

OHIO STATE DENTAL BOARD
BOARD MEETING

May 8, 2019

Contents

Attendance1

Call to Order1

Board Business1

 Introductions1

 Board Members1

Approval of Agenda1

Review of Board Meeting Minutes.....2

 March 6, 2019 Meeting2

Public Comment/Presentations/Correspondence2

Action Items.....2

 Supervisory Investigative Panel Expense Report2

Enforcement2

 Report and Recommendations.....2

 In the Matter of Antoine E. Skaff, D.D.S.2

 Quasi-Judicial Deliberations4

 Decision in the Matter of Antoine E. Skaff, D.D.S.4

 In the Matter of Victor H. Nguyen, D.D.S.4

 Quasi-Judicial Deliberations5

 Decision in the Matter of Victor H. Nguyen, D.D.S.....6

Proposed Consent Agreement(s)6

 Non-Disciplinary6

Proposed Notice(s) of Opportunity for Hearing.....7

 Erin A. Gibbons, R.D.H.7

 Edward R. Hills, D.D.S.7

Enforcement Update7

Executive Session.....8

Open Session	9
Licensure.....	9
Dentist(s)	9
Dental Hygienist(s)	10
Dental Assistant Radiographer(s)	10
Limited Teaching	13
Limited Continuing Education	13
Limited Resident's	13
Expanded Function Dental Auxiliary.....	13
Coronal Polishing.....	14
Graduate(s) of Unaccredited Dental Colleges Located Outside the United States.....	14
General Anesthesia/Conscious Sedation Permit(s).....	14
General Anesthesia.....	15
Oral Health Access Supervision Permit(s)	15
Dentist(s)	15
Reinstatement Application(s).....	15
Dentist(s)	15
Dental Hygienist(s)	15
Committee Reports	16
Ad Hoc	16
New Business.....	16
Topics for next Meeting.....	16
Education.....	16
Minutes.....	16
Continuing Education Audit – Update.....	17
Review of Biennial Sponsor Application(s).....	17
Review of Course(s).....	17
Law and Rules Review	17
Minutes.....	18
Anesthesia and Sedation Working Group	18
Section 4715-8 Continuing Education	18
Rules for Filing	18
Scope of Practice Committee	18
Minutes.....	19

Sleep-related Breathing Disorders Position Statement	19
Discussion Topics.....	19
Executive Updates	19
President’s Update	19
Executive Director’s Update.....	20
Anything for the Good of the Board.....	20
Adjourn	20
Appendix A	21
Appendix B.....	22

OHIO STATE DENTAL BOARD

BOARD MEETING

May 8, 2019

Attendance

The Ohio State Dental Board (Board) met in Room 1948, of The Vern Riffe Center for Government and the Arts, 77 South High Street, 19th Floor, Room 1948, Columbus, Ohio on May 8, 2019 beginning at 1:30 p.m. Board members present were:

Kumar Subramanian, D.D.S., President
Patricia Guttman, D.D.S., Vice President
Ashok Das, D.D.S., Secretary
Bill Anderson, D.D.S. Vice Secretary
Theodore Bauer, D.D.S.
Canise Bean, D.M.D.

Tracy Intihar, Public member
Susan Johnston, R.D.H.,
Jamillee Krob, R.D.H.
Timothy Kyger, D.D.S.
Faisal Quereshy, D.D.S., M.D.
Mary Kaye Scaramucci, R.D.H.

Andrew Zucker, D.D.S. was not present.

The following guests were also in attendance: Katherine Bockbrader, Esq. of the Ohio Attorney General's Office; Eric Richmond, Esq. and Henry Fields, D.D.S. of the Ohio Dental Association (ODA); and Michele Carr, R.D.H. and Michelle Porter, R.D.H. representing the Ohio Dental Hygienists' Association. Staff consisted of Harry Kamdar, M.B.A., Executive Director, Steve Kochheiser, Esq., Deputy Director, Zachary Russell, Chief of Operations and Legislative Affairs, and Malynda Franks, Administrative Professional, of the Ohio State Dental Board and other guests.

Call to Order

Kumar Subramanian, D.D.S. noted that there was a quorum present and called the meeting to order at approximately 1:33 p.m.

Board Business

Introductions

Board Members

President Subramanian had the board members introduce themselves.

President Subramanian noted that Dr. Andrew Zucker was unable to attend the meeting.

Approval of Agenda

President Subramanian asked if there was a motion to approve the agenda with the caveat to amend the agenda due to any extenuating circumstances.

Motion by Dr. Anderson, second by Dr. Krob, to approve the May 8, 2019 Board meeting agenda as presented.

Motion carried unanimously.

Review of Board Meeting Minutes

March 6, 2019 Meeting

President Subramanian informed the Board that the draft Minutes from the March 6, 2019 meeting had been forwarded to the members for review prior to the meeting and indicated that the final version was in the Board Notebook for approval. He then asked if there was a motion regarding the Minutes.

Motion by Ms. Intihar, second by Dr. Quereshy, to approve the Board meeting minutes as presented.

Motion carried unanimously.

Public Comment/Presentations/Correspondence

President Subramanian indicated that there were no public comments, presentations, or correspondence for the Board at this time.

Action Items

Supervisory Investigative Panel Expense Report

President Subramanian asked if, Dr. Das as Secretary and Dr. Anderson as Vice Secretary, attested to having spent at least twenty (20) hours per week attending to Board business. Dr. Das and Dr. Anderson affirmed that they had spent twenty (20) hours attending to Board business.

Motion by Ms. Johnston, second by Dr. Krob, to approve the Supervisory Investigative Panel Expense report.

Motion carried unanimously.

Enforcement

Report and Recommendations

In the Matter of Antoine E. Skaff, D.D.S.

