-89*

### **4715-8-03      STANDARDS FOR APPROVAL OF BIENNIAL SPONSORS.**

In order to obtain approval as a biennial sponsor, a sponsor shall:

- (A) Make application by completion of an application form provided by the board, including a fee of one hundred thirty-five dollars for the biennium, to be prorated at a rate of thirty-seven dollars and seventy-five cents per half year, based on the time the application is submitted.
- (B) Submit evidence to the board demonstrating adherence to the following standards:
  - (1) Participant objectives shall state the expected outcomes for the participant and be used as a basis for determining content and learning experiences. Explicit written educational objectives identifying the expected learner outcomes must be developed for each activity. The program planner must be ultimately responsible for ensuring that appropriate objectives are developed for each activity. The educational objectives may however, be prepared by the instructor, course director or program planner.
  - (2) Curriculum offerings shall reflect appropriate didactic and clinical training for the subject matter. The teaching methods shall be appropriate to achieve the stated objective of the course and the time allotted is sufficient for the participants to meet the stated objectives. When a course includes clinical dental hygiene or dental assistant radiographer practice on patients, an Ohio licensed dentist shall provide supervision.
  - (3) Continuing education sponsors must ensure that providers/instructors chosen to teach courses are qualified by education and/or experience to provide instruction in the relevant subject matter.
  - (4) Facilities and equipment shall be specifically designed for instruction in each subject offered.
  - (5) Award partial credit for participants failing to complete the total number of hours for which a specific offering planned, if appropriate, in view of the subject matter and the instruction method of the course.
- (C) Designate a person who assumes responsibility for each continuing education offering. The contact person shall:

- (1) Completely file all information necessary for provider approval.
  - (2) Ensure that continuing education offerings that are to receive hours of credit acceptable towards Ohio licensure renewal comply with sections 4715.141 and 4715.25 of the Revised Code, and all rules of the board.
  - (3) Provide written certification that the course has been satisfactorily completed only to those attendees who have completed the course. The certification shall contain the sponsor's name, title of course, instructor(s), date of course, location, and number of hours of credit acceptable towards Ohio licensure renewal and category of credit according to rule 4715-8-01(A) to (H) of the Administrative Code. Validation by the sponsor of a document furnished by the attendee shall satisfy this requirement.
  - (4) Notify the board of any significant changes relative to the maintenance of standards as set forth in this chapter.
- (D) Maintain records of individual course offerings. Records shall include:
- (1) Name of CE sponsor, instructor(s) and their qualifications;
  - (2) The date(s), location and number of continuing education hours of acceptable towards Ohio licensure renewal;
  - (3) The title of the offering and/or specific subjects;
  - (4) Category of credit hours acceptable towards Ohio licensure renewal as set forth in rule 4715-8-01(A) to (H) of the Administrative Code.
  - (5) Sponsors must maintain records of the individual participants at each educational offering, including their names and addresses, for a period of at least four years.

*Effective Date: 4-4-02*

*Prior Effective Dates: 5-11-89; 4-27-98; 4-5-01*

#### **4715-8-04 CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OR REINSTATEMENT.**

- (A) Each applicant for biennial license registration or license reinstatement shall certify that the applicant has completed the requisite hours of continuing dental education (hereinafter "CE") since the start of the registration period. This certification shall be evidence of completion of the CE requirement as set forth in sections 4715.141, 4715.25, and 4715.58 of the Revised Code, provided that:
- (1) The board may annually select applications for biennial license registration or license reinstatement for verification that all CE requirements have been met. Licensees whose applications are selected shall submit additional documentation of compliance with CE requirements as the board may require, within thirty days.
  - (2) Applicants shall keep detailed records of CE hours taken. Records of all CE undertaken shall be retained by the applicant for the period of at least four years after the completion of the CE activity, and shall be kept available for agents of the board for review. At a minimum, the following information must be retained:
    - (a) Description of the CE activity;
    - (b) The location of the CE activity;
    - (c) The dates of attendance
    - (d) The hours of each CE activity; and
    - (e) A certificate or letter of completion issued by the presenter of the CE activity, if available, or any other available documentation of the completion of the CE activity, acceptable to the board. Which shall include at a minimum the following:
      - (i) Name(s) of the sponsor and instructor(s);
      - (ii) Course title; and
      - (iii) Number of credit hours of continuing education acceptable towards Ohio licensure renewal.
      - (iv) It is the licensees responsibility to ensure that courses taken fulfill the requirements set forth in sections 4715.141, 4715.25 and 4715.58 of the Revised Code and sections 4715-8-01 to 4715-8-04 of the Administrative Code.
- (B) Failure to maintain adequate records of CE activity rebuts the presumption established in paragraph (A) of this rule that the CE requirements have been completed.
- (C) Nothing in this rule shall limit the board's authority to investigate and take action pursuant Chapter 4715. of the Revised Code.

*Effective Date: 4-5-01*

*Prior Effective Dates: 2-5-93; 3-3-95; 4-27-98*

## DENTAL HYGIENISTS

### 4715-9-01 PERMISSIBLE PRACTICES OF A DENTAL HYGIENIST.

- (A) The dental hygienist may perform the following tasks and/or procedures under the direct supervision of a licensed dentist if the dental hygienist has completed the requirements set forth in sections 4715.23, 4715.39, and 4715.23 1 of the Revised Code and board rules. The dental hygienist must have completed a basic life-support training course certified by the American heart association, the American red cross or the American safety and health institute and remain current at all times when performing the following tasks and/or procedures:
- (1) Administration of intraoral block and infiltration local anesthesia – Upon completion of the requirements set forth in sections 4715.23 and 4715.231 of the Revised Code and rule 4715-9- 01.1 of the Administrative Code, a licensed dental hygienist may administer intraoral block and infiltration local anesthesia.
  - (2) Administration (initiate, adjust, monitor, and terminate) of nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation – Upon completion of the requirements set forth in section 4715.23 of the Revised Code and rule 4715-9- 01.2 of the Administrative Code, a licensed dental hygienist may administer N<sub>2</sub>O-O<sub>2</sub> minimal sedation while providing treatment if the following requirements are met:
    - (a) The supervising dentist has evaluated the patient and prescribed the use of N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
    - (b) The supervising dentist must approve the use of N<sub>2</sub>O-O<sub>2</sub> minimal sedation immediately prior to each instance of administration.
    - (c) The dental hygienist shall not administer N<sub>2</sub>O-O<sub>2</sub> minimal sedation to more than one patient at a time.
    - (d) The dental hygienist shall physically remain with the patient at all times.
    - (e) The supervising dentist approves the discharge of the patient.
  - (3) Monitoring nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation – Upon completion of the requirements set forth in sections 4715.23 and 4715.39 of the Revised Code and rule 4715-9- 01.3 of the Administrative Code, a licensed dental hygienist may monitor N<sub>2</sub>O-O<sub>2</sub> minimal sedation while providing treatment if the following requirements are met:
    - (a) A satisfactory initiation phase has been administered by the dentist.
    - (b) The dental hygienist shall not monitor more than one patient at a time.
    - (c) The dental hygienist shall physically remain with the patient at all times.
    - (d) The dental hygienist must document the supervising dentist's approval for discharge of the patient.
    - (e) The dental hygienist, who is qualified to only monitor N<sub>2</sub>O-O<sub>2</sub> minimal sedation, shall not under any circumstances administer, adjust, or terminate N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
- The completion of all requirements for paragraphs (A)(1) to (A)(3) of this rule shall be documented on a form supplied by the board, with all supporting information attached. This form shall be maintained in the facility(s) where the dental hygienist is working.
- (B) The dental hygienist may perform the following tasks and/or procedures which may be delegated only to a licensed dental hygienist under the supervision of a licensed dentist:
- (1) Removal of calcareous deposits or accretions from the crowns and roots of teeth.
  - (2) Periodontal scaling, root planing, and soft tissue curettage.
  - (3) Sulcular placement of prescribed materials.
  - (4) Bleaching of teeth (excluding procedures that utilize light amplification by stimulated emission of radiation (LASER) technologies).
- (C) The dental hygienist may also perform the following tasks and/or procedures under the supervision of a licensed dentist:
- (1) Polishing of the clinical crown(s) of teeth, including restorations.
  - (2) Pit and fissure sealants.
  - (3) Standard, diagnostic, radiologic procedures for the purpose of contributing to the provision of dental services.
- (D) In performing advanced remediable restorative intra-oral dental tasks and/or procedures, the licensed dental hygienist is subject to sections 4715.61 to 4715.66 of the Revised Code and agency level rules regulating expanded function dental auxiliaries.
- (E) In performing basic remediable intra-oral and extra-oral dental tasks and/or procedures, the licensed dental hygienist is subject to those rules regulating basic qualified personnel. However, dental hygienists may engage in the following duties when the dentist is not physically present, subject to the limitations outlined in divisions (C) and (D) of section 4715.22 of the Revised Code, which must be adhered to when performing these duties:
- (1) Aspiration and retraction, excluding placement of gingival retraction materials.
  - (2) Intra-oral instrument transfer.
  - (3) Preliminary charting of missing and filled teeth.

- (4) Elastomeric impressions for diagnostic models and models to be used for opposing models in the construction of appliances and restorations.
- (5) Taking impressions for the construction of custom athletic mouth protectors/mouthguards, and trays for application of medicaments.
- (6) Application of disclosing solutions.
- (7) Caries susceptibility testing.
- (8) Demonstration of oral hygiene procedures, including, but not limited to, use of toothbrushes and dental floss.
- (9) Application of topical anesthetics.
- (10) Fluoride application.
- (11) Topical applications of desensitizing agents to teeth.
- (12) Application and removal of periodontal dressings.
- (13) Intra-oral bite registrations for diagnostic model articulation.
- (14) All supportive services necessary to the maintenance of a hygienic practice environment, including, but not limited to, all sterilizing procedures.
- (15) All supportive services or procedures necessary to protect the physical well-being of the patient during routine treatment procedures and during periods of emergencies, including, but not limited to:
  - (a) Physical positioning of the patient;
  - (b) Monitoring of vital signs;
  - (c) Assistance during administration of life-support activities; and
  - (d) Any other non-invasive procedures deemed necessary by the supervising dentist to maintain the health and safety of the patient.
- (16) All non-invasive supportive services and procedures necessary to the gathering and maintaining of accurate and complete medical and dental history of the patient, including but not limited to:
  - (a) Taking photographs;
  - (b) Recording patient treatment;
  - (c) Measurement of blood pressure and body temperature; and
  - (d) Other common tests deemed necessary by the supervising dentist.
- (17) All extra-oral supportive laboratory procedures, including, but not limited to:
  - (a) Repair, construction and finishing of metallic and plastic prosthetic devices; and
  - (b) Compilation of radiographic data for interpretation by the dentist, i.e., tracings, etc.
- (18) The preparation of impression materials.
- (19) All patient education services, including, but not limited to:
  - (a) Progress reports;
  - (b) Consultations (oral or written);
  - (c) Oral hygiene instructions;
  - (d) Use of intra-oral hygiene devices;
  - (e) Normal nutrition information as it relates to dental health;
  - (f) Behavioral modification;
  - (g) Self adjustment of orthodontic appliances; and
  - (h) All other post-operative and post-insertion instructions, as deemed appropriate by the supervising dentist.

*Replaces: 4715-9-01*

*Effective: 12-24-2010*

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#### **4715-9-01.1 ADMINISTRATION OF LOCAL ANESTHESIA; EDUCATION AND EXAMINATION REQUIREMENTS.**

Each licensed dental hygienist seeking to administer intraoral block and infiltration local anesthesia to a patient in accordance with rule 4715-9-01 of the Administrative Code must have completed a basic life-support training course certified by the American heart association, the American red cross or the American safety and health institute, and remain current at all times when administering local anesthesia. In order to administer intraoral block and infiltration local anesthesia the dental hygienist must have completed the requirements set forth in sections 4715.23 and 4715.23 1 of the Revised Code and the education and examination requirements set forth in paragraph (A) or (B) of this rule.

- (A) The dental hygienist has successfully completed the following educational and examination requirements:
- (1) The dental hygienist has successfully completed a board-approved course in the administration of local anesthesia which meets the requirements set forth in divisions (B)(1)(a) and (C) of section 4715.231 of the Revised Code that is offered by a dental or dental hygiene program accredited by the American dental association commission on dental

- accreditation. The board-approved course may be offered as continuing education or as part of a curriculum for graduation; and
- (2) Within eighteen months of completion of the local anesthesia education and training, the dental hygienist has successfully passed the Northeast regional board of dental examiners, inc. local anesthesia examination for dental hygienists or an equivalent examination approved by the board.
- (B) The dental hygienist is authorized to administer local anesthesia by another state's licensing authority with jurisdiction over the practice of dental hygiene and meets the following requirements:
- (1) The dental hygienist has successfully completed a course or instruction that is substantially equivalent, as determined by the board, to the required hours and content of the course described in division (C) of section 4715.231 of the Revised Code; or
  - (2) The dental hygienist maintains documentation satisfactory to the board that they have obtained, within forty-eight months immediately preceding the date of application for dental hygiene licensure in the state of Ohio, twenty-four consecutive months of experience in the administration of local anesthesia in the other state where the dental hygienist is authorized to administer local anesthesia.

Completion of basic life-support and all education and examination requirements for the administration of local anesthesia shall be documented on a form supplied by the board, with any necessary supporting information attached. This form shall be maintained in the facility(s) where the dental hygienist is working. The board retains the right and authority, upon notification, to audit, monitor or request evidence demonstrating adherence to Chapter 4715. of the Revised Code and/or agency 4715 of the Administrative Code.

*Effective: 12-24-2010*

#### **4715-9-01.2 ADMINISTRATION (INITIATE, ADJUST, MONITOR, AND TERMINATE) OF NITROUS OXIDE-OXYGEN (N<sub>2</sub>O-O<sub>2</sub>) MINIMAL SEDATION; EDUCATION, TRAINING, AND EXAMINATION REQUIREMENTS.**

Each licensed dental hygienist seeking to administer (initiate, adjust, monitor, and terminate) nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation must have completed a basic life-support training course certified by the American heart association, the American red cross, or the American safety and health institute, and remain current at all times when administering N<sub>2</sub>O-O<sub>2</sub> minimal sedation. In order to administer N<sub>2</sub>O-O<sub>2</sub> minimal sedation the dental hygienist must have completed the education and examination requirements set forth in paragraph (A) or (B) of this rule.

- (A) The licensed dental hygienist has successfully completed a six hour course in the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation provided by a permanent sponsor. The course shall include no less than four hours of didactic instruction and at least two hours of clinical experience. The course shall include, at a minimum, the following:
- (1) The didactic component shall include the following topics:
    - (a) The history, philosophy and psychology of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
    - (b) Definition and descriptions of the physiological and psychological aspects of pain and anxiety
    - (c) Concepts and management of pain and anxiety
    - (d) Indications and contraindications for N<sub>2</sub>O-O<sub>2</sub> minimal sedation
    - (e) Anatomy and physiology of respiration
    - (f) Pharmacological and physiological effects of nitrous oxide
    - (g) Description of the stages of drug induced central nervous system depression through all levels of consciousness and unconsciousness with special emphasis on the distinction between the conscious and unconscious state
    - (h) Medical assessment of the patient prior to administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
    - (i) Moderate and deep sedation/general anesthesia versus minimal sedation
    - (j) Armamentarium used in the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
    - (k) Initiation, adjustment, monitoring, and termination of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
    - (l) Management of complications and medical emergencies
    - (m) Legal and ethical considerations
    - (n) Occupational exposure
  - (2) The clinical experience shall include at least the following topics:
    - (a) Patient status assessment
    - (b) Safe and effective use of appropriate armamentarium
    - (c) Techniques for administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
    - (d) Post-operative care of the patient
  - (3) Successful completion of a written examination provided by the board-approved permanent sponsor.
  - (4) A clinical competency, provided by the board-approved sponsor, must be completed.

- (5) A certificate, documenting successful completion of the course, must be provided to the dental hygienist by the permanent sponsor within ten days after successful completion of the course, examination, and clinical competency examination. The original certificate or a copy must be maintained in the office(s) wherein the dental hygienist practices.
- (B) A dental hygienist shall be exempt from completing a N<sub>2</sub>O-O<sub>2</sub> minimal sedation administration course and the examination requirements provided in paragraph (A) of this rule for either of the following:
- (1) The licensed dental hygienist holds a current dental hygiene license, certificate, permit, registration, or other credential issued by another state for the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation if the training received is substantially equivalent, as determined by the board, to the required hours, content and examination requirements of the course described in paragraph (A) of this rule.
  - (2) The license dental hygienist has graduated on or after January 1, 2010 from an American dental association commission on dental accreditation approved dental hygiene program and has completed the equivalent training within the dental hygiene curriculum.

Completion of basic life-support and all education and examination requirements for the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation shall be documented on a form supplied by the board, with any necessary supporting information attached. This form shall be maintained in the facility(s) where the dental hygienist is working. The board retains the right and authority, upon notification, to audit, monitor or request evidence demonstrating adherence to Chapter 4715. of the Revised Code and/or agency 4715 of the Administrative Code.

*Effective: 09/17/2011*

*Prior Effective Dates: 12/24/2010*

#### **4715-9-01.3 MONITORING OF NITROUS OXIDE-OXYGEN (N<sub>2</sub>O-O<sub>2</sub>) MINIMAL SEDATION; EDUCATION OR TRAINING REQUIREMENTS.**

Each licensed dental hygienist seeking to monitor nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation must have completed a basic life-support training course certified by the American heart association, the American red cross, or the American safety and health institute, and remain current at all times when monitoring N<sub>2</sub>O-O<sub>2</sub> minimal sedation. In order to monitor N<sub>2</sub>O-O<sub>2</sub> minimal sedation the dental hygienist must have completed the education and examination requirements set forth in rule 4715-11-02.1 of the Administrative Code for the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation for basic qualified personnel excepting that the licensed dental hygienist is not required to complete the stipulations set forth in paragraph (A)(38)(b) of rule 4715-11-02 of the Administrative Code.

Completion of basic life-support and all education and examination requirement for the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation shall be documented on a form supplied by the board, with any necessary supporting information attached. This form shall be maintained in the facility(s) where the dental hygienist is working. The board retains the right and authority, upon notification, to audit, monitor or request evidence demonstrating adherence to Chapter 4715. of the Revised Code and/or agency 4715 of the Administrative Code.

*Effective: 12-24-2010*

#### **4715-9-02 DENTAL HYGIENE EXAMINATION LIMITED.**

The Ohio state dental board will admit to examination only those persons who have graduated from a dental hygiene school or dental hygiene program which was accredited by the American dental association's commission on dental accreditation at the time of graduation and who have met the requirements set forth in section 4715.21 of the Revised Code.