President Subramanian turned the meeting over to Deputy Director Kochheiser to conduct the portion of the meeting relating to review of Report and Recommendations. Mr. Kochheiser announced that the Board would now consider the Attorney Hearing Examiner's Report and Recommendation in the matter of Antoine E. Skaff, D.D.S. that was filed by Attorney Hearing Examiner Lawrence D. Pratt, Esq., on March 22, 2019.

Mr. Kochheiser asked for the record if each member of the Board had an opportunity to review the Report and Recommendation, transcript, exhibits, and objections in the matter of Antoine E. Skaff, D.D.S. that were made available on the Board Member Portal?

Roll call: Dr. Anderson – Yes
 Dr. Bauer – Yes
 Dr. Bean – Yes
 Dr. Das – Yes
 Dr. Guttman – Yes
 Ms. Intihar – Yes
 Ms. Johnston – Yes
 Dr. Krob – Yes
 Dr. Kyger – Yes
 Dr. Quereshy – Yes

Ms. Scaramucci – Yes
Dr. Subramanian – Yes

Mr. Kochheiser informed the Board that Ms. Bockbrader had requested to present oral argument under Revised Code 4715.039 and that the Secretaries had approved. Dr. Skaff did not file a request to present oral argument and was not present for the meeting.

Mr. Kochheiser stated that the Board's minutes serve as the official record of the proceedings. Ms. Bockbrader will limit her comments to the Hearing Examiner's Findings of Fact, Conclusions, and Proposed Order in the matter. The Board will only consider the evidence presented during the administrative hearing in this matter and therefore, there would be no questions from Board members. He stated that Ms. Bockbrader would have ten (10) minutes.

Katherine Bockbrader, Esq.

Ms. Bockbrader stated that she strongly supported the Report and Recommendation in this case and indicated that the Hearing Examiner did an excellent and thorough job in going through all the evidence, explaining the Medicaid billing process, etc. She said that the Hearing Examiner thoroughly discussed the sentencing of the Federal Judge in the criminal case who found that Dr. Skaff used the privilege of his dental license to engage in over 7,000 individual acts of fraud in one scheme over five and a half years, in addition to fraudulently receiving hundreds of thousands of dollars that he was not entitled to. The West Virginia Board also took disciplinary action against Dr. Skaff for engaging in a related scheme to extract multiple teeth from patients spread out over multiple visits and improperly prescribing opiates to them at each visit.

Ms. Bockbrader stated that perhaps what was most concerning was that both the West Virginia Board and the criminal court noted that Dr. Skaff had stated that he knew he was extracting multiple healthy teeth from patients in some cases and spreading it out so that he could prescribe them opiates at each appointment. Dr. Skaff stated that he knew that some of the patients were addicted at the time while he was giving them opiates and that he was well aware of the opiate epidemic that is rampant in West Virginia.

Ms. Bockbrader cited an example where for one patient in which Dr. Skaff extracted 26 teeth over 28 appointments and gave that patient 260 pain pills. She stated that the court found that Dr. Skaff had prescribed in this manner repeatedly and he told a DEA agent that if he did not perform the dental work in that manner or give the patients the drugs that they wanted then patients would not return and he would lose money.

Ms. Bockbrader said that Dr. Skaff was not only committing financial crimes, he was actually harming patients, violating the standard of care by removing healthy teeth from their mouth, removing teeth one at a time at each appointment, and then giving people drugs knowing that the drugs were going out into the state of West Virginia potentially feeding that person's addiction or the addiction of others if the patient themselves did not end up using those drugs. She stated that the court said it best when it said that Dr. Skaff's dental practice was "operating as a criminal enterprise", and this was not just negligent or even reckless behavior, this was intentional behavior.

Concluding, Ms. Bockbrader stated that Dr. Skaff attempted to paint himself as the victim by stating that he was over charged and over sentenced by the criminal court, but his conduct was reprehensible. Therefore, she asked the Board to approve the Report and Recommendation of the Hearing Examiner in this matter by permanently revoking Dr. Skaff's license to practice dentistry.

Quasi-Judicial Deliberations

Motion by Dr. Guttman, second by Ms. Johnston, to recess for the purpose of conducting quasi-judicial deliberations in the matter of Antoine E. Skaff, D.D.S., pursuant to Ohio Revised Code 119. and to reconvene in open session following deliberations.

Roll call vote: Dr. Anderson – Yes
Dr. Bauer – Yes
Dr. Bean – Yes
Dr. Das – Yes
Dr. Guttman – Yes
Ms. Intihar – Yes
Ms. Johnston – Yes
Dr. Krob – Yes
Dr. Kyger – Yes
Dr. Quereshy – Yes
Ms. Scaramucci – Yes
Dr. Subramanian – Yes

Motion carried unanimously.

Mr. Kochheiser indicated that only Board members would remain in the room for the deliberations. He stated that members of the public, SIP members who reviewed the investigation of this case, Assistant Attorney General Ms. Bockbrader, and other staff must wait outside. He then requested all guests and staff to leave the meeting and to take all personal items, including briefcases, purses, cell phones, tablets, etc. with them when exiting the room. He stated that they would be invited back in upon conclusion of the deliberations for announcement of a decision in this matter.

Open Session

The Board resumed the open session at approximately 1:46 p.m.

Mr. Kochheiser stated, “Let the record reflect that Dr. Guttman and Dr. Subramanian were the Secretaries in this matter and that they were not present, nor did they participate in the deliberations in this matter. Therefore, they will abstain from final vote.”

Decision in the Matter of Antoine E. Skaff, D.D.S.

Motion by Dr. Anderson, second by Ms. Johnston, that in the matter of Antoine E. Skaff, D.D.S.:

The Board accepts the Findings of Fact and Conclusions of Law of the Hearing Examiner and the Board orders that Antoine E. Skaff’s license to practice dentistry in the State of Ohio is hereby permanently revoked, effective immediately.

Motion carried. Dr. Guttman and Dr. Subramanian abstained.

In the Matter of Victor H. Nguyen, D.D.S.

Mr. Kochheiser announced that the Board would now consider the Attorney Hearing Examiner’s Report and Recommendation in the matter of Victor H. Nguyen, D.D.S. that was filed by Attorney Hearing Examiner Chester T. Lyman, Jr., Esq., on March 13, 2019.

Mr. Kochheiser asked for the record if each member of the Board had an opportunity to review the Report and Recommendation, transcript, exhibits, and objections in the matter of Victor H. Nguyen, D.D.S. that were made available on the Board Member Portal?

Roll call: Dr. Anderson – Yes
Dr. Bauer – Yes
Dr. Bean – Yes
Dr. Das – Yes
Dr. Guttman – Yes
Ms. Intihar – Yes
Ms. Johnston – Yes
Dr. Krob – Yes
Dr. Kyger – Yes
Dr. Quereshy – Yes
Ms. Scaramucci – Yes
Dr. Subramanian – Yes

Mr. Kochheiser informed the Board that Dr. Nguyen did not file a request to present oral argument and was not present for the meeting and that Ms. Bockbrader had not requested to present oral argument under Revised Code 4715.039.

Quasi-Judicial Deliberations

Motion by Dr. Guttman, second by Dr. Kyger, to recess for the purpose of conducting quasi-judicial deliberations in the matter of Victor H. Nguyen, D.D.S., pursuant to Ohio Revised Code 119. and to reconvene in open session following deliberations.

Roll call vote: Dr. Anderson – Yes
Dr. Bauer – Yes
Dr. Bean – Yes
Dr. Das – Yes
Dr. Guttman – Yes
Ms. Intihar – Yes
Ms. Johnston – Yes
Dr. Krob – Yes
Dr. Kyger – Yes
Dr. Quereshy – Yes
Ms. Scaramucci – Yes
Dr. Subramanian – Yes

Motion carried unanimously.

Mr. Kochheiser indicated that only Board members would remain in the room for the deliberations. He stated that members of the public, SIP members who reviewed the investigation of this case, Assistant Attorney General Ms. Bockbrader, and other staff must wait outside. He then requested all guests and staff to leave the meeting and to take all personal items, including briefcases, purses, cell phones, tablets, etc. with them when exiting the room. He stated that they would be invited back in upon conclusion of the deliberations for announcement of a decision in this matter.

Open Session

The Board resumed the open session at approximately 2:20 p.m.

Mr. Kochheiser stated, "Let the record reflect that Dr. Guttman and Dr. Subramanian were the Secretaries in this matter and that they were not present, nor did they participate in the deliberations in this matter. Therefore, they will abstain from final vote."

Decision in the Matter of Victor H. Nguyen, D.D.S.

Motion by Dr. Anderson, second by Dr. Quereshy, that in the matter of Victor H. Nguyen, D.D.S.:

The Board accepts the Findings of Fact.

The Board modifies the Conclusions of Law. Conclusions of law paragraphs 6 and 9 are modified to find no violation of R.C. 4715.30(A)(11) and (15), and find a violation of R.C. 4715.30(A)(6) and (8). The rationale for this modification is the following: the Board in its expertise finds that it charged Dr. Nguyen in the Notice of Opportunity for Hearing, marked as Exhibit 1, with a violation of R.C. 4715.30(A)(6) and (8) and the facts and evidence prove these allegations. Conclusions of Law paragraph 8 is modified to eliminate this paragraph. The rationale for this modification is the following: the Board in its expertise finds that paragraph 8 discusses a Consent Agreement identified as Exhibit 4, however, Dr. Nguyen has never signed a Consent Agreement with the Board and Exhibit 4 is a Scheduling Letter. The Board accepts the remaining conclusions of law.

The Board hereby modifies the Recommendation in the Hearing Examiner's Report and Recommendation and orders that Victor H. Nguyen's license to practice dentistry in the State of Ohio is hereby indefinitely suspended, effective immediately, and Victor H. Nguyen must comply with the terms of his court-ordered community control and community service imposed by the Tuscarawas County Common Pleas Court on July 31, 2018. The terms of reinstatement are as follows: Victor H. Nguyen must serve a suspension of not less than eighteen (18) months and complete his court-ordered probationary period, then submit an application for reinstatement of his license that demonstrates he qualifies for licensure (including the completion of any continuing education requirements and demonstration of good moral character). Upon reinstatement, Victor H. Nguyen shall be subject to a probationary period of eighteen (18) months. The rationale for the modification is the following: The Board in its expertise finds that this adequately protects the public by ensuring compliance with the court's order.

Motion carried. Dr. Guttman and Dr. Subramanian abstained.

Proposed Consent Agreement(s)

The Board reviewed two (2) proposed Consent Agreements. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes. Deputy Director Kochheiser provided a summary of the proposed consent agreements.

Non-Disciplinary

Rany Bous, B.D.S.

Motion by Dr. Subramanian, second by Dr. Bauer, to approve the proposed consent agreement for Rany Bous, B.D.S., license number 30.025771 limiting his practice to orthodontics.

Motion carried with Dr. Das and Dr. Anderson abstaining.

Fengyuan Zheng, B.D.S.

Motion by Dr. Bean, second by Ms. Intihar, to approve the proposed consent agreement for Fengyuan Zheng, B.D.S., license number 30.025770 limiting his practice to prosthodontics.

Motion carried with Dr. Das and Dr. Anderson abstaining.

Proposed Notice(s) of Opportunity for Hearing

The Board reviewed two (2) proposed Notices of Opportunity for Hearing. The names of the individuals/licensees were not included in the documents reviewed by the Board. The names of the individuals/licensees have been added to the minutes for public notice purposes. Deputy Director Kochheiser provided a summary of the proposed Notices of Opportunity for Hearing.

Erin A. Gibbons, R.D.H.

Motion by Dr. Krob, second by Dr. Subramanian, to approve the proposed notice of opportunity for hearing for Erin A. Gibbons, R.D.H., license number 31.015713, and case number 19-43-1086.

Motion carried with Dr. Das and Dr. Anderson abstaining.