*Effective: 10-09-2006*

*Prior Effective Dates: 08-01-74; 4-5-99*

#### **4715-9-03 REQUIREMENTS FOR LICENSURE FOR DENTAL HYGIENISTS.**

- (A) Applicants for licensure to practice dental hygiene as provided in section 4715.21 of the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:
- (1) He is at least eighteen years of age; and
  - (2) He is of good moral character; and
  - (3) He is a graduate of an accredited school of dental hygiene; and
  - (4) He has successfully passed all parts of the examination given by the Joint commission on national dental examinations; and

- (5) He provides evidence of successfully passing all components based on a conjunctive scoring method of one of the following regional board examinations: the North east regional board of dental examiners, inc. (NERB), the Central regional dental testing service, inc. (CRDTS), the Southern regional testing agency, inc. (SRTA), or the Western regional examining board (WREB).
- (B) Applicants for licensure to practice dental hygiene as provided in section 4715.27 of the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:
  - (1) He is at least eighteen years of age; and
  - (2) He is of good moral character; and
  - (3) He is a graduate of an accredited school of dental hygiene; and
  - (4) He has successfully passed all parts of the examination given by the Joint commission on national dental examinations; and
  - (5) He holds a license in good standing from another state and has actively engaged in the legal and reputable practice of dental hygiene in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application; and
  - (6) He proves to the satisfaction of the board that he intends to practice dental hygiene in this state.
- (C) Each applicant for licensure to practice dental hygiene shall successfully pass a jurisprudence examination approved by the state dental board on the statute and rules governing the practice of dental hygiene in the state of Ohio.

*Replaces: 4715-9-02.1, 4715-9-03, eff. 6-7-04*

*Effective: 5-15-03*

#### **4715-9-04 DENTAL HYGIENE TEACHING CERTIFICATE.**

An application for a dental hygiene teaching certificate must be certified by the administrator of the dental hygiene school or program where the person is authorized to teach. The application shall contain a statement signed by the applicant as to his knowledge of the dental laws of the state. The certificate granted under the provisions of section 4715.27, of the Revised Code, shall be displayed in a conspicuous place in the institution.

*Effective: 4-5-99*

*Prior Effective Dates: DE-9-04*

#### **4715-9-05 PRACTICE WHEN THE DENTIST IS NOT PHYSICALLY PRESENT.**

- (A) A dental hygienist may provide, for not more than fifteen consecutive business days, or no more than three consecutive weeks, dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if all of the following requirements are met:
  - (1) The dental hygienist has at least two years and a minimum of three thousand hours of experience in the practice of dental hygiene. This experience shall be documented on a form supplied by the board, with any necessary supporting information attached, and the form shall be maintained in the facility(s) where the dental hygienist is working.
  - (2) The dental hygienist has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. This board approved course shall be taken through a permanent sponsor, shall be at least four hours in duration, and shall include, at a minimum, the following topics:
    - (a) Medical history;
    - (b) Recognition of common medical emergency situations;
    - (c) Office emergency protocols;
    - (d) Basic airway management;
    - (e) Prevention of emergency situations during dental appointments; and
    - (f) Recognition of symptoms, first aid treatment and possible outcomes for patients who exhibit bleeding injuries, cardiovascular disease, insulin reaction, diabetic coma, shock, syncope, epileptic seizures and allergic reactions.Completion of this course shall be documented on a form supplied by the board, with all necessary supporting information attached, and the form shall be maintained in the facility(s) where the dental hygienist is working.
  - (3) The dental hygienist must have completed a basic life-support training course certified by the American heart association, American red cross, or the American safety and health institute, and remain current at all times while treating patients when the dentist is not physically present. This must be verified on a form supplied by the board, with all necessary supporting information attached, and the form shall be maintained in the facility(s) where the dental hygienist is working.
  - (4) The dental hygienist complies with written protocols for emergencies the supervising dentist establishes.

- (5) The supervising dentist has evaluated the dental hygienist's skills and has made a determination that the dental hygienist is competent to treat patients without the dentist being physically present. This determination shall be documented on a form supplied by the board, and the form shall be maintained at the facility(s) where the dental hygienist is working.
  - (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.
  - (7) The dental hygienist complies with written protocols or written standing orders that the supervising dentist establishes, including an updated medical history.
  - (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, unless there has been a medically significant change in the patient's medical history since the last appointment, 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.
  - (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.
  - (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. This notification must be documented in the patient record.
- (B) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met:
- (1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized and approved by the state dental board.
  - (2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated.
  - (3) The services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan for the procedures to be performed by the dental hygienist.
- (C) The supervising dentist shall have no more than three dental hygienists treating patients when the dentist is not physically present.
- (D) No person shall do either of the following:
- (1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist.
  - (2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.
- (E) The following procedures may not be performed by a dental hygienist when the supervising dentist is not physically present:
- (1) Administration of intraoral block and infiltration local anesthesia
  - (2) Administration (initiate, adjust, monitor, and terminate) of nitrous oxide-oxygen ((N<sub>2</sub>O-O<sub>2</sub>) minimal sedation
  - (3) Monitoring of nitrous oxide-oxygen ((N<sub>2</sub>O-O<sub>2</sub>) minimal sedation
  - (4) Procedures while the patient is anesthetized.
  - (5) Definitive subgingival curettage.
  - (6) Definitive root planing.
  - (7) Sulcular placement of prescribed materials.
  - (8) Shade selection for fabrication of appliances or restorations.
  - (9) Pulp testing.
  - (10) Suture removal.
  - (11) Placement of a rubber dam over preplaced clamp, and removal of clamp and rubber dam.
  - (12) Application of cavity varnish.
  - (13) Placement and removal of surgical dressings.
  - (14) Bleaching of teeth.
  - (15) The following orthodontic procedures:
    - (a) Preliminary selection and sizing of orthodontic bands and arch wires.
    - (b) Checking for and removal of loose orthodontic bands and loose brackets.

- (c) Placement and removal of orthodontic arch wires, auxiliary arch wires, and ligation of same to orthodontic bands and/or brackets.
- (d) Placement and removal of orthodontic separators and ties.
- (16) The following endodontic procedures:
  - (a) Irrigation and drying of canals during endodontic procedures.
  - (b) Placement of medication in the pulp chamber(s) of teeth with non-vital pulp or instrumented root canals.
- (17) The following restorative procedures:
  - (a) Impression, fabrication, cementation and removal of any provisional restorations.
  - (b) Preliminary selection and sizing of stainless steel crowns.
  - (c) Polymerization of light-activated restorative or bonding materials.
- (18) The preparation of materials, drugs and medications for use in dental procedures, including, but not limited to:
  - (a) Palliative materials.
  - (b) Restorative materials.
- (19) All non-invasive supportive services normally utilized in conjunction with the treatment by the dentist of fascia pain or TMJ syndrome.
- (20) Intra-oral bite registrations for restorations and appliances.
- (21) Preparing the teeth for restorations or for the bonding of orthodontic brackets by treating the supragingival coronal surfaces of the teeth to be bonded with a conditioning or etching agent and by the placement of a bonding agent adhesive.
- (22) Impressions for removable or fixed orthodontic appliances.

*Effective: 12-24-2010*

*Prior Effective Dates: 06-17-99, 04-04-02, 05-15-03*

**4715-9-06 DENTAL HYGIENIST PARTICIPATING IN THE ORAL HEALTH ACCESS SUPERVISION PROGRAM (OHASP).**

- (A) A dental hygienist may participate in an oral health access supervision program and provide dental hygiene services if all of the following requirements have been met:
  - (1) The dental hygienist, authorizing dentist, and facility, comply with all requirements outlined in section 4715.36 to 4715.375 of the Revised Code.
  - (2) A dental hygienist may provide dental hygiene services as defined in division (F) of section 4715.36 of the Revised Code when participating in the oral health access supervision program (OHASP).
  - (3) A dental hygienist may perform those duties outlined in board rule 4715-9-01(E) when participating in the OHASP.
  - (4) A dental hygienist may not perform those duties outlined in board rule 4715-9-05(E) when participating in the OHASP.
- (B) The dental hygiene services must be provided within 30 days of the authorizing dentist's review and evaluation of the patient's medical records, unless there are medically significant changes in the patient's medical history since the review. If a medically significant change has occurred, no dental hygiene services shall be provided under this section until the authorizing dentist completes another review and evaluation of the patient's medical and dental history. The authorizing dentist may complete the subsequent review and evaluation of the patient's medical and dental history by telephone, facsimile, electronic mail, video, or any other means of communication.
- (C) Notification to the patient and operator of the facility where dental hygiene services are to be provided that no dentist will be present, as required in division (5) of section 4715.365(A) of the Revised Code, shall be made prior to providing dental hygiene services.

*Effective: 3-25-2011*

**4715-9-06.1 COURSE REQUIREMENT FOR THE PRACTICE OF DENTAL HYGIENE UNDER ORAL HEALTH ACCESS SUPERVISION PROGRAM (OHASP).**

- (A) For purposes of division (B) of section 4715.372 of the Revised Code, the course shall prepare dental hygienists to properly and safely practice dental hygiene under oral health access supervision program (OHASP). The course shall include basic concepts that allow a dental hygienist to provide dental hygiene services to a patient when the oral health access supervising dentist is not present at the location at which the services are provided.
- (B) The course shall be eight hours in length and shall include, but not be limited to, the following:
  - (1) As required by 4715.372(B)(2)(a) of the Revised Code, the treatment of geriatric patients, medically compromised patients, developmentally disabled patients, and pediatric patients:

- (a) Common oral conditions
  - (b) Medical considerations
  - (c) Medications
  - (d) Behavioral management
  - (e) Recognition of abuse
  - (f) Recognition of what constitutes a medically significant change to a patient's medical or dental history.
- (2) Infection control.
  - (3) Ethical and legal considerations.
  - (4) As required by 4715.372(B)(2)(b) of the Revised Code, the course should include all recordkeeping practices outlined in board rule 4715-9-01, and those pertaining to the OHASP as stated in 4715.361 to 4715.375 of the Revised Code and be inclusive of all forms required by the board in association with the OHASP.

*Effective: 3-25-2011*

## **ORAL HEALTH ACCESS SUPERVISION PERMIT**

### **4715-10-01 APPLICATION FOR ORAL HEALTH ACCESS SUPERVISION PERMIT: DENTIST.**

- (A) No licensed dentist shall participate in the oral health access supervision program as provided in sections 4715.36 to 4715.374 of the Revised Code, unless such dentist possesses a permit issued by the Ohio state dental board.
- (B) In order to receive such a permit, the licensed dentist shall apply on a form prescribed and provided by the state dental board, submit the application fee of twenty dollars, and provide the following information:
  - (1) Dentist's name;
  - (2) Ohio license number; and
  - (3) Current practice address.
- (C) The state dental board shall issue an oral health access supervision permit to a dentist who is in good standing with the board and satisfies all the requirements of this rule.

*Effective: 09/17/2011*

### **4715-10-02 EXPIRATION OF ORAL HEALTH ACCESS SUPERVISION PERMIT; RENEWAL.**

- (A) An oral health access supervision permit issued under section 4715.362 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance.
- (B) A dentist who desires to renew a permit shall apply, under oath, to the state dental board on a form prescribed by the board and pay a renewal fee of twenty dollars.
- (C) The board shall renew an oral health access supervision permit for a two-year period if the dentist submitted a complete application, paid the renewal fee, is in good standing with the board, and verified with the board, all of the following:
  - (1) The locations at which dental hygienists have, under the dentist's authorization, provided services during the two years prior to submission of the renewal application.
  - (2) The number of patients treated, during the two years prior to submission of the renewal application, by each dental hygienist providing dental hygiene services under the dentist's authorization.
  - (3) The number of patients reported in accordance with paragraph (C)(2) of this rule who received a clinical evaluation from a dentist following the provision of dental hygiene services by the dental hygienist.

*Effective: 09/17/2011*

### **4715-10-02.1 SUSPENSION OR REVOCATION OF PERMIT: DENTIST.**

- (A) An oral health access supervision permit issued under section 4715.362 of the Revised Code may be suspended for any of the following reasons, including but not limited to:
  - (1) The dentist no longer holds a current active license status;
  - (2) The dentist fails to complete the continuing education requirements set forth in section 4715.141 of the Revised Code by the thirty-first day of December of the odd-numbered year;
  - (3) The dentist fails to provide the board with a listing of all locations where services were provided under the oral health access supervision program or where services are to be provided in the future; or
  - (4) The dentist's license has been disciplined as set forth in section 4715.30 of the Revised Code or for any violation of Chapter 4715. of the Revised Code.

*Effective: 09/17/2011*

**4715-10-03 APPLICATION FOR ORAL HEALTH ACCESS SUPERVISION PROGRAM PERMIT; DENTAL HYGIENIST.**

- (A) No licensed dental hygienist shall participate in the oral health access supervision program as provided in sections 4715.36 to 4715.374 of the Revised Code, unless such dental hygienist possesses a permit issued by the Ohio state dental board.
- (B) In order to receive such a permit, the licensed dental hygienist shall apply on a form prescribed and provided by the state dental board, submit the application fee of twenty dollars, and provide the following information:
  - (1) Dental hygienist's name;
  - (2) Ohio license number; and
  - (3) Other information required by the board.
- (C) The applicant shall provide evidence satisfactory to the board that the applicant has done all of the following:
  - (1) Completed at least two years and attained a minimum of three thousand hours of experience in the clinical practice of dental hygiene;
  - (2) Completed at least twenty-four hours of continuing dental hygiene education during the two years immediately preceding submission of the application;
  - (3) Completed a course pertaining to the practice of dental hygiene under the oral health access supervision of a dentist that meets standards established in rule 4715-9-06.1 of the Administrative Code;
  - (4) Completed, during the two years immediately preceding application, a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course described in division (C)(2) of section 4715.22 of the Revised Code.
- (D) The state dental board shall issue a permit to practice under the oral health access supervision of a dentist to a dental hygienist who is in good standing with the board and meets all of the requirements of paragraphs (B) and (C) of this rule.

*Effective: 09/17/2011*

**4715-10-04 EXPIRATION OF PERMIT TO PRACTICE UNDER ORAL HEALTH ACCESS SUPERVISION PROGRAM; RENEWAL.**

- (A) A permit to practice under the oral health access supervision of a dentist issued under section 4715.363 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance.
- (B) A dental hygienist who desires to renew a permit shall apply, under oath, to the state dental board on a form prescribed by the board and pay a renewal fee of twenty dollars.
- (C) The state dental board shall renew a permit for a two-year period if the dental hygienist submitted a complete application, paid the renewal fee, is in good standing with the board, and has verified with the board both of the following:
  - (1) The locations at which the dental hygienist has provided dental hygiene services under a permit to practice under the oral health access supervision of a dentist.
  - (2) The number of patients that the hygienist has treated under a permit during the two years prior to submission of the renewal application.

*Effective: 09/17/2011*

**4715-10-04.1 SUSPENSION OR REVOCATION OF PERMIT; DENTAL HYGIENIST.**

- (A) A permit to practice under the oral health access supervision of a dentist may be suspended for any of the following reasons, including but not limited to:
  - (1) The dental hygienist no longer holds current active license status;
  - (2) The dental hygienist fails to complete the continuing education requirements set forth in section 4715.25 of the Revised Code by the thirty-first day of December of the odd-numbered year;
  - (3) The dental hygienist has not retained current certification of basic life-support training course certified by the American heart association, American red cross, or the American safety and health institute at all times while treating patients under the oral health access supervision of a dentist;
  - (4) The dental hygienist fails to provide the board with a listing of all locations where services were provided under the oral health access supervision program or fails to report additional locations where services are to be provided prior to services being rendered; or
  - (5) The dental hygienist's license has been disciplined as set forth in section 4715.30 of the Revised Code or for any violation of Chapter 4715. of the Revised Code.

*Effective: 09/17/2011*

## QUALIFIED PERSONNEL

### 4715-11-01 DENTISTS MAY SUPERVISE DENTAL AUXILIARIES, BASIC QUALIFIED PERSONNEL, CERTIFIED DENTAL ASSISTANTS, EXPANDED FUNCTION DENTAL AUXILIARY.

- (A) Dental auxiliaries
- (1) A licensed dentist may, in accordance with board rules, assign under his personal supervision and full responsibility, the concurrent performance of supportive procedures, to include assisting with the administration of drugs, medications, and inhalation anesthetic agents, including nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation.
  - (2) A licensed dentist shall not delegate parenteral injections for the administration of drugs, including local anesthetic agents, to dental auxiliaries unless they are appropriately licensed in the state of Ohio.
- (B) Basic qualified personnel
- (1) A licensed dentist may, in accordance with board rules, assign under his direct supervision and full responsibility, basic remediable intra-oral and extra-oral tasks and/or procedures to basic qualified personnel.
  - (2) A licensed dentist may utilize, under his direct supervision and full responsibility, no more than one basic qualified personnel appropriately trained as set forth in paragraph (A)(38) of rule 4715-11-02 of the Administrative Code in the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists appropriately trained as set forth in paragraph (A)(2) of rule 4715-9-01 of the Administrative Code who may be employed to perform the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
  - (3) A licensed dentist may, in accordance with board rules, assign under his personal supervision and full responsibility, the concurrent performance of supportive procedures, to include assisting with the administration of drugs, medications, and inhalation anesthetic agents, including N<sub>2</sub>O-O<sub>2</sub> minimal sedation to basic qualified personnel.
  - (4) A licensed dentist must maintain in his office a record of the training received by dental assistants who wish to perform the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation as set forth in paragraph (A)(38) of rule 4715-11-02 of the Administrative Code.
- (C) Certified dental assistant
- (1) A licensed dentist may, in accordance with board rules, assign under his direct supervision and full responsibility, basic remediable intra-oral and extra-oral tasks and/or procedures to currently certified dental assistants.
  - (2) A licensed dentist may utilize, under his direct supervision and full responsibility, no more than one certified dental assistant appropriately trained as set forth in paragraph (A)(38) of rule 4715-11-02 of the Administrative Code in the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists appropriately trained as set forth in paragraph (A)(2) of rule 4715-9-01 of the Administrative Code who may be employed to perform the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
  - (3) A licensed dentist may, in accordance with board rules, assign under his direct supervision and full responsibility, the following dental tasks and procedures in addition to those basic remediable intra-oral and extra-oral dental tasks and/or procedures defined in rule 4715-11-02 of the Administrative Code to appropriately trained certified dental assistants pursuant to rule 4715-11-03 of the Administrative Code:
    - (a) Application of pit and fissure sealants; and
    - (b) Coronal polishing activities.
  - (4) A licensed dentist may utilize, under his direct supervision and full responsibility, no more than two certified dental assistants appropriately trained as set forth in rule 4715-11-03.1 of the Administrative Code to perform coronal polishing activities, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists who may be employed to perform the duties of a licensed dental hygienist as defined in sections 4715.22 and 4715.23 of the Revised Code.
  - (5) A licensed dentist must maintain in his office a record of the training received by certified dental assistants who wish to perform the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation as set forth in paragraph (A)(38) of rule 4715-11-02 of the Administrative Code.
- (D) Expanded function dental auxiliary
- (1) A licensed dentist may, in accordance with board rules, assign under his direct supervision and full responsibility, basic remediable intra-oral and extra-oral tasks and/or procedures to currently registered expanded function dental auxiliary.
  - (2) A licensed dentist may utilize, under his direct supervision and full responsibility, no more than one expanded function dental auxiliary appropriately trained as set forth in paragraph (A)(38) of rule 4715-11-02 of the Administrative Code in the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists appropriately trained as set forth in paragraph (A)(2) of rule 4715-9-01 of the Administrative Code who may be employed to perform the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation.