Edward R. Hills, D.D.S.

Motion by Dr. Subramanian, second by Dr. Quereshy, to approve the proposed notice of opportunity for hearing for Edward R. Hills, D.D.S., license number 30.020127, and case number 18-18-1427.

Motion carried with Dr. Das and Dr. Anderson abstaining.

Enforcement Update

Deputy Director Kochheiser began the Enforcement Update by informing the Board that there were two (2) cases pending hearing with one scheduled in July. He said there are no cases pending Hearing Examiner's Report and Recommendation, twelve (12) licensees and certificate holders under current suspension, thirty-five (35) licensees and certificate holders with older suspensions, and currently the Board has one-hundred and thirty-one (131) active cases. Deputy Director Kochheiser said that there was one (1) referral to QUIP and no licensees actively participating in QUIP. He informed the members that there were fifty-eight (58) cases which have been investigated and reviewed by the Board Secretaries and are recommended to be closed with two (2) warning letters issued. Deputy Director Kochheiser noted that there are thirty-eight (38) licensees currently on probation. He indicated that there are sixty-three (63) cases that have been open for longer than 90 days as noted in the charts in the Board Notebook.

Due to the requirement in Chapter 4715.03(B) of the Ohio Revised Code that, "A concurrence of a majority of the members of the board shall be required to... (6) Dismiss any complaint filed with the board[,]" Deputy Director Kochheiser provided a list of the cases to be closed with the Board.

The following cases are to be closed:

18-05-1362	18-25-1026	18-48-1448
18-15-1451	18-25-1095	18-67-1443 - WL
18-18-1413	18-25-1351	18-71-1449
18-18-1454	18-25-1458	19-00-1044
18-18-1461	18-47-1085	19-00-1136
18-22-1457	18-47-1338	19-02-1065

19-09-1129	19-25-1109	19-57-1089
19-16-1016	19-31-1027	19-57-1105
19-18-1026	19-31-1052	19-76-1032
19-18-1031	19-31-1075	19-76-1054
19-18-1039	19-43-1113	19-77-1009
19-18-1040	19-48-1062	19-77-1030
19-18-1045	19-48-1063	19-77-1067
19-18-1049	19-51-1051	19-77-1072
19-21-1008 - WL	19-52-1100	19-77-1074
19-23-1028	19-57-1022	19-78-1079
19-25-1003	19-57-1038	19-83-1130
19-25-1055	19-57-1047	19-87-1035
19-25-1066	19-57-1048	
19-25-1088	19-57-1064	

Prior to the vote to close the above listed cases, Deputy Director Kochheiser inquired as to whether any of the Board members had any personal knowledge that the cases that were being voted on today involved either themselves or a personal friend.

Roll call:

- Dr. Anderson – No
- Dr. Bauer – No
- Dr. Bean – No
- Dr. Das – No
- Dr. Guttman – No
- Ms. Intihar – No
- Ms. Johnston – No
- Dr. Krob – No
- Dr. Kyger – No
- Ms. Scaramucci – No
- Dr. Subramanian - No

Deputy Director Kochheiser then called for a motion to close the cases.

Motion by Dr. Subramanian, second by Dr. Krob, to close the above fifty-eight (58) cases.

Motion carried unanimously.

Deputy Director Kochheiser then turned the meeting back over to President Subramanian.

Executive Session

Motion by Ms. Johnston, second by Dr. Bauer, to move the Board into executive session pursuant to Ohio Revised Code Section 121.22 (G)(3) to confer with Board counsel regarding a pending or imminent court action.

Roll call vote:

- Dr. Anderson – Yes
- Dr. Bauer – Yes
- Dr. Bean – Yes
- Dr. Das – Yes

Dr. Guttman – Yes
 Ms. Intihar – Yes
 Ms. Johnston – Yes
 Dr. Krob – Yes
 Dr. Kyger - Yes
 Ms. Scaramucci – Yes
 Dr. Subramanian – Yes

Motion carried unanimously.

President Subramanian indicated that Director Kamdar would attend the executive session along with Deputy Director Kochheiser and Ms. Bockbrader. He then requested all other guests and staff to leave the meeting and to take all personal items, including briefcases, purses, cell phones, tablets, etc. with them when exiting the room. He stated that they would be invited back in upon conclusion of the Executive Session.

Open Session

At 2:49 p.m. the Board resumed open session. President Subramanian stated that the Board would now continue with the rest of the agenda.

Licensure

President Subramanian stated that the Board’s Licensing Coordinator Samantha Slater had prepared a report of the licenses, certifications, and registrations that have been issued by the Board staff since reported at the last meeting in February. He explained that before the Board was the listing of license, registration, and certification numbers of issuance by the Board staff for ratification by the Board.

Dentist(s) – (59)

30.025661	Maurine Kingori	30.025683	Kathleen Whelton
30.025662	Stephanie Wilson	30.025682	Janeice Wooten-Kerr
30.025663	William Andrews	30.025684	Christina Todaro
30.025664	Sofia Xofylli	30.025685	Lydia Lancaster
30.025668	Lawrence Higginbotham	30.025686	Jamel Odeh
30.025665	Vrisiis Kofina	30.025687	Mia Zuber
30.025667	Elizabeta Evtimovska-Dimovska	30.025688	Seung Yeon Bae
30.025666	Kyoungsoo Jeon	30.025689	Peter Dennis
30.025670	Austin Huff	30.025690	Chloe Wong
30.025669	Katherine Frimenko	30.025691	Tera Poole
30.025672	Mary Salama	30.025694	Bharath Thirividi
30.025673	Karen Wu	30.025692	Janetxia Barber Hernandez
30.025671	Emily Chrzanowski	30.025693	Taylor Harlan
30.025674	Ashley Hutchison	30.025695	Jamie Molina
30.025675	Walda Lloyd	30.025697	Nicholas Nutile
30.025677	Meagan Dinh	30.025696	Justine Manalastas
30.025676	Tony Barriere	30.025698	Seth Bradbury
30.025678	Leigh Yarborough	30.025700	Deren Flesher
30.025679	Sandhya Menon		
30.025680	Sabrina Khan	30.025699	Kyle Boyd
30.025681	Vipul Singhal	30.025702	Marcus Heffner