- (3) A licensed dentist may utilize, under his direct supervision, no more than two expanded function dental auxiliaries at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists who may be employed to perform the duties of a licensed dental hygienist as defined in sections 4715.22 and 4715.23 of the Revised Code.
- (4) A licensed dentist may, in accordance with board rules, assign under his direct supervision and full responsibility the following dental tasks and/or procedures in addition to those basic remediable intra-oral and extra-oral dental tasks and/or procedures defined in rule 4715-11-02 of the Administrative Code to registered expanded function dental auxiliaries:
  - (a) Advanced remediable intra-oral and extra-oral tasks and/or procedures involved in the art or placement of preventative or restorative materials limited to the following:
    - (i) Application of pit and fissure sealants;
    - (ii) Amalgam restorative materials; and
    - (iii) Non-metallic restorative materials, including direct-bonded restorative materials.
- (5) A licensed dentist must maintain in his office a current record of the training received by expanded function dental auxiliaries who wish to perform the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation as set forth in paragraph (A)(38) of rule 4715-11-02 of the Administrative Code.

Effective: 12-24-2010

#### **4715-11-02 BASIC QUALIFIED PERSONNEL; FUNCTIONS.**

- (A) Basic qualified personnel must be trained directly via an employer/dentist, via in-office training, and/or via a planned sequence of instruction in an educational institution.
- (B) Under the direct supervision of the licensed dentist, the basic qualified personnel may perform basic remediable intra-oral and extra-oral tasks and/or procedures including the following, but do not include any advanced remediable intra-oral tasks and/or procedures as defined in rule 4715-11-04 of the Administrative Code.
  - (1) Aspiration and retraction, excluding placement of gingival retraction materials.
  - (2) Intra-oral instrument transfer.
  - (3) Preliminary charting of missing and filled teeth.
  - (4) Elastomeric impressions for diagnostic models and models to be used for opposing models in the construction of appliances and restorations.
  - (5) Taking impressions for the construction of custom athletic mouth protectors/mouthguards, and trays for application of medicaments.
  - (6) Application of disclosing solutions.
  - (7) Caries susceptibility and detection.
  - (8) Periodontal susceptibility and detection (excluding procedures that enter the gingival sulcus: eg. periodontal probing paper points).
  - (9) Demonstration of oral hygiene procedures, including, but not limited to, use of toothbrushes and dental floss.
  - (10) Shade selection for fabrication of appliances or restorations.
  - (11) Application of topical anesthetics.
  - (12) Pulp testing.
  - (13) Fluoride application.
  - (14) Topical applications of desensitizing agents to teeth.
  - (15) Application and removal of periodontal dressings.
  - (16) Suture removal.
  - (17) Placement of rubber dam over preplaced clamp, and removal of clamp and rubber dam.
  - (18) Application of cavity varnish.
  - (19) Impression, fabrication, cementation and removal of provisional restorations, not to include palliative or sedative restorations.
  - (20) Preliminary selection and sizing of stainless steel crowns.
  - (21) Preliminary selection and sizing of orthodontic bands and arch wires.
  - (22) Checking for and removal of loose orthodontic bands and loose brackets.
  - (23) Intra-oral bite registrations for diagnostic model articulation, restorations, and appliances.
  - (24) Irrigation and drying of canals during endodontic procedures.
  - (25) Placement of medication in the pulp chamber(s) of teeth with non-vital pulp or instrumented root canals.
  - (26) Placement and removal of surgical dressings.

- (27) Placement and removal of orthodontic arch wires, auxiliary arch wires, and ligation of same to orthodontic bands and/or brackets.
- (28) Placement and removal of orthodontic separators and ties.
- (29) Polymerization of light-activated restorative or bonding materials.
- (30) All supportive services necessary to the maintenance of a hygienic practice environment, including, but not limited to, all sterilizing procedures.
- (31) All supportive services or procedures necessary to protect the physical well-being of the patient during routine treatment procedures and during periods of emergencies, including, but not limited to:
  - (a) Physical positioning of the patient;
  - (b) Monitoring of vital signs;
  - (c) Assistance during administration of life-support activities; and
  - (d) Any other non-invasive procedures deemed necessary by the supervising dentist to maintain the health and safety of the patient.
- (32) All non-invasive supportive services and procedures necessary to the gathering and maintaining of accurate and complete medical and dental history of the patient, including, but not limited to:
  - (a) Taking photographs;
  - (b) Recording patient treatment;
  - (c) Measurement of blood pressure and body temperature; and
  - (d) Other common tests deemed necessary by the supervising dentist.
- (33) All extra-oral supportive laboratory procedures, including, but not limited to:
  - (a) Repair, construction and finishing of metallic and plastic prosthetic devices; and
  - (b) Compilation of radiographic data for interpretation by the dentist, i.e., tracings, etc.
- (34) The preparation of materials, drugs and medications for use in dental procedures, including, but not limited to:
  - (a) Palliative materials;
  - (b) Impression materials; and
  - (c) Restorative materials.
- (35) All patient education services, including, but not limited to:
  - (a) Progress reports;
  - (b) Consultations (oral or written);
  - (c) Oral hygiene instructions;
  - (d) Use of intra-oral hygiene devices;
  - (e) Normal nutrition information as it relates to dental health;
  - (f) Behavioral modification;
  - (g) Self adjustment of orthodontic appliances; and
  - (h) All other post-operative and post-insertion instructions, as deemed appropriate by the supervising dentist.
- (36) All non-invasive supportive services normally utilized in conjunction with the treatment by the dentist of fascia pain or TMJ syndrome.
- (37) Preparing the teeth for restorations or for the bonding of orthodontic brackets by treating the supragingival coronal surfaces of the teeth to be bonded with a conditioning or etching agent and by the placement of a bonding agent adhesive.
- (38) Impressions for removable or fixed orthodontic appliances.
- (39) Nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation monitoring - A dental assistant may monitor N<sub>2</sub>O-O<sub>2</sub> minimal sedation as defined in rule 4715-3-01 of the Administrative Code if all of the following requirements are met:
  - (a) The dental assistant must be at least eighteen years of age.
  - (b) The dental assistant has at least two years and three thousand hours of experience in the practice of dental assisting.
  - (c) The dental assistant has completed a basic life-support training course certified by the American heart association, the American red cross, or the American safety and health institute, and remains current at all times when monitoring N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
  - (d) The dental assistant has successfully completed a six-hour course in N<sub>2</sub>O-O<sub>2</sub> minimal sedation monitoring as defined in rule 4715-11-02.1 of the Administrative Code. A certificate, documenting successful completion of the course, must be provided to the dental assistant by the permanent sponsor within ten days. This original certificate or a copy must be maintained in the office(s) wherein the dental assistant is employed. The course must be taken through a permanent sponsor.
  - (e) Under no circumstances may the dental assistant administer, adjust, or terminate N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
  - (f) The dental assistant shall not monitor more than one patient at a time.

- (g) The dental assistant shall physically remain with the patient at all times.
- (h) The supervising dentist approves discharge of the patient.
- (i) Nothing in this rule shall be construed to allow the dental assistant to administer N<sub>2</sub>O-O<sub>2</sub> minimal sedation.

*Effective: 05/05/2014*

*Prior Effective Dates: 4-5-77, 4-7-00, 4-12-02, 6-21-04, 4-7-05, 7-6-06, 5-22-09, 12-24-10*

#### **4715-11-02.1 MONITORING NITROUS OXIDE-OXYGEN (N<sub>2</sub>O-O<sub>2</sub>) MINIMAL SEDATION; EDUCATION, TRAINING AND EXAMINATION REQUIRED.**

Each dental auxiliary seeking to monitor nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation in accordance with rule 4715-11-02 of the Administrative Code must have completed a basic life-support training course certified by the American heart association, the American red cross, or the American safety and health institute, and remain current at all times when monitoring N<sub>2</sub>O-O<sub>2</sub> minimal sedation. In order to monitor N<sub>2</sub>O-O<sub>2</sub> minimal sedation the dental auxiliary must have completed the requirements set forth in paragraph (A) or (B) of this rule.

(A) The dental auxiliary has successfully completed a six-hour course in N<sub>2</sub>O-O<sub>2</sub> minimal sedation monitoring. The course must be taken through a permanent sponsor and shall, at a minimum, include the following:

- (1) The history, philosophy and psychology of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
- (2) Definition and descriptions of the physiological and psychological aspects of pain and anxiety
- (3) Concepts and management of pain and anxiety
- (4) Indications and contraindications for N<sub>2</sub>O-O<sub>2</sub> minimal sedation
- (5) Anatomy and physiology of respiration
- (6) Medical assessment of the patient prior to administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
- (7) Moderate and deep sedation/general anesthesia versus minimal sedation
- (8) Pharmacological and physiological effects of nitrous oxide
- (9) A description of the stages of drug induced central nervous system depression through all levels of consciousness and unconsciousness with special emphasis on the distinction between the conscious and unconscious state
- (10) Monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation
- (11) Management of complications and medical emergencies
- (12) Legal and ethical considerations
- (13) Occupational exposure
- (14) Successful completion of a written examination, provided by the board-approved permanent sponsor.

(B) A dental auxiliary shall be exempt from the six-hour course and the examination requirements provided in paragraph (A) of this rule for either of the following:

- (1) The dental auxiliary holds a current license, certificate, permit, registration, or other credential issued by another state for the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation if the training received is substantially equivalent, as determined by the board, to the required hours, content and examination requirements of the course described in paragraph (A) of this rule.
- (2) The dental auxiliary was graduated on or after January 1, 2010 from an American dental association commission on dental accreditation approved program and has completed the equivalent training within the curriculum.

Completion of basic life-support and all education and examination requirements for the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation shall be documented on a form supplied by the board, with any necessary supporting information attached. This form shall be maintained in the facility(s) where the dental auxiliary is working. The board retains the right and authority, upon notification, to audit, monitor or request evidence demonstrating adherence to Chapter 4715. of the Revised Code and/or agency 4715 of the Administrative Code.

*Effective: 12-24-2010*

#### **4715-11-03 CERTIFIED DENTAL ASSISTANT; FUNCTIONS; EDUCATION, TRAINING AND SUPERVISION REQUIREMENTS.**

- (A) A licensed dentist may assign to certified dental assistants under his direct supervision and full responsibility those basic remediable intra-oral dental tasks and/or procedures as defined in rule 4715-11-02 of the Administrative Code.
- (B) A licensed dentist may assign to currently certified dental assistants under his direct supervision and full responsibility the following dental tasks and/or procedures in addition to those basic remediable intra-oral dental tasks and/or procedures as defined in rule 4715-11-02 of the Administrative Code:

- (1) "Pit and fissure sealants" – The certified dental assistant may apply pit and fissure sealants if all the following requirements are met:
  - (a) The dental assistant has successfully completed a course in the application of sealants consisting of at least two hours of didactic instruction and six hours of clinical instruction through a program provided by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board; and
  - (b) The dentist evaluates the patient and designates the teeth and surfaces that will benefit from the application of sealant on the day the application is to be performed; and
  - (c) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants; and
  - (d) The dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed.
- (2) "Coronal polishing" – The certified dental assistant may perform polishing of the enamel and restorations on the anatomical crowns of human teeth by utilizing only a combination of a polishing agent, a slow speed hand piece, a prophyl angle and a rubber cup, if all the following requirements are met:
  - (a) The dental assistant receives a certificate from the board authorizing the assistant to engage in coronal polishing activities pursuant to completion of the education, training, assessment and examination requirements set forth in division (B) of section 4715.39 of the Revised Code and rule 4715-11-03.1 of the Administrative Code; and
  - (b) The polishing is performed only after the supervising dentist has evaluated the patient and any calculus detected on the teeth to be polished has been removed by a dentist or dental hygienist; and
  - (c) The dentist supervising the assistant supervises not more than two dental assistants engaging in polishing activities at any given time.

Nothing in paragraph (B)(2) of this rule authorizes the mechanical removal of calculus or authorizes a certified dental assistant to perform a complete oral prophylaxis.

*Replaces: 4715-11-02*

*Effective: 12-24-2010*

*Prior Effective Dates: 09-28-04, 11-13-06*

#### **4715-11-03.1 CORONAL POLISHING CERTIFICATION.**

Pursuant to section 4715.39 of the Revised Code and this rule, certified dental assistants shall receive certification to perform coronal polishing and may do so under the restrictions set forth in rule 4715-11-02 of the Administrative Code.

- (A) Qualifications – Within ninety days from receipt of successfully passing the standardized examination required pursuant to division (B)(5) of section 4715.39 of the Revised Code, an applicant to be considered for issuance of coronal polishing certification shall furnish satisfactory proof of all the following on a form prescribed and provided by the state dental board:
  - (1) He is currently certified by the dental assisting national board or the Ohio commission on dental assistant certification; and
  - (2) He has successfully completed an approved training program as defined by division (B)(5) of section 4715.39 of the Revised Code and paragraph (B) of this rule; and
  - (3) He has successfully passed standardized testing as required by division (B)(5) of section 4715.39 of the Revised Code and paragraph (C) of this rule immediately following successful completion of a skills assessment component of an approved training program.

The board executive office shall issue a coronal polishing certificate to those certified dental assistants who have provided a completed application along with an application fee of fifteen dollars, the appropriate documentation of current certification and approved training program, and successful completion of standardized testing. Certified dental assistants who do not submit the application and appropriate documentation for a coronal polishing certificate within ninety days after successful completion of the standardized testing required pursuant to division (B)(5) of section 4715.39 of the Revised Code and paragraph (C) of this rule, must retake the training program in its entirety including, but not limited to, successful completion of standardized testing.

- (B) Approved training program – training in the polishing of the clinical crowns of teeth through an approved program accredited by the American dental association commission on dental accreditation or equivalent board-approved training through a college or university accredited by the higher learning commission of the North central association of colleges and schools. The college or university must have a classroom and a (pre)clinical facility with the proper armamentarium and equipment to support the educational objectives.
  - (1) The board-approved training program must include a minimum of seven hours of coursework of which three are didactic and four are (pre)clinical. The training shall include courses in:
    - (a) Basic dental anatomy; and

- (b) Infection control; and
  - (c) Coronal polishing which consists of didactic, preclinical, and clinical instruction; and
  - (d) A clinical skills assessment that includes successful completion of a standardized examination.
- (2) The faculty who participate in a coronal polishing course shall be full or part-time. Faculty must be competent educators with educational methodology, professional training, and have experience in coronal polishing. The participating faculty must be associated with an educational institution who is accredited by the American dental association commission on dental accreditation. There shall be a supervising dentist or dental hygienist faculty present for all (pre)clinical portions of the course. This person will be responsible for the learning experiences. Only course faculty will be responsible for final evaluation of students.
- (3) This course shall include an evaluation component, mechanism, or procedure which assesses competence in coronal polishing. Minimal competency level shall be at seventy-five percent and must be demonstrated by the student prior to sitting for the standardized examination. The skills assessment must be on a clinical patient and disclosing solution must be utilized as an evaluation tool.
- (4) An applicant shall not be permitted to take the standardized examination until the instructor certifies that the applicant has successfully completed all components of the training program and that the applicant is deemed capable of safely performing coronal polishing. The board reserves the right to make an independent determination on the issue of completion.
- (5) The board retains the right and authority, upon notification, to audit, monitor, or request evidence demonstrating adherence to Chapter 4715. of the Revised Code for training programs approved by board action. The board may rescind approval status if the career college or school has disseminated any false or misleading information in connection with the training program, or if the career college or school has failed to conform to Chapter 4715. of the Revised Code or agency 4715 of the Administrative Code.
- (C) Standardized testing – A board-approved examination to be administered by the dental assisting national board, the Ohio commission on dental assistant certification, or the educational institution in which the applicant has obtained successful completion of an approved training program.
- (1) The examination shall be conducted within sixty days after the conclusion of the training program and shall be governed in format, content and subject matter by the testing agency and/or educational institution.
  - (2) The minimum passing score for the standardized testing is seventy-five per cent.
  - (3) An applicant must submit the examination fee established by the testing entity each time the applicant takes the examination.
  - (4) An applicant who fails to successfully complete the examination after the third attempt must retake the training program.
  - (5) An applicant must file a new application for each examination to be taken and submit a new examination fee as provided for in paragraph (C)(3) of this rule.
- (D) The board shall issue a certificate to perform coronal polishing to currently certified dental assistants who, within one year immediately preceding the date of application, have completed the requirements set forth in paragraphs (A)(2) and (A)(3) of this rule.
- (E) A certified dental assistant shall be exempt from the approved training program and standardized testing requirements provided in paragraphs (A)(2) and (A)(3) of this rule if he holds a current license, certificate, or other credential issued by another state that the board determines uses standards that are at least equal to those established by agency 4715 of the Administrative Code.

*Replaces: 4715-10-01*

*Effective: 12-24-2010*

*Prior Effective Dates: 06-21-04*

#### **4715-11-04 EXPANDED FUNCTION DENTAL AUXILIARIES; FUNCTIONS.**

- (A) A licensed dentist may assign to an expanded function dental auxiliary under his direct supervision and full responsibility the following tasks and/or procedures in addition to those basic remediable intra-oral and extra-oral dental tasks and/or procedures as defined in rule 4715-11-02 of the Administrative Code.
- (B) “Advanced remediable intra-oral dental tasks and/or procedures” – all tasks and/or procedures involved in the art or placement of preventive or restorative materials limited to the following:
  - (1) Pit and fissure sealants;
  - (2) Amalgam restorative materials; and

- (3) Non-metallic restorative materials, including direct-bonded restorative materials.