30.025703	Brian Hudec	30.025717	Christopher Freeman
30.025701	Neena Baghaie	30.025712	Matthew Earich
30.025704	Mark Komforti	30.025715	James Phero
30.025705	Adam Richardson	30.025713	Bryan Mohney
30.025706	Jesse Manton	30.025714	Christin Mobley
30.025707	Christine Mahon	30.025711	Andrea Childers
30.025709	Stephen Haverkos	30.025716	Zohra Saleh
30.025708	Timothy Minga	30.025718	Gina Domm
30.025710	Sophia Mazanitis	30.025719	Morgan Steely

Dental Hygienist(s) – (10)

31.015934	Jennifer Arnold	31.015939	Baylee Demars
31.015935	Francine Nguyen	31.015940	Taylor Mcdaniel
31.015936	Jessica Griffin	31.015941	Erin Schepanski
31.015937	Jami Ringger	31.015942	Jamie Lyle
31.015938	Kathleen Del Debbio	31.015943	Karthyn Moreno

Dental Assistant Radiographer(s) – (285)

51.034511	Jessica Cornelius	51.034528	Madison Feeman
51.034516	Kelsea Michener	51.034538	Prapulla Sridhara Murthy
51.034509	Shaelyn Thomas	51.034549	Madison Bell
51.034517	Harimaya Acharya	51.034548	Kelsey Campbell
51.034518	Fatimah Fall-Hamza	51.034547	Mackenzie Stover
51.034519	Lexi Forgacs	51.034552	Katrina Sipes
51.034521	Nadiyah Martin	51.034546	Meghan Conley
51.034514	Victoria Jameson	51.034543	Sarah Johnson
51.034513	Fischer Langdon	51.034545	Brandy Soja
51.034515	Halie Henn	51.034539	Michael Furio
51.034510	Krystal Hubbs	51.034537	Jessica Issa
51.034512	Ariel Dudley	51.034544	Madison Mulford
51.034520	Kaci Schneider	51.034555	Milasha Yarbrough
51.034542	Alysen Duncan	51.034550	Benita Logan
51.034522	Meghan Hodder	51.034551	Kaley Marshall
51.034541	Stacy Resendez	51.034554	Carson Weghorst
51.034523	Jessica Phillips	51.034557	Julianne Griffin
51.034553	Candace Tackett	51.034556	Sarah Taranto
51.034540	Ashira Woodall	51.034558	Kamryn Hopson
51.034524	Bailee Mayne	51.034559	Danielle Hunt
51.034525	Bishnu Siwakoti	51.034569	Samantha Flannery
51.034526	Rylee Webb	51.034566	Jaime Wagner
51.034527	Janine Braden	51.034564	Rayann Blythe
51.034536	Angeleah Wilson	51.034565	Kaitlyn Mcconnell
51.034534	Jessica Jordan	51.034562	Josie Reed
51.034535	Kenlea Weaver	51.034563	Cassie Rosebrough
51.034533	Cadee Cavinee	51.034567	Samantha Iacone
51.034529	Karissa Benedict	51.034560	Ashley Houck
51.034531	Dallas Huffman	51.034561	Jennifer Landaverde
51.034530	Katelynn McIntyre	51.034568	Charneice Vason
51.034532	Miranda Fraley	51.034571	Nicole Hoover

51.034572	Cinthia Williams	51.034622	Jamie Morgan
51.034570	Kristal Latham	51.034624	Savannah Randall
51.034573	Kourtney Barcus	51.034625	Kahlie Albers
51.034585	Mea Creech	51.034623	Alyssa Campbell
51.034574	Megan Marquis	51.034627	Danielle Hopkins
51.034581	Destiney Ferguson	51.034626	Jocelyn Jones
51.034583	Danielle Kovacs	51.034620	Keri Lagrange
51.034577	Megan Karns	51.034619	Alexandria Kuntzman
51.034578	Leigh Pickering	51.034621	Amanda Steiner
51.034580	Cory Kuntupis	51.034631	Mickala Guy
51.034579	Chyna Quarles	51.034629	Austin Brewster
51.034582	Callie Clanton	51.034628	Hannah Offenberger
51.034584	Chelsea Unruh	51.034630	Dominique Martino
51.034576	Emily Comer	51.034643	Jenny West
51.034575	Nicole Cottello	51.034632	Carlie Keating
51.034587	Samantha Baron	51.034635	Laura Smith
51.034586	Marihnte Matthews	51.034636	Shelley Harness
51.034599	Gadeer Ali	51.034641	Jasmine Davis
51.034602	Patricia Dinunzio	51.034637	Alexis Hambrick
51.034592	Amy Evans	51.034645	Regina Lee
51.034597	Emily Malloy	51.034638	Emily Fields
51.034596	Angel Catron	51.034640	Natalie Schlatter
51.034598	Paige Crawford	51.034642	Brittany Danielson
51.034600	Brandilyn Ray	51.034644	Alyssah Vensil
51.034593	Kelly Morris	51.034633	Skylynn Penfold
51.034595	Courtney Adkins	51.034634	Laycee Glosser
51.034588	Lynn Minea	51.034639	Jenna Reeser
51.034594	Samantha Barnett	51.034650	Mandi Self
51.034590	Chrishayla Duncan	51.034649	Emily Wilson
51.034591	Logan Lilley	51.034648	Allison Thomas
51.034589	Paige Turco	51.034647	Latoya Tripp
51.034601	Ashley Ellerbrock	51.034646	Casie Harris
51.034612	Alliah Turner	51.034651	Imani Groomes
51.034604	Kaylee Thompson	51.034653	Abigail Henson
51.034607	Kc Kinder	51.034654	Matthew Zabransky
51.034608	Conchetta Riggi	51.034652	Michelle Shannon
51.034609	Jessica Firsdon	51.034659	Patricia Whitworth-Rhoden
51.034611	Darius Wise	51.034655	Kemora Lewis
51.034606	Izack Caraballo	51.034656	Jessica Nance
51.034603	Alexia Rose	51.034658	Carmalita Dodds
51.034605	Kylei Casey	51.034660	Danielle Coronado
51.034610	Dezare Arreola	51.034661	Mary Harper
51.034618	Jacqueline Cantrell	51.034657	Makenzie Knapp
51.034614	Taliya Lewis	51.034665	Kennedy Norman
51.034615	Mackenzie Blasko	51.034663	Kaitlyn Gorby
51.034616	Tabitha Slifer	51.034664	Amanda Campbell
51.034617	Lexis Williams	51.034662	Katie Ziesemer
51.034613	Valarie Shuherk	51.034668	Ana Perez