*Replaces: 4715-11-03*

*Effective: 12-24-2010*

*Prior Effective Dates: 04-09-77, 03-03-95, 06-21-04, 10-09-06*

**4715-11-04.1 APPLICATION FOR REGISTRATION AS EXPANDED FUNCTION DENTAL AUXILIARY; REQUIREMENTS; RENEWAL; EXEMPTIONS.**

- (A) Each individual seeking to practice as an expanded function dental auxiliary shall register with the board in accordance with section 4715.62 of the Revised Code. An applicant for registration shall file with the secretary of the board a written application for registration, under oath, on a form the board shall prescribe and provide. An applicant shall include with the completed application all of the following:
- (1) An application fee of twenty dollars;
  - (2) Proof satisfactory to the board that the applicant has successfully completed, at an educational institution accredited by the American dental association commission on dental accreditation or the higher learning commission of the north central association of colleges and schools, the education or training specified in rule 4715-11- 04.2 of the Administrative Code. Proof of completion of the education or training may be evidenced by a diploma or certificate of graduation or completion that has been signed by an appropriate official of the accrediting institution that provided education or training;
  - (3) Proof satisfactory to the board that the applicant has passed an examination that meets the standards established in rule 4715-11- 04.3 of the Administrative Code;
  - (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 the American red cross, the American heart association, or the American safety and health institute.
- (B) Registration as an expanded function dental auxiliary expires on the thirty-first day of December of the year following the year in which the registration occurs. An individual may renew a registration for subsequent two-year periods in accordance with the standard renewal procedures established under Chapter 4745. of the Revised Code by submitting both of the following to the secretary of the state dental board each time the individual seeks to renew a registration:
- (1) A completed application for renewal, under oath, on a form the board shall prescribe and provide; and
  - (2) A renewal fee of twenty dollars.
- (C) Paragraph (A) of this rule does not apply to any of the following:
- (1) A dentist licensed under this chapter;
  - (2) A dental student who engages in any activities performed by expanded function dental auxiliaries as an integral part of a program of study leading to receipt of a license to practice as a dentist under this chapter;
  - (3) An expanded function dental auxiliary student when the student participates in an educational or training activity of an accredited education institution or a training program that does both of the following:
    - (a) Provides the education or training necessary to practice as an expanded function dental auxiliary; and
    - (b) Ensures that a dentist licensed under this chapter, or a dentist who holds a limited teaching license issued under this chapter, is physically present in the facility where the expanded function dental auxiliary performs clinical dental procedures on patients.

*Replaces: 4715-11-04*

*Effective: 12-24-2010*

*Prior Effective Dates: 10-09-06, 04-02-10*

**4715-11-04.2 EDUCATION OR TRAINING NECESSARY TO REGISTER AS AN EXPANDED FUNCTION DENTAL AUXILIARY.**

- (A) In order to register with the board as an expanded function dental auxiliary, an individual must complete an educational program that meets all of the following requirements:
- (1) The program is offered by an educational institution accredited by the American dental association commission on dental accreditation or the higher learning commission of the north central association of colleges and schools.
  - (2) The program must include a minimum of one hundred eighty hours of coursework, of which one hundred hours are preclinical and didactic, and eighty hours are clinical, and includes training in all of the following areas:
    - (a) Nomenclature
    - (b) Caries classification
    - (c) Oral anatomy
    - (d) Dental morphology

- (e) Periodontium
  - (f) Histology
  - (g) Basics of occlusion
  - (h) Ergonomics
  - (i) Instrumentation
  - (j) Pulp protection
  - (k) Dental materials
  - (l) Posterior amalgam and non-metallic restorations
  - (m) Matrix and wedge techniques
  - (n) Temporization
  - (o) Amalgam placement and carving
  - (p) Polishing amalgams
  - (q) Non-metallic restorative material placement
  - (r) Non-metallic restorative material finishing and polishing utilizing both low and high speed handpieces
  - (s) Pit and fissure sealant placement
  - (t) Rubber dam clamp placement and removal
  - (u) Rubber dam placement and removal
- (3) A dentist licensed under section 4715.10 of the Revised Code or a dentist holding a limited teaching license under section 4715.16 of the Revised Code is physically present in the facility when clinical procedures associated with the education or training of expanded function dental auxiliary are performed on patients.
- (B) An unlicensed dentist who does not have a dental license under suspension or revocation by the board and who seeks to register with the board as an expanded function dental auxiliary shall fulfill the requirements of paragraph (A) of this rule upon submission of proof of graduation from an accredited dental college as specified in section 4715.10 of the Revised Code.
- (C) A dental student seeking to register with the board as an expanded function dental auxiliary shall fulfill the requirements of paragraph (A) of this rule upon submission to the board proof that the dental student is currently enrolled in an accredited dental college and is considered by the dean of the college to have completed sufficient clinical training as set forth in paragraph (A) of this rule, and be in good standing as a dental student.
- (D) A graduate of an unaccredited dental college located outside the United States seeking to register with the board as an expanded function dental auxiliary shall fulfill the requirements of paragraph (A) of this rule upon submission of proof that the individual has completed sufficient clinical training at an accredited dental college as evidenced by a letter signed by the dean of the college to have completed sufficient clinical training as set forth in paragraph (A) of this rule.

*Replaces: 4715-11- 04.1*

*Effective: 12-24-2010*

*Prior Effective Dates: 10-09-06, 04-02-10*

#### **4715-11-04.3 EXAMINATION OF APPLICANTS.**

- (A) Each individual seeking to register with the board as an expanded function dental auxiliary must successfully pass the examination administered by the commission on dental testing in Ohio or an examination accepted by the board as an examination of competency to practice as an expanded function dental auxiliary.
- (B) An examination may be accepted by the board only if the entity that administers the examination requires an individual to be one of the following as a condition of admission to the examination:
- (1) An unlicensed dentist who has graduated from an accredited dental college, as specified in section 4715.10 of the Revised Code, and does not have a dental license under suspension or revocation by the board;
  - (2) A dental student who is enrolled in an accredited dental college, as specified in section 4715.10 of the Revised Code, and is considered by the dean of the college to be in good standing as a dental student;
  - (3) A graduate of an unaccredited dental college located outside the United States;
  - (4) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification;
  - (5) A dental hygienist licensed under this chapter whose license is in good standing; or
  - (6) An unlicensed dental hygienist who has graduated from an accredited dental hygiene program, as specified in section 4715.21 of the Revised Code, and does not have a dental hygiene license under suspension or revocation by the board.

*Replaces: 4715-11- 04.2*

*Effective: 12-24-2010*

*Prior Effective Dates: 10-09-06*

**4715-11-06 NON-DELEGABLE DENTAL TASKS AND/OR PROCEDURES.**

The following dental tasks and/or procedures shall not be delegated by any licensed dentists:

- (A) Definitive diagnosis and treatment planning.
- (B) The final placement of any fixed or removable appliances.
- (C) The final removal of any fixed appliance.
- (D) The therapeutic intra-oral adjustment of any fixed or removable appliance.
- (E) Cutting procedures utilized in the preparation of the coronal or root portion of the tooth.
- (F) Cutting procedures involving the supportive structures of the tooth.
- (G) The placement of the final root canal filling.
- (H) Final impressions of any tissue-bearing area, whether it be hard or soft tissue, upon which a prosthetic restoration is to be place. Taking of impressions for athletic mouthguards or similar appliances is not to be construed as a final impression.
- (I) Occlusal registration procedures for any prosthetic restoration, whether it be fixed or removable.
- (J) The final placement of prefabricated or cast restorations or crowns.
- (K) Retraction of the gingival sulcus prior to the direct or indirect impression technique.
- (L) Procedures utilizing light amplification by stimulated emission of radiation (LASER) technologies (excluding caries susceptibility testing devices).
- (M) Any other dental tasks and/or procedures which are prohibited by law or agency-level 4715 rules of the Administrative Code.

*Effective: 6-21-04*

**DENTAL ASSISTANT RADIOGRAPHER****4715-12-01 PERMISSIBLE PRACTICES OF A DENTAL ASSISTANT RADIOGRAPHER; SUPERVISION REQUIRED; CERTIFICATE TO BE DISPLAYED.**

- (A) A dental assistant radiographer may perform standard, diagnostic, radiologic procedures for the purpose of contributing to the provision of dental care to a dental patient.
- (B) A dental assistant radiographer may perform radiologic procedures only under the direct supervision of the supervising dentist.
- (C) The original or copy of the certificate and/or renewal receipt card shall be displayed in a conspicuous place in the office wherein the dental assistant radiographer is employed and be made immediately available upon the request of an agent of the board.

*Effective: 05/05/2014*

*Prior Effective Dates: 3-3-95, 4-4-02, 10-9-06*

**4715-12-02 APPLICATION FOR CERTIFICATE; REQUIREMENTS; EXCEPTIONS.**

- (A) Each person who desires to perform the duties of a dental assistant radiographer shall file with the secretary of the state dental board a written application for a dental assistant radiographer's certificate. Each applicant for a dental assistant radiographer's certificate shall pay an application fee of twenty-five dollars. Each applicant shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:
  - (1) Except as provided in paragraph (B) of this rule, he has completed a board-approved dental radiography training program presented by either of the following:
    - (a) An accredited educational institution or program; or
    - (b) A permanent sponsor of continuing education as listed in paragraphs (A)(1) to (A)(9) of rule 4715-8-02 of the Administrative Code.
- (B) A dental assistant radiographer shall be exempt from the initial training requirements provided in paragraph (A) of this rule if either of the following apply:
  - (1) He holds current certification as a dental assistant which included required examination in radiography as a component from the "Dental Assisting National Board" or the "Ohio Commission on Dental Assistant Certification"; or
  - (2) He holds a current license, certificate, or other credential issued by another state that the board determines uses standards for dental assistant radiographers that are at least equal to those established by state dental board rules.

*Effective: 05/05/2014*

*Prior Effective Dates: 3-3-95, 4-4-02, 11-1-04, 10-9-06*

**4715-12-03 CERTIFICATE RENEWAL.**

- (A) Each person who is certified as a dental assistant radiographer shall on or before the first day of January of each odd-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board, and shall include the certificate holder's name, address, certificate number, proof of having completed at least two hours of continuing education in radiation technology from a board-approved biennial or permanent sponsor during the two-year period immediately preceding renewal, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of twenty-five dollars. This certificate shall be in effect for the two-year period beginning on the first day of January of the odd-numbered year, and ending on the last day of December of the following even-numbered year, and shall automatically expire if not renewed.
- (B) Any dental assistant radiographer whose certificate has expired under this section must immediately cease taking x-rays until said certificate has been renewed.

*Effective: 05/05/2014*

*Prior Effective Dates: 3-3-95, 4-4-02, 10-9-06*

**4715-12-04 ACCREDITATION OF EDUCATION PROGRAMS; APPLICATION; FEE; SUSPENSION; REVOCATION.**

- (A) Any permanent sponsor wishing to offer dental assistant radiographer's training must offer a curriculum of at least seven hours to include the following subjects:
- (1) Radiation physics;
  - (2) Radiation biology;
  - (3) Radiation health, safety and protection;
  - (4) X-ray films and radiographic film quality;
  - (5) Radiographic techniques, processing and storage.
- This curriculum may be presented as a correspondence course.
- (B) Clinical experience making a variety of radiographs and radiographic surveys must be part of the course curriculum. The clinical experience must be completed within sixty days after completion of the seven subjects of the curriculum. The clinical experience may be performed in the dental office in which the dental assistant is employed or is serving an externship. The employing/supervising dentist must certify to the sponsor of the dental assistant radiography training program that the clinical experience was completed.
- (C) Permanent sponsors wishing to obtain accreditation of radiologic education programs must apply on a form prescribed and provided by the state dental board, and must submit a fee of sixty-seven dollars and fifty cents.
- (D) All programs submitted will be reviewed by the board. The accreditation or approval shall be valid until surrendered by the program, or suspended or revoked by the board. A program's accreditation or approval may be suspended or revoked if the program does not comply with applicable requirements of the Revised Code or state dental board rules.

*Effective: 05/05/2014*

*Prior Effective Dates: 3-3-95, 4-4-02, 11-1-04, 10-9-06*

**4715-12-05 CONTINUING EDUCATION REQUIREMENTS.**

- (A) Every person certified to practice as a dental assistant radiographer and required to register with the state dental board shall provide proof to the board at the time of applying for a renewal of registration that in the preceding two years the registrant has completed a minimum of two hours of continuing education in dental radiation technology. Certification shall be made upon the application for registration prescribed by the board pursuant to section 4715.53 of the Revised Code.
- (B) Continuing education programs may be developed and offered to dental assistant radiographers 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) National, state, district, or local dental hygienists' associations affiliated with the American dental hygienists' association;
  - (3) National, state, district, or local dental assistants associations affiliated with the American dental assistants association;
  - (4) Accredited dental colleges or schools;
  - (5) Accredited dental hygiene colleges or schools;
  - (6) Other organizations, schools, paraprofessional programs, or agencies approved by the state dental board.

- (C) Continuing radiation technology programs include, but are not limited to, programs that address any of the following:
  - (1) Radiation physics;
  - (2) Radiation biology;
  - (3) Radiation health, safety and protection;
  - (4) X-ray films and radiographic film quality;
  - (5) Radiographic techniques, processing and storage.
- (D) A dental assistant radiographer shall retain in his records for a period of at least four years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With cause, the board may request such documentation from dental assistant radiographers, and the board may request such documentation from dental assistant radiographers at random without cause.
- (E) The board may excuse dental assistant radiographers, as a group or as individuals, from all or any part of the requirements of this rule because of an unusual circumstance, emergency, or special hardship.
- (F) Failure to comply with the requirements of this rule constitutes a failure to renew registration pursuant to section 4715.53 of the Revised Code.

*Effective: 05/05/2014*

*Prior Effective Dates: 4-4-02, 10-9-06*

## **ADVERTISING**

### **4715-13-01 PUBLIC ANNOUNCEMENTS, PUBLICITY, ADVERTISING AND SOLICITATION.**

Definitions: Only for the purposes of rules 4715-13-01 to 4715-13-04 of the Administrative Code, the term "dental organization" shall include, but not be limited to, any person licensed under Chapter 4715 of the Revised Code, dental group, dental corporation, dental association, dental partnership, or dental management company.

- (A) In order to facilitate the process of informed selection of a dentist by potential consumers of dental services, the holder of a license or certificate issued under this chapter (licensee), or dental organization, in accordance with section 4715.30 of the Revised Code, and the rules and regulations of the Ohio state dental board, may publish advertising statements in print media, or broadcast advertising over FCC-approved radio or television, or via the internet. Each different media advertisement shall be maintained by the advertising licensee or dental corporation for a period of two years and shall be kept in the dental facility and be made available within twenty-four hours upon request by an authorized agent of the state dental board. Broadcast advertising may be communicated to the public only over FCC-approved radio or television. Broadcast advertisements shall be prerecorded, and approved for broadcast by the advertising licensee or dental corporation. Licensees are prohibited from advertising in any manner which is not available on similar terms to all licensees or dental corporations.
- (B) A licensee or dental organization may use or participate in the use of professional office cards, professional announcement cards, internet notices, office signs, signs designating location, letterheads, and similar professional notices, or devices, only if such cards, signs, letterheads, notices and devices are presented in a dignified professional manner. No licensee or dental organization may engage in, or knowingly authorize others to engage in, face-to-face, telephone, or internet solicitations involving undue influence, overreaching, misrepresentation, invasion of the privacy of the lay solicitee, or unreasonable lay interference in the dentist-patient relationship, either in the office or outside the office. No solicitor may make any statements as to the quality of services rendered by the licensee or dental organization unless such solicitor has the educational background and expertise of the licensee or dental organization, and then only in a general sense. Any personal references to the quality of services of others is strictly prohibited. Reasonably dignified and reasonably restrained face-to-face, telephone, or internet solicitations which concur with acceptable community standards of good taste, and which do not involve undue influence, overreaching, misrepresentation, invasions of the privacy of the lay solicitee, or unreasonable interference in the dentist-patient relationship are permissible.
- (C) Testimonials or endorsements may be made only by patients of record.
- (D) All advertising statements in print, broadcast and/or internet form must include the first and last name of the owner(s) of the dental practice as defined in Ohio Administrative Code rule 4715-13-02(A) or the first and last name of the dentist(s) as defined in Ohio Administrative Code rule 4715-13-02(C). Such owner dentist(s) is responsible for all advertising as it relates to his dental practice.

*Effective: 07-06-2006*

*Prior Effective Dates: 8-1-74; 3-26-79; 10-15-82; 5-7-86; 8-1-86; 4-7-00; DE-13-01; 4-5-01*

**4715-13-02 NAME UNDER WHICH PRACTICE MAY BE CONDUCTED.**

- (A) A dentist may only practice or offer to practice dentistry under his or her name or one of the following entities, provided the name of the entity includes the name of the dentist currently practicing or offering to practice dentistry:
- (1) A corporation-for-profit formed under Chapter 1701. of the Revised Code,
  - (2) A professional association formed under Chapter 1785. of the Revised Code,
  - (3) A professional partnership formed under Chapter 1775. of the Revised Code,
  - (4) A limited liability company formed under Chapter 1705. of the Revised Code.
- All trade names, fictitious names and the like, shall include the name of the owner dentist(s) consistent with the provisions of this rule.
- (B) Any dental practice as described in paragraph (A) of this rule, shall have the first and last name of all dentists currently practicing or offering to practice dentistry therein, including degree conferred (i.e. D.D.S., D.M.D.), prominently displayed at the front or main entrance of such business, office or facility.
- (C) Only names of licensed dentists currently practicing or offering to practice dentistry therein shall be included in the name, sign, or identification of the entity. Deceased or retired dentists' names may not be included in the name of the entity.
- (D) Any entity wherein dentistry is offered and/or being performed shall have a licensed dentist in charge of the dental facility at each place of business. Such licensed dentist in charge of the dental facility shall notify the board within ten days of assuming such responsibility.
- (E) Specialists are required to list their American dental association recognized specialty directly after or below his or her name.

*Effective: 05-05-2008*

*Prior Effective Dates: 4-7-00; 4-4-02; 7-6-06*

**4715-13-03 FALSE, FRAUDULENT, OR MISLEADING STATEMENTS.**

The following statements or similar words or phrases are prohibited:

- (A) False statements that a specified number of patients have received services from a certain licensee.
- (B) False statements regarding superior outcomes achieved for patients by a certain licensee.
- (C) Statements that a certain dentist is a specialist, or specializes in any branch of dentistry or limits his practice to any branch of dentistry or area of practice, or is a diplomate, or is an orthodontist, oral surgeon, oral and maxillofacial surgeon, periodontist, pedodontist, pediatric dentist, endodontist, prosthodontist, oral pathologist, or public health dentist, or any other similar statement which implies that the dentist is a specialist or limits his practice unless such dentist shall have complied with the provisions of rule 4715-5-04 of the Administrative Code;
- (D) The statement that a "nurse" and/or "dental nurse" is in attendance, unless such nurse is a graduate licensed and registered nurse;
- (E) A statement by a general dentist which lists or otherwise announces that the dentist renders specific types of services unless the statement also includes the phrase "General Dentist" at least as prominently as the list of announcement of specific types of services and shall be directly after or below his name (i.e. John Doe, D.D.S., General Dentist).