51.034667	Corinn Harris	51.034715	Lauren Sizemore
51.034666	Amy Coleman	51.034720	Ashley Evans
51.034673	Ariana Lee	51.034719	Makylie Ullmer
51.034672	Tyana Owens	51.034717	Yasmeen Brown
51.034683	Jordan Reinhart	51.034716	Shalanda Raglin
51.034685	Lauren Neuenschwander	51.034718	Ashley Ostolaza
51.034684	Chara Kelleman	51.034721	Aleighya Brown
51.034674	Haley Conroy	51.034723	Melodie Maxwell
51.034675	Vanessa Lane	51.034725	Lauren Ogan
51.034679	Angelica Pacheco	51.034726	Kaylee Byrd
51.034678	Shelan Aldosori	51.034724	Michelle Cooper
51.034680	Caitlyn Klayko	51.034722	Heather Switzer
51.034677	Ghufran Azeez	51.034727	Alexandria Brown
51.034669	Kristina Biddle	51.034728	Kelsey Sybert
51.034676	Felecia Willis	51.034732	Madison Danner
51.034670	Nicole Brown	51.034730	Jasmine Oliver
51.034671	Cherelle Simpson	51.034729	Spencer Stewart
51.034681	Amanda Sefcovic	51.034731	Cayle Foster
51.034682	Ashley Musselman	51.034736	Stephanie Sandru
51.034686	Adreana Taylor	51.034734	Hannah Lykins
51.034689	Freweyni Araya	51.034733	Leah Digiando
51.034691	Latoya Daniels	51.034735	Martina Roelen
51.034690	Lisa Knotts	51.034737	Kailey Vancs
51.034688	Sophia Davis	51.034738	Christina Nash
51.034687	Toccara Alexander	51.034741	Nurgul Islamoglu
51.034692	Rebecca Barker	51.034742	Samantha Searles
51.034695	Anna Radebaugh	51.034739	Mackenzie Davis
51.034693	Moriah Patton	51.034740	Haley O'donnell
51.034694	Staci Wolf	51.034743	Chloe Wilbur
51.034701	Latia Hampton	51.034744	Leila Shaw
51.034705	Najayda Acevedo	51.034747	Blanca Ruiz
51.034698	Cherish Clark	51.034745	Tabatha Harris
51.034696	Jordan Trepasso	51.034746	Nikitha Sukesh
51.034697	Caitlyn Bushee	51.034748	Rachel Ries
51.034700	Katie Chaney	51.034749	Misty Sall
51.034699	Kylee Riedmaier	51.034751	Joy Pfister
51.034702	Mu'zett Odens	51.034750	Karla Brezovits
51.034703	Sidney Edwards	51.034752	Tara Hendrickson
51.034706	Chelsey Bright	51.034753	Sylvia Collins
51.034707	Bethany Bright	51.034754	Starr Harris
51.034704	Naomi Boyer	51.034758	Shaquelle Howard
51.034708	Krystal Spears	51.034755	Janae Scott
51.034710	Jessica Strother	51.034756	Patricia King
51.034709	Sindy Corado	51.034757	Marissa Wilson
51.034711	Sarah Swanger	51.034774	Rayshawn Pinkney
51.034712	Dakota Wittman	51.034772	Jordan Duckworth
51.034713	Josephine Schrock	51.034760	Taylor Deborde
51.034714	Hannah Skalak	51.034765	Kierra Peterson

51.034763	Bonnie Zlocki	51.034783	Luz Guadarrama
51.034769	Mika Littleton	51.034780	Stephanie Lewis
51.034777	Natalie Baney	51.034784	Tarra Todd
51.034764	Ravin Whittle	51.034778	Kaitlyn Hobbs
51.034775	Camden Grubiss	51.034781	Tuka Sada
51.034771	Makenzi Strickland	51.034779	Crystal Pfarr
51.034766	Sierra Redd	51.034782	Kaitlyn Shanahan
51.034768	Katilyn Setty	51.034792	Evelyn Butler
51.034759	Elyse Shaban-Scherer	51.034786	Kaitlyn Clark
51.034761	Brooke Murray	51.034785	Claudia Fortner
51.034767	Jasmine Whetstone	51.034787	Alexa Lambert
51.034762	Lauren Godec	51.034789	Michelle Perkins
51.034770	Nicole Newsham	51.034791	Brittany Rohne
51.034773	Amanda Galvan	51.034788	Alexa Addison
51.034776	Sharday Williams	51.034790	Hussein Algafr
		51.034793	Savannah Christiansen

Limited Teaching – (1)

71.000261 Hany Zakhary

Limited Continuing Education – (11)

LCE.000382	Matthew Giulianelli	LCE.000388	Naif Sinada
LCE.000383	Jason Ganong	LCE.000389	Travis Moore
LCE.000384	Daniel Van Galder	LCE.000390	Angela Smith
LCE.000385	Mitchell Persenaire	LCE.000391	Shereen Elsayh
LCE.000386	David Hernly	LCE.000392	Wael Roumani
LCE.000387	James Eash		