*Effective: 07-06-2006*

*Prior Effective Dates: 8-1-74; 3-26-79; 5-7-86 (Emer.); 10-23-95 (Emer.); 1-27-96; 4-7-00*

**4715-13-04 STATEMENTS TENDING TO DECEIVE OR MISLEAD THE PUBLIC.**

All dental advertising, or solicitation, or testimonial endorsement statements which tend to deceive or mislead the public are prohibited.

- (A) The following advertising, or solicitation, or testimonial endorsement statements are prohibited:
- (1) Statements which falsely indicate the number of years in practice, or the number of years in practice in one location, of any licensee;
  - (2) Statements which misname any anesthetic, drug formula, material, or medicine, by not accurately stating the generic or brand name of such substances;
  - (3) Statements which misrepresent the anesthetic, drug formula, material, or medicine, actually administered by a dentist or other qualified licensee;
  - (4) Statements which misname any dental method or system;
  - (5) Statements which misrepresent any dental method or dental system actually employed by a dentist or other qualified licensee;

- (6) The retention in or about the office or building of a sign or signs of a former dentist, owner, or occupant, for a period longer than ninety days. The owner dentist has ninety days from the date of change in employment to make all necessary changes to signs as necessary and warranted.
  - (7) Statements on letterhead, business cards, brochures, or other advertisements indicating that a retired, deceased, or other dentist formerly affiliated with the dental practice is still actively practicing dentistry with the dental practice.
  - (8) Advertisements, announcements, and/or promotions in any form, for dental services placed under a heading in a telephone book or similar publication that is a specialty recognized by the American dental association when the dentist is not a recognized specialist in that area.
  - (9) Advertisements, announcements, and/or promotions in any form, for dental services placed under a heading in a telephone book or similar publication for a dental service not recognized as a specialty by the American dental association.
- (B) The state dental board, based on its expertise in regulating the dental profession, has identified certain statements which are likely to mislead the layman who is the target of dental advertising, solicitation, or testimonial endorsements.
- (C) Any licensee who violates any provision of rule 4715-13-01, 4715-13-03 or 4715-13-04 of the Administrative Code shall be subject to dental board discipline under Chapter 4715. of the Revised Code.

*Effective: 05-05-2008*

*Prior Effective Dates: 6-28-41; 3-26-79, 5-7-86 (Emer.); 8-1-86; 4-7-00; 7-6-06*

#### **4715-13-05      ADVERTISING SPECIALTY SERVICES.**

With regard to the advertising of specialty dental services all of the following shall apply:

- (A) A dentist who is recognized as a specialist in Ohio must avoid any implication that general dentists associated with him in practice are specialists.
- (B) In a multidisciplinary practice, it is required that any advertisements indicate the services being provided by each practitioner in the office.
- (C) The use of the terms "specialist", "specializes" or "practice limited to" or the terms "orthodontist", "oral and maxillofacial surgeon", "oral and maxillofacial radiologist", "periodontist", "pediatric dentist", "prosthodontist", "endodontist", "oral pathologist", or "public health dentist" or other similar terms which imply that the dentist is a specialist may only be used by licensed dentists meeting the requirements of paragraph (B) of rule 4715-5-04 of the Administrative Code.
- (D) The term "diplomate" may only be used by a licensed dentist who has successfully completed the qualifying examination of the appropriate certifying board of one or more of the specialties recognized by the American dental association, except that a licensed dentist who has been granted diplomate status by a bona fide national organization which is not recognized as a certifying board by the American dental association, but grants diplomate status based upon the dentist's postgraduate education, training, experience, and an oral and written examination based upon psychometric principles, may use the term "diplomate" if the following disclaimer appears in a reasonably clear and visible manner compared to the announcement of the diplomate status: "the (insert the name of organization granting diplomate status) is not recognized as a specialty board by the Ohio state dental board or the American dental association."
- (E) A general dentist is not prohibited from announcing to the public that he renders specific types of services, including, but not limited to, specialty services, and that the announcement does not contain words or phrases which are otherwise prohibited by this rule.
- (F) Terms that indicate that the practitioner is a specialist, for which no American dental association recognized specialty exists, are prohibited. Terms referring to areas of practice are permitted, so long as all other provisions of the rules regarding advertising and specialty designation are adhered to.

*Effective: 05-05-2008*

*Prior Effective Dates: 7-6-06*

## **ENFORCEMENT; HEARINGS**

#### **4715-15-01      ENFORCEMENT.**

Dentists and other licensees governed by Chapter 4715. of the Revised Code, and by Chapter 4715-15 of the Administrative Code, shall be disciplined in accordance with Chapters 4715. and 119. of the Revised Code, for violation of this chapter and statutes.

*Effective Dates: 8-1-74, 11-10-00*

**4715-15-02 REPRESENTATIVES; APPEARANCES; COMMUNICATIONS; APPLICABILITY.**

- (A) As used in Chapter 4715-15 of the Administrative Code, "respondent" shall be defined as the person who is requesting or has requested a hearing as provided in Chapter 119. of the Revised Code.
- (B) The respondent may represent himself or may be represented by an attorney admitted to the practice of law in Ohio. If the respondent does represent himself, he shall be deemed the representative of record for purposes of Chapter 4715-15 of the Administrative Code.
- (C) The respondent is not required to personally appear at any hearing unless he has been subpoenaed, to appear by a party of record. The respondent can authorize his representative to represent him in all facets of a hearing before the board unless he has been subpoenaed to appear by a party of record.
- (D) The respondent or his representative may present his position, arguments, or contentions in writing rather than personally appearing at any hearing provided the respondent has not been subpoenaed.
- (E) The representative of record for the respondent shall enter his appearance in writing.
- (F) The representative of record from the office of the attorney general shall enter his appearance in writing.
- (G) One who has entered an appearance as representative remains the representative of record unless and until a written withdrawal is filed with the state dental board.
- (H) Except as otherwise provided under Chapter 119. of the Revised Code, communications from the board or its attorney hearing examiner shall be sent to the representative of record.
- (I) The members of the dental board shall base their decisions on any matter subject to hearing only on the evidence of record. No information acquired by a member of the dental board in any way other than by review of the evidence of record shall be considered by such member in that member's decision on a matter subject to hearing. The receipt of information about a matter subject to hearing outside the evidence of record shall not disqualify the member from participating in the decision on that matter unless the member excuses himself or herself from participation in the decision on the ground that he or she cannot restrict his or her decision on the matter only to the evidence of record.
- (J) Except as otherwise provided under this chapter or by statute, no attorney hearing examiner or member of the state dental board shall initiate or consider ex parte communications concerning a pending or impending adjudicatory proceeding. Nothing contained herein, however, shall preclude the attorney hearing examiner from nonsubstantive ex parte communications on procedural matters and matters affecting the efficient conduct of adjudicatory hearings.
- (K) The attorney hearing examiner and members of the state dental board shall disclose on the record the source and substance of any ex parte or attempted ex parte communications. That disclosure shall be made at the earliest possible opportunity, but at least prior to deliberation on a pending or impending adjudicatory proceeding.
- (L) Except as otherwise provided under this chapter or by statute, a rule promulgated under this chapter shall apply only to those administrative proceedings for which the notice of opportunity for hearing was mailed to respondent, or his representative, on or after the effective date of the particular rule.
- (M) Any provision of the rules in this chapter which references the attorney hearing examiner shall apply to the board in those instances in which the administrative hearing is conducted before the board, rather than an attorney hearing officer, unless such rule by its nature is clearly inapplicable.
- (N) If any provision of the rules in this chapter is held or if the application of any provision of the rules in this chapter to any person or circumstance is held invalid, the invalidity does not affect any other provision of the rules in this chapter, or the application of any other provision of the rules in this chapter, that can be given effect without the invalid provision or application, and, to this end, the provisions of the rules in this chapter are hereby declared severable.

*Prior Effective Dates: 11-10-00; 4-7-05*

**4715-15-03 FILING REQUEST FOR HEARING.**

- (A) In order to request a hearing under Chapter 119. of the Revised Code, a respondent or his representative must, in accordance with rule 4715-15-09 of the Administrative Code, file in writing a statement requesting such adjudication hearing within thirty days of the date of mailing of the board's notice of opportunity for hearing, or the date of personal service . The date of mailing shall be the date appearing on the certified mail receipt.
- (B) A respondent or his representative properly filing a request for an adjudication hearing shall be entitled to such adjudication hearing within fifteen days but not sooner than seven days after such request has been filed unless both representatives agree otherwise or a continuance is granted pursuant to section 119.09 of the Revised Code and rule 4715-15-07 of the Administrative Code.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-10-00*

**4715-15-04 AUTHORITY AND DUTIES OF ATTORNEY HEARING EXAMINERS.**

- (A) Adjudication hearings may be conducted before an attorney hearing examiner pursuant to Chapters 4715. and 119. of the Revised Code.
- (B) All hearings shall be open to the public, but the hearing examiner conducting a hearing may close the hearing to the extent necessary to protect compelling interests and rights or to comply with statutory requirements. In the event the hearing examiner determines to close the hearing, the hearing examiner shall state the reasons therefore in the public record.
- (C) The hearing examiner shall conduct hearings in such a manner as to prevent unnecessary delay, maintain order, and ensure the development of a clear and adequate record.
- (D) The authority of the attorney hearing examiner shall include, but not be limited to, authority to:
  - (1) Administer oaths and affirmations;
  - (2) Order issuance of subpoenas and subpoenas duces tecum to require the attendance of witnesses at hearings and depositions in lieu of live testimony at hearing and to require the production of evidence for hearings and depositions;
  - (3) Examine witnesses and direct witnesses to testify;
  - (4) Make rulings on the admissibility of evidence;
  - (5) Make rulings on procedural motions, whether such motions are oral or written;
  - (6) Hold prehearing and status conferences pursuant to rules 4715-15-19 and 4715-15-20 of the Administrative Code;
  - (7) Request briefs before, during or following the hearing, as well as suggested findings, orders, and conclusions of law within such time limits as the attorney hearing examiner may determine;
  - (8) Prepare entries, findings, orders, or reports and recommendations pursuant to rule 4715-15-16 of the Administrative Code;
  - (9) Request preparation of entries, findings, or orders;
  - (10) Make rulings on requests to broadcast, record, televise or photograph the hearing;
  - (11) Take such other actions as may be necessary to accomplish the purposes of paragraph (C) of this rule;
  - (12) Determine the order in which any hearing shall proceed.
- (E) The authority of the attorney hearing examiner shall not include authority to:
  - (1) Grant motions for dismissal of charges;
  - (2) Modify, compromise, or settle charges or allegations.
- (F) The attorney hearing examiner shall have such other powers, duties, and authority as are granted by statutes or rules.
- (G) All rulings on evidence and motions and on any other procedural matters shall be subject to review by the board upon presentation of the proposed findings of facts and conclusions of law of the attorney hearing examiner. When such rulings warrant, the matter may be remanded to the attorney hearing examiner.

*Prior Effective Dates: 11-10-00*

**4715-15-05 CONSOLIDATION.**

Upon motion by any representative of record, the attorney hearing examiner may consolidate two or more hearings into a single hearing.

*Prior Effective Dates: 11-10-00*

**4715-15-06 INTERVENTION.**

Petitions to intervene shall not be permitted.

*Prior Effective Dates: 11-10-00*

**4715-15-07 CONTINUANCE OF HEARING.**

- (A) The board shall initially continue a hearing upon its own motion for a period of not less than thirty days, in order to more efficiently and effectively conduct its business unless the circumstances establish that a continuance would not serve the interest of justice.
- (B) The attorney hearing examiner may continue a hearing upon the motion of a representative of record.
- (C) Hearings shall not be continued upon motion by a representative unless a showing of reasonable cause and proper diligence is presented. Before granting any continuance, consideration shall be given to harm to the public which may result from delay in proceedings. In no event will a motion for a continuance by a representative, requested less than five days

prior to the scheduled date of the hearing, be granted unless it is demonstrated that an extraordinary situation exists which could not have been anticipated and which would justify the granting of a continuance.

- (D) No continuance of an adjudicatory hearing under division (E) or (F) of section 4715.30 of the Revised Code shall be granted without the written agreement of the respondent or his representative and the board.
- (E) If a continuance is granted, the attorney hearing examiner shall immediately establish a new hearing date, unless circumstances prohibit.
- (F) Hearings may be continued due to the unavailability of a subpoenaed witness at the discretion of the attorney hearing examiner. The attorney hearing examiner may hold the record open to accept a deposition in lieu of live testimony of a subpoenaed witness. The procedures set forth in rule 4715-15-21 of the Administrative Code shall apply to any deposition taken pursuant to this rule.
- (G) No adjudication hearing shall be continued for more than ninety days for the purpose of exchanging witness or document lists to the extent provided in rule 4715-15-17 of the Administrative Code unless the board or attorney hearing examiner finds in writing that such exchange was diligently pursued but was not completed due to the unusual circumstances of the case.

*Prior Effective Dates: 11-10-00*

#### **4715-15-08      MOTIONS.**

- (A) Except as otherwise provided under Chapter 4715-15 of the Administrative Code or Chapter 119. of the Revised Code, all motions, unless made upon the record at the hearing, shall be made in writing. A written motion shall state with particularity the relief or order sought, shall be accompanied by a memorandum setting forth the grounds therefore, and shall be filed in compliance with rule 4715-15-09 of the Administrative Code. A proposed entry may accompany any motion. All motions except for motions for continuance and those motions filed subsequent to the close of the hearing shall be made no later than fourteen days before the date of hearing unless express exception is granted by the attorney hearing examiner or by this chapter.
- (B) All motions, together with supporting documentation, if any, shall be served as provided in rule 4715-15-10 of the Administrative Code.
- (C) Within ten days after service of a written prehearing motion, or such other time as is fixed by the attorney hearing examiner, a response to that motion may be filed. A movant may reply to a response only with the permission of the attorney hearing examiner.
- (D) Before ruling upon a written motion, the attorney hearing examiner shall consider all memoranda and supporting documents filed. The attorney hearing examiner shall enter a written ruling and shall issue copies to the representatives as identified under rule 4715-15-02 of the Administrative Code. The ruling on all oral motions made at hearing shall be included in the record except where the attorney hearing examiner elects to take the motion under advisement and issue a written ruling at a later time. The attorney hearing examiner shall include in each written ruling on a motion a short statement of the reasons therefore.
- (E) Except as otherwise provided in this chapter or Chapter 119. of the Revised Code, rulings on all substantive motions filed subsequent to the issuance of the report and recommendation shall be rendered by the board, and rulings on all procedural motions may be rendered by the secretary acting on its behalf.

*Prior Effective Dates: 11-10-00*

#### **4715-15-09      FILING.**

- (A) A document is "filed" when it is received and time stamped in the offices of the state dental board during normal business hours. The burden of ensuring that the document(s) is properly filed is borne by the party filing the document(s).
- (B) An original of any document required to be filed by Chapter 4715-15 of the Administrative Code shall be filed with the state dental board not more than three days after service.
- (C) All motions and briefs shall contain the name, address, and telephone number of the person submitting the motion or brief and shall be appropriately captioned to indicate the name of the respondent.

*Prior Effective Dates: 11-10-00*

#### **4715-15-10      SERVICE ON PARTIES.**

- (A) Any document required by Chapter 4715-15 of the Administrative Code to be served by a representative of record may be served either personally, by mail, by facsimile, or electronic mail.

- (B) Service is complete on the date of mailing, or on personal service of the document, or the date of facsimile or electronic mail was sent. Any facsimile or electronic mail sent after 5:00 p.m. will be deemed served on the next business day.
- (C) A motion shall be considered by the board or its attorney hearing examiner only if a certificate of service appears on it. Any signed statement is an acceptable certificate of service so long as it contains all of the following information:
  - (1) Date of service;
  - (2) Method by which service was made;
  - (3) Address where service was made; and
  - (4) Name of the person or authority who was served.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-10-00*

#### **4715-15-11 COMPUTATION AND EXTENSION OF TIME.**

- (A) The date of occurrence of the event causing time to run is not counted in the computation of any time limit under Chapter 4715-15 of the Administrative Code. The last day of the period is included in the computation of the time limit. If the last day of a period is not a regular business day, the time period runs through the end of the next regularly scheduled business day.
- (B) The board or its attorney hearing examiner may extend the time for filing or responding to motions and briefs.
  - (1) Requests for extension of time shall be made in writing and filed as provided in rule 4715-15-09 of the Administrative Code prior to the expiration of any applicable time limit.
  - (2) Requests for extension of time shall be served as provided in rule 4715-15-10 of the Administrative Code.

*Prior Effective Dates: 11-10-00*

#### **4715-15-12 NOTICE OF HEARINGS.**

Notice specifying the date, time and place set for hearing shall be mailed by certified mail to the representatives, of record, except that notice of changes to the date, time or place set for hearing shall be mailed by regular mail or facsimile if a representative of each party participated in the selection of the new date, time or place.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-10-00*

#### **4715-15-13 TRANSCRIPTS.**

- (A) Duplicate transcripts of the stenographic record taken of hearings may be obtained directly from the court reporter at the requestor's expense prior to receipt of the original transcript by the board.
- (B) Upon request made to the board, a copy of original transcripts may be reviewed at the board office or signed out for a period of forty-eight hours. Additional copies may be prepared at the requestor's expense.
- (C) Original transcripts shall not be removed from the board office.

*Prior Effective Dates: 11-10-00*

#### **4715-15-14 SUBPOENAS FOR PURPOSES OF HEARING.**

- (A) Upon written request of either party, the board shall issue subpoenas for purposes of hearing to compel the attendance and testimony of witnesses and production of books, records and papers at the administrative hearing. Each subpoena shall indicate on whose behalf the witness is required to testify. Copies of such subpoenas shall be provided to each representative of record.
- (B) For purposes of a hearing conducted pursuant to Chapter 119. of the Revised Code, subpoena requests shall specify the name and address of the individual to be served and the date, time and location the individual is to appear at the administrative hearing. If the subpoena includes a duces tecum request, the specific documents or tangible things to be produced at the administrative hearing shall be listed in the request.
- (C) Except upon leave of the board or its attorney hearing examiner, subpoena requests are to be filed with the board as provided in rule 4715-15-09 of the Administrative Code at least fourteen days in advance of the requested date of compliance in order to allow sufficient time for preparation and service of the subpoenas.
- (D) In the event that the number of subpoenas requested appears to be unreasonable, the board or its attorney hearing examiner may require a showing of necessity therefore, and, in the absence of such showing, may limit the number of subpoenas. Absent such a limitation, subpoenas shall be issued within five days of request. Failure to issue subpoenas within this time may constitute sufficient grounds for the granting of a continuance.

- (E) After the hearing has commenced, the board or its attorney hearing examiner may order the issuance of subpoenas for purposes of hearing to compel the attendance and testimony of witnesses and production of books, records and papers. Copies of such subpoenas shall be issued to each representative of record.
- (F) Upon motion and for good cause, the board or its attorney hearing examiner may order any subpoena be quashed. Motions to quash shall be made in the manner provided in rules 4715-15-08 and 4715-15-09 of the Administrative Code, except that motions to quash shall be filed at least five days prior to the date of compliance. The non-moving party may file a response no later than four days after service of the motion to quash or at least one day prior to the date of compliance whichever is earlier. Unless a motion to quash has been granted, a witness shall attend the hearing to which he was subpoenaed. The board shall make a reasonable attempt to contact any witness whose subpoena has been quashed.
- (G) Witnesses shall not be subpoenaed to prehearing conferences.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-10-00; 4-7-05*

#### **4715-15-15 MILEAGE REIMBURSEMENTS AND WITNESS FEES.**

- (A) Mileage shall be paid in the same manner set forth in Chapter 119 of the Administrative Code.
- (B) The respondent shall not subpoena himself.
- (C) Mileage and witness fees shall be returned by anyone who fails to appear at the hearing for which he was subpoenaed.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-10-00; 4-7-05*

#### **4715-15-16 REPORTS AND RECOMMENDATIONS.**

- (A) Within sixty days following the close of an adjudication hearing conducted pursuant to Chapter 119. of the Revised Code, the attorney hearing examiner shall submit a written report setting forth proposed findings of fact and conclusions of law and a recommendation of the action to be taken by the board. Any requests by the attorney hearing examiner to extend the time to file the report must be submitted within forty-five days of the close of the hearing record. Such request shall be ruled upon by the secretary of the board or in the absence of the secretary, by the board executive director. The hearing shall not be considered closed until such time as the record is complete, as determined by the attorney hearing examiner.
- (B) A copy of such written report shall be issued to each representative of record. The copy issued to the respondent's representative of record shall be accompanied by notice of the date the report and recommendation is to be considered by the board.
- (C) Either representative of record may, within ten days of his receipt of the attorney hearing examiner's report and recommendation, file written objections to the report and recommendation. Only those objections filed in a timely manner shall be considered by the board before approving, modifying, or disapproving the attorney hearing examiner's recommendation unless otherwise determined by the board.
- (D) Upon written request, the board may grant extensions of the time within which to file objections to the report and recommendations. In the event that the board is not in session, the secretary of the board may grant such extensions.
- (E) The board shall consider the attorney hearing examiner's report and recommendation and any objections thereto at its next regularly scheduled meeting after the time for filing objections has passed. At that time, the board may order additional testimony to be taken or permit the introduction of further documentary evidence, or act upon the report and recommendation. For purposes of taking such additional testimony or documentary evidence, the board may remand to the attorney hearing examiner.
- (F) Any motion to reopen the hearing record for purposes of introducing newly discovered material evidence that with reasonable diligence could not have been discovered and produced at the hearing shall be filed in the manner provided in rules 4715-15-08 and 4715-15-09 of the Administrative Code. Such motion to reopen shall be filed not later than ten days prior to the scheduled consideration by the board of the attorney hearing examiner's report and recommendation and any objections thereto. If such motion is filed prior to the issuance of the attorney hearing examiner's report and recommendation, the attorney hearing examiner shall rule on the motion. If such motion is filed subsequent to the issuance of the attorney hearing examiner's report and recommendation, the board shall rule upon the motion.
- (G) Without leave of the board, the respondent or any representative of record shall not be permitted to address the board at the time of consideration of the attorney hearing examiner's report and recommendation. Any request for such leave shall be filed by motion no less than five days prior to the date the report and recommendation is to be considered by the board and shall be served upon the representative of record.
- (H) If a request to address the board is granted, the opposing representative may also address the board.

*Prior Effective Dates: 11-10-00; 4-7-05*

**4715-15-17 EXCHANGE OF DOCUMENTS AND WITNESS LISTS.**

- (A) Any representative of record may serve upon the opposing representative of record a written request for a list of both the witnesses and the documents intended to be introduced at hearing. Within twelve days of service of that request, the opposing representative shall provide a response to the requesting representative. All final lists requested under this rule shall be exchanged no later than thirty days prior to the commencement of the administrative hearing, unless leave from the attorney hearing examiner has been obtained.
- (B) Failure without good cause to comply with paragraph (A) of this rule may result in exclusion from the hearing of such testimony or documents, upon motion of the representative to whom disclosure is refused.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-10-00*

**4715-15-18 REQUIREMENTS FOR PRE-HEARING EXCHANGE OF INFORMATION.**

The attorney hearing examiner shall, upon written motion of any representative of a party, issue an order setting forth a schedule by which the parties shall simultaneously exchange hearing exhibits, identify lay and expert witnesses and exchange written reports from expert witnesses. Any witness including the respondent, identified as, or wishing to testify as an expert witness, shall prepare and file an expert report that sets forth the opinions to which the expert will testify and the bases for such opinions. The failure of a party to produce a written report from an expert in accordance with this rule or under the terms of the hearing examiner's order may result in the exclusion of that expert's testimony at hearing. The failure of a party to produce an exhibit under the terms of the attorney hearing examiner's order may result in the exclusion of that exhibit from evidence. The failure of a party to identify a lay or expert witness under the terms of the hearing examiner's order may result in the exclusion of that witness' testimony at hearing.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-10-00; 4-7-05*

**4715-15-19 PREHEARING CONFERENCES.**

- (A) The attorney hearing examiner shall, upon request of either party, schedule a prehearing conference. Further, the attorney hearing examiner may direct participation by the representatives of record in a prehearing conference. Such conference may be initiated by the attorney hearing examiner, or upon motion of either representative.
- (B) Prehearing conferences may be held for the following purposes:
  - (1) Identification of issues;
  - (2) Obtaining stipulations and admissions;
  - (3) Agreements limiting the number of witnesses;
  - (4) Discussion of documents, exhibits, and witness lists;
  - (5) Estimating the time necessary for hearing;
  - (6) Discussion of any other matters tending to expedite the proceedings.
- (C) All representatives of record shall attend the prehearing conference fully prepared to discuss the items enumerated in paragraph (B) of this rule.
- (D) Procedural orders may be issued by the attorney hearing examiner based upon information obtained at a prehearing conference.

*Prior Effective Dates: 11-10-00*

**4715-15-20 STATUS CONFERENCE.**

With or without written motion from the representative of any party, the attorney hearing examiner may convene a status conference with representatives of the parties to address any matter related to preparation for hearing or the conduct of a hearing. The attorney hearing examiner may issue such orders related to preparation for hearing and the conduct of the hearing which in the judgment of the attorney hearing examiner facilitate the just and efficient disposition of the subject of the hearing.

*Prior Effective Dates: 11-10-00*

**4715-15-21 DEPOSITIONS IN LIEU OF TESTIMONY AT HEARING AND TRANSCRIPTS OF PRIOR TESTIMONY FOR SUBMISSION AT HEARING.**

- (A) Upon written motion of any representative of record, and upon service of that motion to all other representatives, the attorney hearing examiner may order that the testimony of a witness be taken by deposition in lieu of live testimony under such conditions and terms as the attorney hearing examiner shall set, and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place if it appears probable that:
- (1) The witness will be unavailable to attend or will be prevented from attending a hearing; and
  - (2) The testimony of the witness is material; and
  - (3) The testimony of the witness is necessary in order to prevent a failure of justice.
- In the case of an expert witness, a showing of the unavailability of the expert shall not be necessary for the attorney hearing examiner's consideration of the motion of a representative to take a deposition in lieu of live testimony.
- (B) The representatives shall agree to the time and place for taking the deposition in lieu of live testimony. Depositions shall be conducted in the same county in which the hearing is conducted unless otherwise agreed to by the representatives. If the representatives are unable to agree, the attorney hearing examiner shall set the time or fix the place of deposition. At a deposition taken pursuant to this rule, representatives shall have the right, as at hearing, to fully examine witnesses. The attorney hearing examiner has the discretion to be present at the deposition in lieu of testimony at hearing.
- (C) A deposition taken under this rule shall be filed with the board not later than one day prior to hearing, and shall be offered into evidence at hearing by the representative requesting the deposition, in lieu of the witness' live testimony at hearing. The cost of preparing a transcript of any testimony taken by deposition in lieu of live testimony shall be borne by the board. In the event of appeal, such costs shall be made a part of the cost of the hearing record. The expense of any video deposition shall be borne by the requestor.
- (D) Any deposition or transcript of prior testimony of a witness may be used for the purpose of refreshing the recollection, contradicting the testimony or impeaching the credibility of that witness. If only a part of a deposition of prior testimony is offered into evidence by a representative, the opposing representative may offer any other part. Nothing in this paragraph shall be construed to permit the taking of depositions for purposes other than those set forth in paragraph (A) of this rule. A transcript of testimony and exhibits from a prior proceeding may be introduced for any purpose if that prior proceeding forms the basis for the allegations in the current case. Upon offering part of a transcript or exhibit from a prior proceeding, the offering representative may be required by the opposing representative to present any other part of the offered item which should in fairness be considered contemporaneously with it.

*Prior Effective Dates: 11-10-00*

**4715-15-22 PRIOR ACTION BY THE STATE DENTAL BOARD.**

The attorney hearing examiner shall admit evidence of any prior action entered by the Ohio state dental board against the respondent, including formal disciplinary action or warning letters.

*Prior Effective Dates: 11-10-00*

**4715-15-23 STIPULATION OF FACTS.**

Representatives of record may, by stipulation, agree on any or all facts involved in proceedings before the attorney hearing examiner. The attorney hearing examiner may thereafter require development of any fact deemed necessary for just adjudication.

*Prior Effective Dates: 11-10-00*

**4715-15-24 WITNESSES.**

- (A) All witnesses at any administrative hearing or during any deposition in lieu of live testimony at hearing pursuant to rule 4715-15-21 of the Administrative Code shall testify under oath or affirmation.
- (B) A witness may be accompanied and advised by legal counsel. Participation by counsel for a witness other than the respondent is limited to protection of that witness' rights, and that legal counsel may neither examine nor cross-examine any witnesses.
- (C) Should a witness refuse to answer a question ruled proper at a hearing or disobey a subpoena, the state dental board may institute contempt proceedings pursuant to section 119.09 of the Revised Code.

- (D) The presiding attorney hearing examiner, because of his duties, shall not be a competent witness nor subject to deposition in any adjudication proceeding. Unless the testimony of a board member or an attorney hearing examiner is material to the factual allegations set forth in the notice of opportunity for hearing, board members and attorney hearing examiners shall not be competent witnesses nor subject to deposition in lieu of live testimony in any adjudication proceeding. Former board members shall not be competent witnesses nor subject to deposition in any adjudication proceeding in cases wherein the former board member had personal knowledge of the case or were privy to or ascertained information while serving as a board member. Evidence from other persons relating to the mental processes of the presiding attorney hearing examiner or board members shall not be admissible.
- (E) If the attorney hearing examiner/board member intends to serve as a witness, he/she shall recuse him/herself from presiding over, deliberating on, or ruling on the matter.
- (F) Any representative of record may move for a separation of witnesses. Expert witnesses shall not be separated.
- (G) Each representative of record at a hearing shall inform the attorney hearing examiner of the identity of each potential witness for his case present in the hearing room. Failure to so identify potential witnesses may be grounds for their later disqualification as witnesses.
- (H) No witnesses shall be permitted to testify as to the nature, extent, or propriety of disciplinary action to be taken by the board. A witness may, in the discretion of the attorney hearing examiner, testify as to an ultimate issue of fact.

*Prior Effective Dates: 11-10-00; 4-7-05*

#### **4715-15-25      CONVICTION OF A CRIME.**

A certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court of competent jurisdiction is conclusive proof of the commission of all of the elements of that crime.

*Prior Effective Dates: 11-10-00*

#### **4715-15-26      EVIDENCE.**

- (A) The "Ohio rules of evidence" may be taken into consideration by the board or its attorney hearing examiner in determining the admissibility of evidence, but shall not be controlling. The "Ohio rules of evidence" are readily available to attorneys and may be found at public libraries, bookstores, and on the internet at [www.sconet.state.oh.us/rules/evidence](http://www.sconet.state.oh.us/rules/evidence).

The attorney hearing examiner may permit the use of electronic or photographic means for the presentation of evidence.

*Prior Effective Dates: 11-10-00; 4-7-05*

#### **4715-15-27      BROADCASTING AND PHOTOGRAPHING ADMINISTRATIVE HEARINGS.**

If the attorney hearing examiner determines that broadcasting, televising, recording or taking of photographs in the hearing room would not distract participants or impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair administrative hearing, the broadcasting, televising, recording or taking of photographs during hearing proceedings open to the public may be permitted under the following conditions and upon request:

- (A) Requests for permission for the broadcasting, televising, recording or taking of photographs in the hearing room shall be made in writing to the attorney hearing examiner at least seven days prior to the scheduled commencement of the hearing, and shall be made a part of the record of the proceedings;
- (B) Permission is expressly granted prior to commencement of the hearing in writing by the attorney hearing examiner and is made a part of the record of the proceedings;
- (C) If the permission is granted, the attorney hearing examiner shall specify the place or places in the hearing room where operators and equipment are to be positioned;
- (D) The filming, videotaping, recording or taking of photographs of witnesses who object thereto shall not be permitted.

*Prior Effective Dates: 11-10-00; 4-7-05*

#### **4715-15-28      REINSTATEMENT OF LICENSE OR CERTIFICATE.**

Any disciplinary action taken by the board pursuant to section 4715.30 of the Revised Code which results in suspension from practice shall either lapse by its own terms or contain a written statement of the conditions under which the license or certificate may be reinstated.

Such conditions may include but are not limited to:

- (A) Submission of a written application for reinstatement;

- (B) Payment of all appropriate fees as provided in Chapter 4715. of the Revised Code;
- (C) Mental or physical examination;
- (D) Additional education or training;
- (E) Reexamination;
- (F) Practice limitations;
- (G) Participation in counseling programs;
- (H) Demonstration that the licensee can resume practice in compliance with acceptable and prevailing standards.
- (I) Satisfactory completion of all terms, conditions or limitations placed upon the licensee through a board approved consent agreement or adjudication order.

*Prior Effective Dates: 11-10-00*

## NOTICE OF MEETINGS

### **4715-17-01 NOTICE OF REGULAR AND SPECIAL MEETINGS OF THE OHIO STATE DENTAL BOARD.**

- (A) A notice of regular and special meetings of the Ohio state dental board which will include the time, place and purpose of such meeting may be obtained by written request, from the executive director of the "Ohio State Dental Board, 77 South High Street, 18th floor, Columbus, Ohio 43215-6135," or by telephoning (614) 466-2580.
- (B) Any person may obtain reasonable advance written notification of meetings of the board by requesting to be placed on a general subscription mailing list by paying an annual subscription mailing fee of fourteen dollars. A check for this amount made payable to the treasurer, state of Ohio, should be sent to the "Ohio State Dental Board, 77 South High Street, 18th floor, Columbus, Ohio 43215-6135." This subscription will be valid for one year from the date of receipt of such fee by the executive secretary of the Ohio state dental board, or notification may be received by providing the executive secretary with a self-addressed stamped envelope suitable for such purpose. Any person may obtain reasonable advance written notification of meetings of the board by requesting to be placed on an e-mail notification list at no cost by providing the executive secretary with an e-mail address suitable for such purposes.
- (C) The executive director shall maintain a list of news media which have requested notification, and such media shall be given at least twenty-four hours advance notice of each special meeting of the board, except in the event of an emergency requiring immediate official action. In the event of an emergency, the executive director, on behalf of the members of the board calling the meeting, shall immediately notify the news media that have requested notification of the time, place and purpose of the meeting.

*Prior Effective Dates: 2-1-77; 4-4-02; 4-7-05*

## FOREIGN DENTAL GRADUATES

### **4715-18-01 APPLICATION FOR LICENSURE OF GRADUATES OF UNACCREDITED DENTAL COLLEGES LOCATED OUTSIDE THE UNITED STATES.**

- (A) To be granted a license to practice dentistry in this state, a graduate of an unaccredited dental college located outside the United States shall file a written application with the secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. Each applicant shall furnish satisfactory proof to the board that the applicant has met all of the following requirements:
  - (1) Successful passage of either the "Test Of English as a Foreign Language" (TOEFL) with a score of six hundred fifty, or attainment of level 109 in the "English Language Service Test". This requirement may be waived by the board at its discretion;
  - (2) Be at least eighteen years of age;
  - (3) Be of good moral character;
  - (4) Have passed parts I and II of the examinations given by the Joint commission on national dental examinations. An official copy of the national board examination scores must be presented as evidence of completion of this requirement.
  - (5) Have passed a written jurisprudence examination administered by the state dental board under division (E)(2) of section 4715.03 of the Revised Code.
  - (6) Have taken and received a passing score from a basic science and laboratory examination as established by paragraph (B) of this rule.
  - (7) Have successfully completed a minimum of two years of clinical training in one of the following:

- (a) an accredited institution that reasonably assures a level of competency equal to that of graduates of accredited dental colleges, as determined by the board; or
  - (b) a General practice residency (GPR) program from an accredited institution; or
  - (c) an Advanced education in general dentistry (AEGD) program from an accredited institution.
- (8) Have met any one of the following requirements:
- (a) Have taken an examination administered by any of the following regional testing agencies and received on each component of the examination a passing score as specified in division (A) of section 4715.11 of the Revised Code: the central regional dental testing service, inc., the northeast regional board of dental examiners, inc., the southern regional dental testing agency, inc. or the western regional examining board;
  - (b) Have taken an examination administered by the state dental board and received a passing score as established by the board;
  - (c) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application.
- (B) The basic science and laboratory examination required by paragraph (A)(6) of this rule must be provided by an accredited institution and examine at a minimum competency in providing oral health care within the scope of general dentistry for children, adolescent, adult, geriatric and medically compromised patients including; but not limited to, the following:
- (1) Patient assessment and diagnosis;
  - (2) Comprehensive treatment planning;
  - (3) Health promotion and disease prevention;
  - (4) Informed consent;
  - (5) Anesthesia, and pain and anxiety control;
  - (6) Restoration of teeth;
  - (7) Replacement of teeth;
  - (8) Periodontal therapy;
  - (9) Pulpal therapy;
  - (10) Oral mucosal disorders;
  - (11) Hard and soft tissue surgery;
  - (12) Dental emergencies;
  - (13) Malocclusion and space management;
  - (14) Evaluation of the outcomes of treatment; and
  - (15) Appropriate life support measures for medical emergencies.
- (C) If an application made pursuant to this rule has been denied, a hearing shall be afforded in compliance with Chapter 119. of the Revised Code, upon request of the person whose application for such license has been denied.
- (D) Once an application made pursuant to this rule has been denied, and the order of denial not appealed pursuant to section 119.12 of the Revised Code, or has been appealed pursuant to section 119.12 of the Revised Code, and upheld by the judiciary, the applicant shall not be permitted to reapply for licensure under this rule, but may seek licensure after having graduated from an accredited dental college as defined by section 4715.10(B) of the Revised Code.