Limited Resident's – (8)

RES.004049	Inga Wierup	RES.004053	Paul Kim
RES.004051	Wisam Musa	RES.004054	Liam Smyth
RES.004052	Nour Hejazin	RES.004056	Juan Marcano
RES.004050	Jaehee Hong	RES.004055	Andrew Vo

Expanded Function Dental Auxiliary – (20)

EFDA.002969	Diane J Mack	EFDA.002978	Keisha Sykes
EFDA.002970	Mckenna Gerstner	EFDA.002979	Elaina Rotuno
EFDA.002976	Christina Poulos	EFDA.002981	Aqib Shafi
EFDA.002973	Luci Ann Griego	EFDA.002982	Sarah R Newbold
EFDA.002977	Jamey M Dalrymple	EFDA.002983	Brandy L. Haught
EFDA.002972	Ashley Boyd	EFDA.002984	Kayla Kopp
EFDA.002971	Stephanie M Pawul	EFDA.002985	Lyndsey Cilles
EFDA.002974	Brittany Smith	EFDA.002986	Christina Commisso
EFDA.002975	Hannah Mathies	EFDA.002987	Sonamben Patel
EFDA.002980	Nameer Al-Hashimi	EFDA.002988	Karen Bise

Coronal Polishing – (30)

CP.002071	Chelsea Saurber	CP.002085	Brittney Frank
CP.002070	Alyshia Schooley	CP.002087	Caitlin Athey
CP.002072	Marilyn Johnson	CP.002086	Taren Terrell
CP.002073	Sarah Pryor	CP.002088	Sharnita Robinson
CP.002074	Jade Cokes	CP.002089	Lauren Grier
CP.002075	Tenita Wilson	CP.002090	Meenee Yang
CP.002077	Megan Fullmer	CP.002091	Jennifer McMahon
CP.002076	Alexis Malcolm	CP.002092	Robyn Ridzy
CP.002078	Danielle Kasinecz	CP.002093	Lauren Bauserman
CP.002079	Miranda Goe	CP.002094	Kimberly Habian
CP.002080	Michelle McBride	CP.002095	Megan Isner
CP.002081	Gina A Mclean	CP.002096	Meghan R Johns
CP.002082	Alexis Johnson	CP.002098	Taylor Clayton
CP.002083	Michaela Dowdy	CP.002097	Lacey Garbrandt
CP.002084	Mary Johnston	CP.002099	Brooke Weirick

Motion by Ms. Johnston, second by Dr. Bauer, to approve all licenses, registrations, and certifications as listed that have been issued since the March Board meeting.

Motion carried unanimously.

Graduate(s) of Unaccredited Dental Colleges Located Outside the United States

President Subramanian stated that the Board's Licensing Manager Samantha Slater had reviewed a dental license application from a graduate of an unaccredited dental college located outside the United States and had provided the detailed information for their review. He stated that the candidate has completed a 2-year residency program in general dentistry and has met all other requirements as listed in Ohio Administrative Code Rule 4715-18-01 for licensure. He then recommended approval for Dr. Yael Joseph Garcia to receive a license to practice dentistry in Ohio.

Motion by Ms. Johnston, second by Dr. Bean, to grant a license to practice dentistry in the state of Ohio to Dr. Yael Joseph Garcia.

President Subramanian informed the Board members that amended rule 4715-18-01 became effective which now requires graduates of unaccredited dental colleges to attend and graduate from a CODA-accredited 2-year General Practice Residency (GPR) or Advanced Education in General Dentistry (AEGD) program in order to obtain a license in the state of Ohio. He further explained that the Supervisory Investigative Panel has agreed to continue issuing licenses limited to non-general dentistry residents who are currently enrolled or enrolled prior to March 31, 2019 in accredited programs that are not in general dentistry.

Motion carried unanimously.

General Anesthesia/Conscious Sedation Permit(s)

President Subramanian stated that the Board's Anesthesia Consultant, Gregory Ness, D.D.S., had reviewed the following individuals who have applied for General Anesthesia or Conscious Sedation Permits. Evaluations have been conducted and the applicants have been recommended to receive a General Anesthesia or Conscious Sedation Permits in the modality as listed.

General Anesthesia

Dr. Richard Cordero, Springboro, Ohio

Motion by Dr. Quereshy, second by Dr. Krob, to approve the general anesthesia permit application for Dr. Michael Shapiro.

Motion carried unanimously.

Oral Health Access Supervision Permit(s)

President Subramanian stated that the Board's Licensing Manager had reviewed the applications and recommended that the following individuals receive Oral Health Access Supervision Permits.

Dentist(s)

Dr. Lisa Marshall, Troy, Ohio

Dr. Joseph Zaino, Kenton, Ohio

Motion by Ms. Scaramucci, second by Dr. Krob, to grant Oral Health Access Supervision permits to Drs. Marshall and Zaino.

Motion carried unanimously.

Reinstatement Application(s)

President Subramanian stated that the Board's Licensing Manager had reviewed and approved four (4) dental reinstatement application and recommended that the Board ratify the reinstatement application.

Dentist(s)

Sakthi Kesavan, D.D.S.

David Krueger, D.D.S.

Michael Sullivan, D.D.S.

Jennifer Zavoral, D.D.S.

Motion by Dr. Bauer, second by Dr. Kyger, to reinstate the licenses of Drs. Kesavan, Krueger, Sullivan, and Zavoral to practice dentistry in the state of Ohio.

Motion carried unanimously.

President Subramanian stated that the Board's Licensing Manager had reviewed and approved four (4) dental hygiene reinstatement applications and recommended that the Board ratify the following reinstatement applications.

Dental Hygienist(s)

Joyce Boyd, R.D.H.

Sharmin Brahmbhatt, R.D.H.

Jane Fox, R.D.H.