*Replaces: 4715-18-01*

*Effective: 07-06-2006*

*Prior Effective Dates: 10-15-82; 5-1-85; 4-5-01*

## **ACCESSING CONFIDENTIAL PERSONAL INFORMATION**

### **4715-19-01 PERSONAL INFORMATION SYSTEMS.**

- (A) The executive director of the board shall be directly responsible for the personal information system maintained by the board.
- (B) The board shall discipline any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of the appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system.
- (C) The board shall maintain its personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the board that is based on information contained in the system.
- (D) The board shall investigate, upon request, the accuracy, relevance, timeliness, and completeness of the personal information which is disputed by the subject of a record contained in its personal information system and report its findings to the disputant within thirty days after receipt of the request.

- (E) The board shall not place personal information into an interconnected or combined system unless said system contributes to the efficiency of other agencies or organizations authorized by law to use the system.
- (F) The board shall not use any personal information placed into an interconnected or combined system by another state or local board or an organization unless the personal information is necessary and relevant to the performance of a lawful function of the board.

*Replaces: 4715-19-01*

*Effective: 10-05-2010*

*Prior Effective Dates: 10-15-82, 4-4-02*

#### **4715-19-02 PROCEDURES FOR ACCESSING PERSONAL INFORMATION.**

- (A) Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his or her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.
- (B) Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:
  - (1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;
  - (2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and
  - (3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.
- (C) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would neither delay or impede an investigation of the circumstances and involvement of an employee surrounding the invalid access, nor jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person. Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access, and may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.
- (D) The board director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.
- (E) The board director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

*Effective: 10-05-2010*

#### **4715-19-03 VALID REASONS FOR ACCESSING CONFIDENTIAL PERSONAL INFORMATION.**

- (A) Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information is a manual system or computer system.
- (B) Any of the following functions normally performed by the board constitute valid reasons for authorized employees of the board to access confidential personal information:
  - (1) Responding to a public records request;

- (2) Responding to a request from an individual for the list of CPI the board maintains on that individual;
  - (3) Administering a constitutional provision or duty;
  - (4) Administering a statutory provision or duty;
  - (5) Administering an administrative rule provision or duty;
  - (6) Complying with any state or federal program requirements;
  - (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
  - (8) Auditing purposes;
  - (9) Licensure [or permit, eligibility, filing, etc.] processes;
  - (10) Investigation or law enforcement purposes;
  - (11) Administrative hearings;
  - (12) Litigation, complying with an order of the court, or subpoena;
  - (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals,/issues);
  - (14) Complying with an executive order or policy;
  - (15) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state board; or
  - (16) (Complying with a collective bargaining agreement provision.
- (C) In addition to the general processes described in paragraph (A) of this rule, in the following specific processes of the board, authorized board employees would have valid reasons for accessing CPI:
- (1) Investigators, attorneys, and staff may review CPI of individuals who are subject to investigation for alleged misconduct which may result in discipline against a dentist, dental hygienist or dental assistant. These same employees may review CPI of individuals who are not the subject of the investigation, but may be witnesses with information related to the investigation. CPI may also be reviewed by these employees and members of the board in professional conduct matters which become the subject of administrative hearings.
  - (2) Board employees may review CPI of persons who hold or are applying for any license, limited license, permit, certificate or registration.

*Effective: 10-05-2010*

#### **4715-19-04 CONFIDENTIAL INFORMATION.**

The following federal statutes or regulations or state statutes make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code.

- (A) Social security numbers: 5 U.S.C. 552a. , unless the individual was told that the number would be disclosed.
- (B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code.
- (C) Medical records: section 149.43 of the Revised Code and Health Insurance Portability and Accountability Act, Title II 45CFR 160, 45CFR 42 USC 1320.
- (D) College transcripts: Family Education Rights and Privacy Act, 34 CFR Part 99.
- (E) Records excluded by the Ohio Public Records Act: section 149.43 of the Revised Code.
- (F) Confidential information obtained during an investigation pursuant to section 4715.30 of the Revised Code.

*Effective: 10-05-2010*

#### **4715-19-05 RESTRICTING AND LOGGING ACCESS TO CONFIDENTIAL PERSONAL INFORMATION IN COMPUTERIZED PERSONAL INFORMATION SYSTEMS.**

- (A) Access to confidential personal information that is kept electronically shall require a password or other authentication measure.
- (B) When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (C) When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

- (D) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access. Access to confidential information is not required to be entered into the log under the following circumstances:
- (1) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
  - (2) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically name individuals.
  - (3) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.
  - (4) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:
    - (a) The individual requests confidential personal information about himself/herself.
    - (b) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.
  - (5) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.
- (E) The board shall issue a log management policy that specifies the following:
- (1) Who shall maintain the log;
  - (2) What information shall be captured in the log;
  - (3) How the log is to be stored; and
  - (4) How long information in the log is to be retained.

Effective: 10-05-2010

## **PATIENT AND PERSONAL PROTECTION**

### **4715-20-01 PATIENT AND PERSONNEL PROTECTION.**

- (A) Immunization – All dentists and dental health care workers must show evidence of immunity to or immunization against the hepatitis B virus as specified by board guidelines. Such immunization must begin prior to patient contact. Medical documentation must be maintained in the dental facility for each dentist and dental health care worker providing care in that facility. This medical documentation must be made available immediately upon request by an authorized agent of the state dental board.
- (B) Hand hygiene:
- (1) Hand hygiene methods and indications as recommended in table 2 of the United States department of health and human services, Centers for disease control and prevention's "Guidelines for infection control in Dental Health-Care Settings – 2003" must be utilized at all times, including, but not limited to:
    - (a) Before and/or after patient contact;
    - (b) Before glove placement and after glove removal;
    - (c) After touching inanimate objects likely to be contaminated by blood, saliva, or body fluids;
    - (d) Before leaving the dental operatory or laboratory;
    - (e) After removing gloves that are torn, cut or punctured; and
    - (f) When hands are visibly soiled.
  - (2) Reference materials for paragraph (B)(1) of this rule may be found at the centers for disease control and prevention, 1600 Clifton Rd., Atlanta, GA 30333, U.S.A.; telephone: (404) 639-3311; public inquiries: (404) 639-3534 / (800) 311-3435; internet website address: [www.cdc.gov](http://www.cdc.gov).
- (C) Barrier techniques:
- (1) Gloves – All dentists and dental health care workers must wear disposable gloves whenever placing their fingers into the mouth of a patient, or when handling blood/saliva contaminated items, instruments and equipment. Disposable gloves shall not be washed and/or reused for any purpose. Overgloving between patients is not permitted.
  - (2) Face protection – Chin length face shields, or masks and eyewear with protective side shields must be worn by dentists and dental health care workers when splattering of blood or other body fluids is likely.

- (D) Waiver – The board may waive the requirements set forth in paragraph (A) of this rule if the board determines that such waiver is justified based on medical documentation indicating that such immunization threatens their health and well being. Any board-approved waiver must be renewed according to the discretion of the board.

*Effective: 05-22-2009*

*Prior Effective Dates: 11-1-87, 7-25-93, 4-7-00, 4-7-05*

#### **4715-20-02 STERILIZATION AND DISINFECTION.**

(A) Heat sterilization:

- (1) Sterilization must be accomplished by an FDA-approved device or method, for example, autoclave, dry heat, or unsaturated chemical vapor.
- (2) All high speed and surgical handpieces, low speed contra angles, prophylaxis angles, and nose cones must be thoroughly cleaned prior to being subjected to heat sterilization between patients. Sterilization must be accomplished by an FDA-approved device or method.
- (3) All instruments and all items that are able to withstand repeated exposure to heat must be thoroughly cleaned prior to being subjected to heat sterilization between patients. The following instruments and items (but not limited to) must be heat sterilized between patients:
  - (a) All hand and orthodontic instruments;
  - (b) All burs and bur changers, including contaminated laboratory burs and diamond abrasives;
  - (c) All endodontic instruments;
  - (d) Air-water syringe tips;
  - (e) High-volume evacuator tips;
  - (f) Surgical instruments;
  - (g) Ultrasonic periodontal scalers and tips; and
  - (h) Electro-surgery tips;
  - (i) Metal impression trays; and
  - (j) Intra-oral radiographic equipment that can withstand heat sterilization.
- (4) All heat sterilizing devices must be tested for proper function on a weekly basis by means of a biological monitoring system that indicates microorganism kill. The biological monitoring system used must include a control to verify proper microbial incubation. In the event of a positive biological spore test, the dentist must take immediate remedial action to ensure that heat sterilization is being accomplished.
- (5) Biological monitoring documentation:
  - (a) In-office testing documentation - Documentation must be maintained in the form of a log reflecting dates, person(s) conducting the testing, and the results of the test capsule and control capsule.
  - (b) Independent testing documentation - Reports from the independent testing entity shall be used.
  - (c) Documentation of testing and repairs shall be maintained for a period of at least two years, and shall be maintained in the dental facility and be made immediately available upon request by an authorized agent of the state dental board.

(B) Chemical sterilization:

Instruments and items that cannot withstand heat sterilization must be subjected to a chemical sterilization process between patients, which is defined as use of a sterilant cleared by the FDA in a 510(k) in accordance with the manufacturer's instructions.

(C) Surface disinfection:

- (1) Environmental surfaces that are contaminated by blood or saliva must be properly cleaned prior to disinfection. Disinfection must be accomplished with an appropriate disinfectant that is registered with the environmental protection agency and used in accordance with the manufacturer's instructions. The disinfection process must be followed between each patient.
- (2) Impervious backed paper, aluminum foil or plastic wrap must be used to cover surfaces or items that may be contaminated by blood or saliva and that are difficult or impossible to disinfect. The cover must be removed, discarded and then replaced between patients.

(D) Single use items:

All single use or disposable items, labeled as such, used in patient treatment, or have come in contact with blood or saliva, must be discarded and not reused. Single use items include but are not limited to:

- (1) Disposable needles and syringes;
- (2) Local anesthetic carpules;
- (3) Saliva ejectors, high volume evacuator tips, and air water syringe tips;

- (4) Prophy angles, cups, and brushes;
  - (5) Polishing discs, cups, points;
  - (6) Fluoride trays; and
  - (7) Disposable impression trays.
- (E) Dental laboratory items:  
All items that have been placed in the mouth, or are otherwise contaminated with blood or saliva, must be thoroughly rinsed, placed in, and transported to the dental laboratory in an appropriate case containment device that is properly sealed and labeled.

*Effective: 05/05/2014*

*Prior Effective Dates: 11-1-87, 7-25-93, 3-3-95, 4-7-00, 5-15-03, 5-22-09, 4/2/10*

#### **4715-20-03 DISPOSAL OF SHARPS.**

All sharps items must be disposed of in containers specifically designed and manufactured for the management and/or disposal of sharps in accordance with the requirements established by local and state environmental agencies.

*Effective: 04-02-2010*

*Prior Effective Dates: 11-1-1987, 4-7-2000*

## **APPROVAL OF TREATMENT PROVIDERS AND CENTERS**

#### **4715-21-01 REQUIREMENTS FOR APPROVAL OF TREATMENT PROVIDERS AND TREATMENT CENTERS.**

- (A) The Ohio state dental board shall approve and designate qualified licensed practitioners as treatment providers and facilities as treatment centers for board licensees and/or permit holders with substance abuse problems.
- (B) Any qualified licensed practitioner desiring to be approved as a treatment provider or facility desiring to be approved as a treatment center shall apply to the Ohio state dental board on an application provided by the board.
- (C) The Ohio state dental board shall approve outpatient and inpatient facilities and subsequent post treatment services which meet the following criteria, unless the board determines that the facility is not providing substance abuse services acceptable to the board:
  - (1) The facility has provided adequate evidence that it is capable of making an initial inpatient examination to determine the type of treatment required for board licensees and/or permit holders with substance abuse problems; and,
  - (2) The facility is fully accredited by the "Joint Commission on accreditation of healthcare Organizations" (JCAHO), or the "American Osteopathic Association" (AOA), in the area of substance abuse services.
- (D) The Ohio state dental board shall approve qualified licensed practitioners as treatment providers who hold clinical privileges in the area of substance abuse services at a facility which meets the criteria specified in paragraphs (C)(1) and (C)(2) of this rule. The qualified licensed practitioner shall provide evidence acceptable to the Ohio state dental board that any staff utilized in treatment shall be under the supervision of the qualified licensed practitioner.
- (E) An approved treatment provider shall:
  - (1) Report to the Ohio state dental board the name of any board licensee and/or permit holder suffering or showing evidence of suffering inability to practice under accepted standards as described in division (A)(8) of section 4715.30 of the Revised Code who fails to comply within one week with a referral for examination;
  - (2) Report to the board the name of any impaired board licensee and/or permit holder who fails to enter treatment within forty-eight hours following the provider's determination that treatment is needed;
  - (3) Require every board licensee and/or permit holder who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;
  - (4) Require a board licensee and/or permit holder to suspend practice on entering any required inpatient treatment;
  - (5) Report to the board any failure by an impaired board licensee and/or permit holder to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;
  - (6) Report to the board the resumption of practice of any impaired board licensee and/or permit holder before the treatment provider has made a clear determination that the individual is capable of practicing according to accepted standards of the profession;
  - (7) Require a board licensee and/or permit holder who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers; and,
  - (8) Report to the board any board licensee and/or permit holder who suffers a relapse at any time during or following aftercare.
- (F) "Relapse" means a return to the pattern of impairment activities which affect the practitioner

- (G) The Ohio state dental board may withdraw the approval of any qualified licensed practitioner as a treatment provider or facility as a treatment center, if the board determines that the qualified licensed practitioner or facility does not meet the requirements of either paragraph (C)(1) or (C)(2) of this rule, or is not providing substance abuse services acceptable to the board.
- (H) Each approved treatment provider or center shall immediately notify the Ohio state dental board of any of the following:
- (9) Change in ownership of the facility;
  - (10) Loss of accreditation by the JCAHO or AOA, or any probationary status of such accreditation; or,
  - (11) Change in location of the facility.

Each approved qualified licensed practitioner shall immediately notify the Ohio state dental board of any reduction or termination or suspension of the clinical privileges specified in paragraph (D) of this rule, or if such privileges are negatively affected in any manner.

Failure to notify the Ohio state dental board as provided in this rule shall be cause of immediate withdrawal of approval as a treatment provider or center.

*Prior Effective Dates: 2-5-93, 4-5-99*

## VOLUNTEER'S CERTIFICATE

### **4715-22-01 VOLUNTEER'S CERTIFICATE ISSUED TO RETIRED DENTIST OR DENTAL HYGIENIST TO PROVIDE FREE SERVICES TO INDIGENT AND UNINSURED PERSONS; IMMUNITY.**

(A) Terms

- (1) As used in this rule, "indigent and uninsured person" means a person who meets all of the following requirements:
- (a) The person's income is not greater than two hundred per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with Section 673(2) of the "Omnibus Budget Reconciliation Act of 1981", 95 Stat. 511, 42 U.S.C. 9902, as amended.
  - (b) The person is not eligible to receive medical assistance under Chapter 5111. of the Revised Code, disability assistance medical assistance under Chapter 5115. of the Revised Code, or assistance under any other governmental health care program.
  - (c) Either of the following applies:
    - (i) The person is not a policy holder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.
    - (ii) The person is a policy holder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any jurisdiction.
- (2) As used in this rule, "health care facility or location: means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental or other health-related diagnosis, care, or treatment is provided to a person..
- (3) As used in this rule, "nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.
- (4) As used in this rule, "operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.
- (5) For purposes of this rule, a "health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.
- (6) For purposes of the rule, a "volunteer" means an individual who provides any medical, dental, or other health-related care or treatment without the expectation of receiving and without receipt of any compensation or other form of remuneration from an indigent and uninsured person, another person on behalf of an indigent and uninsured person,

- any health care facility or location, any nonprofit health care referral organization, or any other person or government entity.
- (7) For the purposes of this rule, a person shall be considered "retired" from the practice of dentistry or dental hygiene if the person's license has been surrendered or allowed to expire with the intention of ceasing to practice as a dentist or dental hygienist for remuneration.
- (B) Purpose The state dental board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide dental services to indigent and uninsured persons at nonprofit shelters or health care facilities.
- (C) Application
- (1) An application for a volunteer's certificate shall include all of the following:
- (a) A copy of the applicant's degree from dental college or dental hygiene school.
- (b) One of the following, as applicable:
- (i) A copy of the applicant's most recent license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.
- (ii) A copy of the applicant's most recent license equivalent to a license to practice dentistry or dental hygiene in one or more branches of the United States armed services that the United States government issued.
- (2) Evidence of one of the following, as applicable:
- (a) The applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.
- (b) The applicant has practiced as a dentist or dental hygienist in good standing for at least ten years prior to retirement in one or more branches of the United States armed services.
- (D) Restrictions
- (1) The holder of a volunteer's certificate may provide dental services only on the premises of a nonprofit shelter or health care facility and only to indigent and uninsured persons.
- (2) The holder shall not accept any form of remuneration for providing dental services while in possession of the certificate.
- (3) Except in a dental emergency, the holder shall not perform any operation.
- (4) The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code.
- (E) Renewal
- (1) A volunteer's certificate shall be valid for a period of three years, and may be renewed upon the application of the holder, unless the certificate was previously revoked under paragraph (D) of this rule. The board shall maintain a register of all persons who hold volunteer's certificates. The board shall not charge a fee for issuing or renewing a certificate pursuant to this rule.
- (2) To be eligible for renewal of a volunteer's certificate, the holder of the certificate shall certify to the board completion of sixty hours of continuing dental education that meets the requirements of section 4715.141 of the Revised Code and the rules adopted under that section, or completion of eighteen hours of continuing dental hygiene education that meets the requirements of section 4715.25 of the Revised Code and the rules adopted under that section, as the case may be. The board may not renew a certificate if the holder has not complied with the appropriate continuing education requirements. The nonprofit shelter or health care facility in which the holder provides dental or dental hygiene services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing education credits.
- (3) The board shall issue to each person who qualifies under this section for a volunteer's certificate a wallet certificate and a wall certificate that state that the certificate holder is authorized to provide dental services pursuant to the laws of this state. The holder shall keep the wallet certificate on the holder's person while providing dental services and shall display the wall certificate prominently in the nonprofit shelter or health care facility where the holder primarily practices.
- (F) Immunity
- (1) The holder of a volunteer's certificate issued pursuant to this rule is subject to the immunity provisions in section 2305.234 of the Revised Code.
- (2) Subject to paragraphs (F)(5) and (F)(6)(c) of this rule, a dentist or dental hygienist who is a volunteer and complies with paragraph (F)(2)(a) of this rule is not liable in damages to any person or government entity in a tort or other civil action, including an action on a dental or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the volunteer in the provision of dental services at a nonprofit shelter or health care facility to an indigent and uninsured person of dental care or treatment, including the provision of samples of medicine and other medical products, unless the action or omission constitutes willful or wanton misconduct.

- (a) To qualify for the immunity described in paragraph (F)(1) of this rule, a dentist or dental hygienist shall do all of the following prior to providing diagnosis, care, or treatment:
- (i) Determine, in good faith, that the indigent and uninsured person is mentally capable of giving informed consent to the provision of the diagnosis, care, or treatment and is not subject to duress or under undue influence;
  - (ii) Inform the person of the provisions of this rule, including notifying the person that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot hold the health care professional liable for damages in a tort or other civil action, including an action on a dental or other health-related claim, unless the action or omission of the health care professional constitutes willful or wanton misconduct;
  - (iii) Obtain the informed consent of the person and a written waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent to the provision of the diagnosis, care or treatment subject to the provisions of this rule. A written waiver under this paragraph shall state clearly and in conspicuous type that the person or other individual who signs the waiver is signing it with full knowledge that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot bring a tort or other civil action, including an action on a dental or other health-related claim, against the health care professional unless the action or omission of the health care professional constitutes willful or wanton misconduct.
- (3) Subject to paragraphs (F)(5) and (F)(6)(c) of this rule, health care workers who are volunteers are not liable in damages to any person or government entity in a tort or other civil action, including an action upon a dental or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care worker in the provision of dental services to an indigent and uninsured person of dental, or other health-related diagnosis, care, or treatment, unless the action or omission constitutes willful or wanton misconduct.
- (4) Subject to paragraphs (F)(5) and (F)(6)(c) of this rule and to the extent that the registration requirements of section 3701.071 of the Revised Code apply, a health care facility or location associated with a dental or dental hygiene volunteer as described in paragraph (F)(2) of this rule or a health care worker as described in paragraph (A)(5) of this rule, or a nonprofit health care referral organization as described in paragraph (A)(3) of this rule is not liable in damages to any person or government entity in a tort or other civil action, including an action on a dental or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the dentist or dental hygienist or worker or nonprofit health care referral organization relative to the shelter or facility, dental or other health-related diagnosis, care or treatment provided to an indigent and uninsured person on behalf of or at the health care facility or location, unless the action or omission constitutes willful or wanton misconduct.
- (5) Exemptions to immunity
- (a) Except as provided in paragraph (F)(5)(b) of this rule, the immunities provided by paragraphs (F)(1) to (F)(4) of this rule are not available to a health care professional, health care worker, nonprofit health care referral organization, health care facility or location if, at the time of an alleged injury, death, or loss to person or property, the health care professional or health care workers involved are providing one of the following:
    - (i) Any dental or other health-related diagnosis, care, or treatment pursuant to a community service work order entered by a court under division (B) of section 2951.02 of the Revised Code as a condition of probation or other suspension of a term of imprisonment or imposed by a court as a community control sanction pursuant to sections 2929.15 and 2929.17 of the Revised Code.
    - (ii) Performance of an operation to which any one of the following applies:
      - (a) The operation requires the administration of deep sedation or general anesthesia,
      - (b) The operation is a procedure that is not typically performed in an office,
      - (c) The individual involved is a health care professional, and the operation is beyond the scope of practice or the education, training, and competence, as applicable, of the health care professional.
  - (b) Paragraph (F)(5)(a) of this rule does not apply when a health care professional or health care worker provides, diagnosis, care or treatment that is necessary to preserve the life of a person in a medical emergency.
- (6) Miscellaneous legal considerations regarding immunity
- (a) (This rule does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility.
  - (b) This rule does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.

- (c) This rule does not grant an immunity from tort or other civil liability to a health care facility or location for actions that are outside the scope of authority of health care professionals, health care workers, or nonprofit health care referral organization.
- (d) This rule does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.
- (e) This rule does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

*Prior Effective Dates: 4-4-02; 4-7-05*

## **EXEMPTIONS FOR PHYSICIANS AND SURGEONS**

### **4715-30-01 EXEMPTION FOR PHYSICIANS AND SURGEONS.**

- (A) Sections 4715.01 to 4715.35 inclusive, of the Revised Code do not apply to the following:
  - (1) A physician licensed pursuant to Chapter 4731. of the Revised Code, to practice medicine and surgery or osteopathic medicine and surgery in Ohio, unless he practices dentistry as a specialty. For purposes of this rule, "Practicing dentistry as a specialty" means that the physician regularly and/or routinely provides treatment in which the procedure or procedures performed are primarily involving teeth, rather than treatment secondary to a medical emergency or medical procedure. It is not required that the practice of dentistry as defined herein be a specific majority percentage of time, but rather that a pattern of practicing dentistry as a specialty is demonstrated by the physician.
  - (2) A dentist of the United States armed forces, public health service, or veterans administration.
  - (3) A dentist licensed in another state, making a clinical demonstration before a dental society, convention, association of dentists, or dental college.

*Effective: 4-4-02*

## **QUALITY INTERVENTION PROGRAM (QUIP)**

### **4715-40-01 QUALITY INTERVENTION PROGRAM; DEFINITIONS.**

As used in this chapter:

- (A) "Licensee" or "License holder" is an individual holding a current valid license issued by the board to practice as a dentist, dental hygienist, or dental assistant radiographer in accordance with sections 4715.09 to 4715.58 of the Revised Code.
- (B) "Educational provider" is one designated by the board to provide evaluation, education, and/or remediation pursuant to section 4715.031 of the Revised Code and is one of the following:
  - (1) An entity or organization that has been approved by the Ohio state dental board in accordance with rules 4715-8-02 and 4715-8-03 of the Administrative Code; and/or
  - (2) An educational institution or program that is both acceptable to the board and accredited by an accrediting agency recognized by the United States office of education; and/or
  - (3) A hospital accredited by the joint commission on accreditation of healthcare organizations (JCAHO); and/or
  - (4) A college or university with an accredited school of dentistry or dental hygiene program and/or community college with approved dental hygiene programs, when the educational program is held under the auspices of the school of dentistry or dental hygiene, or dental hygiene program; and/or
  - (5) A state board or agency that regulates health care providers when education and/or remediation approved or accepted by the board or agency contains content that has been prescribed by the Ohio state dental board for a participant in the quality intervention program.
- (C) "Participant" is a licensee undergoing education and/or remediation in the quality intervention program.
- (D) "Participatory agreement" is a confidential, voluntary, written contract executed by a licensee and the quality intervention program (QUIP) which includes, but is not limited to, the following:
  - (1) Stipulation of the licensee's identified practice deficiency; and
  - (2) Consent of the licensee to participate in the education and/or remediation process required by the board; and
  - (3) Consent by the licensee that allows the release to QUIP of all information pertaining to the licensee's education and/or remediation process; and
  - (4) A provision whereby the failure to complete the program shall result in commencement of disciplinary proceedings against the licensee by the board under section 4715.03 of the Revised Code.

- (E) "Quality intervention program" or "QUIP" is the program authorized by section 4715.031 of the Revised Code that allows the board to toll disciplinary action against a licensee who has a practice deficiency that has been identified by the board through an initial investigation conducted under division (D) of section 4715.03 of the Revised Code.
- (F) "Practice deficiency" is a practice activity that fails to conform to the accepted standards for the profession.
- (G) "Remediation" is a prescribed educational intervention that is designed to restore an identified practice deficiency of a licensee to conformity with the accepted standards of the profession. Remediation includes, but is not limited to, successful demonstration by the licensee that the learned knowledge and skills have been incorporated into the licensee's practice.

*Effective: 5-15-03*

#### **4715-40-02 PROCESS AND CRITERIA TO USE WHEN IDENTIFYING AN INDIVIDUAL'S PRACTICE DEFICIENCY.**

- (A) The board shall investigate, in accordance with division (D) of section 4715.03 of the Revised Code, evidence that appears to show that a licensee has failed to practice in accordance with acceptable standards of safe practice as set forth in Chapter 4715. of the Revised Code.
- (B) The board shall review the evidence obtained during its initial investigation to determine whether the licensee's identified practice deficiency can be corrected through participation in the quality intervention program (QUIP) rather than through formal disciplinary action. Criteria to use when making this determination include, but are not limited to, the following:
  - (1) Whether the public will be adequately protected from unsafe practice if the licensee enters QUIP;
  - (2) Whether the licensee's practice deficiency resulted in harm or other untoward outcome for the patient;
  - (3) The likelihood that the identified practice deficiency at issue is a deficiency that can be corrected through education and/or remediation;
  - (4) The extent of the licensee's cooperation with the board during the investigation;
  - (5) Whether the licensee's identified practice deficiency represented an intentional or willful commission or omission by the licensee;
  - (6) The frequency of the occurrence of the identified practice deficiency;
  - (7) The adverse impact of the identified practice deficiency on others;
  - (8) Whether the identified practice deficiency affected a particularly vulnerable patient;
  - (9) Whether the licensee is eligible for participation in QUIP in accordance with rule 4715-40-03 of the Administrative Code; and
  - (10) Whether the licensee has a mental or physical impairment that contributed to the practice deficiency.
- (C) When the board has reason to believe, after an initial investigation and review of the evidence, that the licensee's identified practice deficiency can be successfully corrected through participation in QUIP, the board may toll disciplinary action provided the licensee enters into an agreement with QUIP in accordance with rule 4715-40-04 of the Administrative Code.

*Effective 5-15-03*

#### **4715-40-03 ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE QUALITY INTERVENTION PROGRAM (QUIP).**

- (A) An individual may participate in the quality intervention program if all of the following apply:
  - (1) The board determines that the public will be adequately protected from unsafe practice if the licensee enters QUIP;
  - (2) The individual has not been the subject of formal disciplinary action by any regulatory board or entity located in Ohio or in another jurisdiction, unless the board determines that the previous disciplinary action was for a violation which should not preclude participation in QUIP;
  - (3) The individual is not concurrently under investigation by the board for violation of Chapter 4715. of the Revised Code or the rules of the board which does not constitute a practice deficiency;
  - (4) The individual can provide documentation satisfactory to the board of having completed the continuing education required by Chapter 4715. of the Revised Code and the rules of the board for a period of time not to exceed the three years immediately preceding consideration of the eligibility for QUIP;
  - (5) The board determines that the nature of the individual's identified practice deficiency is such that it may be corrected through education and/or remediation;
  - (6) The individual holds a current valid license issued by the board;
  - (7) The individual is eligible to renew the license issued by the board;
  - (8) The board has determined that the licensee does not have any identified impairment that would significantly affect learning abilities or the ability of the licensee to incorporate learned knowledge and skills into the licensee's practice; and
  - (9) The individual agrees in writing to be considered for participation in QUIP.

*Effective 5-15-03*

**4715-40-04 PROVISIONS OF THE PARTICIPATORY AGREEMENT FOR THE QUALITY INTERVENTION PROGRAM (QUIP).**

- (A) When a licensee has been determined by the board to be eligible for the quality intervention program (QUIP), in accordance with rules 4715-40-02 and 4715-40-03 of the Administrative Code, the licensee shall execute a participatory agreement with the board for the QUIP program which includes, but is not limited to, provisions which;
- (1) Set forth the identified practice deficiency;
  - (2) Identify the specific education and/or remediation the participant must complete, including identification of educational provider(s) that will provide the prescribed educational intervention;
  - (3) Specify the time frame during which the participant must agree to abide by the recommendations set forth by the educational provider(s) that will provide the prescribed educational intervention;
  - (4) Require the participant to pay all expenses the participant incurs as a result of the required education and/or remediation;
  - (5) Require the participant to cooperate with any QUIP-related entity, including, but not limited to, the educational provider(s) utilized by the board;
  - (6) Require the participant to cause any educational provider(s) to send written progress reports regarding the participant's progress in education and/or remediation to QUIP at specified intervals;
  - (7) Require the participant to sign any and all waivers necessary to secure all reports required by QUIP;
  - (8) Require the participant to submit a written personal progress report containing the information required to QUIP at specified intervals;
  - (9) Require the participant to meet in person with a QUIP representative and/or QUIP panel at specified intervals;
  - (10) Require the participant to obey all federal, state, and local laws, including, but not limited to, all laws and rules regulating dental, dental hygiene, or dental assistant radiography practice in Ohio;
  - (11) Specify that the prescribed education and/or remediation intervention may not be used to satisfy the continuing education requirements for licensure renewal set forth in Chapter 4715. of the Revised Code and the rules of the board;
  - (12) Specify the terms and conditions the participant must meet to successfully complete the education and/or remediation, including, but not limited to, the time frames for completing both the educational and/or monitoring components of the education and/or remediation; and
  - (13) Set forth the grounds for termination from QUIP.
- (B) A licensee determined by the board to be eligible for QUIP who refuses to enter into the participatory agreement set forth in this rule within the time frame specified by QUIP shall be subject to disciplinary action for practice deficiency in accordance with section 4715.30 of the Revised Code.

*Effective 5-15-03*

**4715-40-05 GROUNDS FOR TERMINATION FROM THE QUALITY INTERVENTION PROGRAM (QUIP).**

- (A) A licensee determined by the board to have a practice deficiency that may be corrected through participation in the quality intervention program (QUIP) may be terminated from QUIP for any of the following:
- (1) Failure to comply with any term of the participatory agreement entered into by the participant;
  - (2) Receipt of evidence from the educational provider indicating that the participant has failed to progress through or to successfully complete the education and/or remediation in the manner and during the time frame prescribed by the board;
  - (3) Receipt of evidence indicating that the participant has failed to incorporate learned knowledge and skills into practice or has continued to demonstrate the practice deficiency;
  - (4) Failure to complete the education and/or remediation; or
  - (5) Failure to maintain eligibility for QUIP.
- (B) When a licensee is terminated from QUIP for one of the reasons specified in paragraph (A) of this rule, the board shall continue with disciplinary proceedings in accordance with Chapter 4715.30 of the Revised Code. The board may consider paragraphs (E)(2) and (E)(3) of rule 4715-40-07 of the Administrative Code when determining the discipline to be imposed.

*Effective 5-15-03*

**4715-40-06 REQUIREMENTS FOR EDUCATIONAL PROVIDER(S) OFFERING REMEDIATION FOR THE QUALITY INTERVENTION PROGRAM (QUIP).**

- (A) The board shall utilize educational provider(s) as defined in paragraph (B) of rule 4715-40-01 of the Administrative Code to provide the education and/or remediation recommended for a participant in the quality intervention program (QUIP).
- (B) Prior to the participant's entry into the intended education and/or remediation, the educational provider(s) selected shall provide to QUIP the proposed education and/or remediation program which includes, but is not limited to, the following:
  - (1) An outline of the education and/or remediation program content;
  - (2) The number of didactic hours, if applicable;
  - (3) The number of clinical hours, if applicable;
  - (4) The education and/or remediation program description;
  - (5) The method of evaluation;
  - (6) The projected time frame for completing the education and/or remediation program;
- (C) The educational provider(s) shall:
  - (1) Maintain the confidentiality of the participant's participation in QUIP and of all records associated with the participant's specific educational intervention;
  - (2) Timely review the information provided by QUIP which sets forth the specific prescribed educational intervention needed by the participant;
  - (3) Report to QUIP regarding the participant's progress in education and/or remediation at the intervals specified by QUIP;
  - (4) Notify QUIP in writing within five days of the occurrence of any of the following:
    - (a) Failure of the participant to satisfactorily progress through the educational intervention in the manner and during the time frame prescribed by the board; or
    - (b) Failure of the participant to successfully complete the prescribed educational intervention; or
    - (c) The participant's termination from the intervention.
  - (d) When notification is provided to QUIP in accordance with this paragraph, the educational provider(s) shall provide to QUIP, within fourteen days after notification, evidence which documents the participant's failure to progress through, completion of, or termination of the prescribed educational intervention.
  - (5) Provide written verification to QUIP when the participant successfully completes the educational intervention; and
  - (6) Provide a means acceptable to the board for the participant to complete the educational intervention if the provider ceases to provide the intervention.
- (D) An educational provider that has agreed to offer educational interventions shall notify QUIP of its planned intent to cease providing interventions six months immediately prior to the scheduled termination.

*Effective 5-15-03*

**4715-40-07 TERMS AND CONDITIONS A PARTICIPANT MUST MEET TO SUCCESSFULLY COMPLETE THE QUALITY INTERVENTION PROGRAM (QUIP).**

- (A) A licensee who is eligible to participate in the quality intervention program (QUIP) shall enter into a participatory agreement, as set forth in rule 4715-40-04 of the Administrative Code, and shall comply with all the terms and conditions set forth in the agreement.
- (B) A participant shall provide or cause to be provided to QUIP a written report from the educational provider(s) stating that the participant has successfully completed the educational intervention.
- (C) Upon receipt of the written report required by paragraph (B) of this rule, the QUIP panel shall review all information relevant to the participant's education and/or remediation to make a recommendation to the board as to whether the participant's practice as a dentist, dental hygienist, or dental assistant radiographer meets the accepted standards for the profession.
- (D) When the board or its designee determines that the licensee's identified practice deficiency has been sufficiently corrected so as to conform to the accepted standards for the profession, the board shall notify the participant in writing that the education and/or remediation has been successfully completed and participation in QUIP is concluded.
- (E) The board shall continue with proceedings in accordance with division (D) of section 4715.03 of the Revised Code upon receipt of a report from QUIP that indicates:
  - (1) Refusal of the licensee to participate in or to execute the participatory agreement set forth in rule 4715-40-04 of the Administrative Code; or
  - (2) Failure of the licensee to satisfactorily progress or successfully complete the education and/or remediation program; or
  - (3) Termination from the education and/or remediation program as set forth in rule 4715-40-05 of the Administrative Code.

*Effective 5-15-03*

**4715-40-08 CONFIDENTIALITY OF RECORDS FOR THE QUALITY INTERVENTION PROGRAM (QUIP).**

- (A) Information obtained by the quality intervention program (QUIP) pursuant to an investigation conducted in accordance with sections 4715.03 and 4715.031 of the Revised Code shall be confidential pursuant to section 4715.03(D) of the Revised Code.
- (B) All records regarding an individual's participation in QUIP are confidential pursuant to section 4715.03(D) of the Revised Code. These records may be used by the board in subsequent disciplinary proceedings involving the same or similar conduct, pursuant to rule 4715-15-22 of the Administrative Code.
- (C) All educational providers selected to provide education and/or remediation for a participant in QUIP shall maintain the confidentiality of all records regarding the participant's education and/or remediation, except that such records shall be shared with the QUIP panel and the board.

*Effective 5-15-03*