Jennifer Swartz, R.D.H.

Motion by Ms. Johnston, second by Dr. Krob, to reinstate the licenses of Ms. Boyd, Ms. Brahmbhatt, Ms. Fox, and Ms. Swartz to practice dental hygiene in the state of Ohio.

Motion carried unanimously.

Committee Reports

Ad Hoc

Dr. Anderson informed the Board members that the Ad Hoc Committee met that morning in the Vern Riffe Building in Room 1932. The meeting was called to order at 9:50 a.m. with all the members in attendance; Dr. Anderson, Dr. Bauer, Ms. Intihar, Dr. Krob, and Dr. Kyger. He stated that staff members in attendance were Director Kamdar, Mr. Kochheiser, Mr. Russell and Ms. Franks. Dr. Anderson indicated that there was no "Old Business" to report.

New Business

Expert Application Review

Dr. Anderson stated that the Committee had reviewed and discussed two (2) applicants for Expert Witnesses for the Board; Dr. Michael Fioritto and Dr. Ali Syed.

Dr. Fioritto is from Mentor, Ohio. His application indicates that his area of expertise is in general dentistry and dental implants. He is a Diplomate of the American Board of Oral Implantology/Implant Dentistry since 2013 and a national lecturer on dental implant surgery and dental implant prosthetics. The Committee recommended that the Board approve Dr. Fioritto as an expert witness for the Board.

Dr. Anderson stated that the second application was from Dr. Ali Syed.

Dr. Syed is from Cleveland, Ohio. His application indicates that his area of expertise is in oral and maxillofacial radiology. The committee found him to be well-qualified and that he has co-authored many articles and journals. However, Dr. Syed is currently practicing under a Limited Teaching License and the Committee agreed that an Expert Witness for the Board should hold a full dental license in order to be able to testify in a court in the State of Ohio. The Committee agreed that Dr. Syed's application should be tabled until the Committee could determine whether Dr. Syed was able to obtain a full dental license in Ohio.

Topics for next Meeting

Dr. Anderson stated that topics for their next committee meeting included further review of the application for Dr. Syed, a discussion on how to encourage more Experts for the Board and reviewing the current listing of Expert Witnesses for the Board to determine areas of need.

Motion by Ms. Johnston, second by Dr. Kyger, to approve the Ad Hoc Committee report as presented and approve the expert application of Dr. Michael S. Fioritto.

Motion carried unanimously.

Education

Dr. Krob stated that the Education Committee meeting was called to order at 10:35 a.m. that morning in room 1932 of the Vern Riffe Center. She said that in addition to herself, Committee members Dr. Ashok Das and Dr. Faisal Quereshy were present along with staff members, Director Kamdar, Mr. Russell and Ms. Franks. Dr. Krob noted that other Board members and guests were also in attendance.

Minutes

Dr. Krob informed the members that the March 6, 2019 Committee Minutes were reviewed and accepted without modification via consensus of the committee members.

Continuing Education Audit – Update

Dr. Krob stated that Ms. Franks and Director Kamdar had provided an update on the proposed soft launch of the new process to evaluate licensee audits, how criteria are measured, and how delinquency and non-compliance will be handled. The end-goal is to have a practice that is perpetual and real-time.

Review of Biennial Sponsor Application(s)

Renewal

Dr. Krob then indicated that the Committee members had reviewed three (3) renewal applications for biennial sponsorship. The Committee recommended to approve the following sponsor applications:

Dr. Greg Austria

Dental Education Adventures, L.L.C.

Vlad Shapiro, D.D.S. Shapiro and Baker Periodontics and Dental Implants

Initial

Dr. Krob stated that in addition to the renewal applications, the Committee reviewed one (1) initial application for biennial sponsorship. The Committee recommended to approve the sponsor application for Capital City Periodontics and Implantology. This approval is applicable for courses offered during the remainder of the biennium (which expires December 31, 2019), at which time the sponsor must renew sponsorship. This will be communicated to the applicant sponsors.

Review of Course(s)

Dental Assistant Radiographer Initial Training

Dr. Krob informed the Board members that the Committee had reviewed an application for the Dental Assistant Radiographer Initial Training Course from Choffin School of Accredited Dental Assisting. She stated that Choffin, which has an accredited dental assisting program through the Commission on Dental Accreditation (CODA) and has already been approved to provide the initial training via their full dental assisting program, was now applying to provide the initial training as a 7-hour stand-alone course. She stated that the Committee recommended to approve the application.

Anesthesia/Conscious Sedation Permit Renewal

Dr. Krob said that the Committee members also reviewed the Anesthesia Permit Renewal course submitted by the Ohio Dental Society of Anesthesiology regarding recognition and management of sedation-anesthesia complications and courses. The application was reviewed and approved by the Dental Board's Anesthesia Consultant, Dr. Gregory Ness. The Committee recommended approval of the application.

Motion by Dr. Quereshy, second by Ms. Intihar, to approve the Education Committee report and the recommendation for approval of the Biennial Sponsor applications, Anesthesia Permit Renewal Course, and Dental Assistant Radiographer Initial Training Course.

Motion carried unanimously.

Law and Rules Review

President Subramanian stated that the Law & Rules Review Committee met that morning in Room 1948 in the Verne Riffe Center at 11:22 a.m. The meeting was attended by all members of the committee; Dr. Bean, Dr. Guttman, Ms. Scaramucci, Ms. Intihar, Mr. Eric Richmond from the Ohio Dental Association (ODA), and Mr.

Andrew Huffman who was sitting in for Matt Whitehead representing the Ohio Dental Hygienists' Association (ODHA). Board staff in attendance were Executive Director Kamdar, Mr. Kochheiser, Mr. Russell, and Ms. Franks.

Minutes

President Subramanian informed the members that the Committee had reviewed and unanimously approved the minutes from the March 2019 meeting as presented.

Anesthesia and Sedation Working Group

President Subramanian said that Mr. Kochheiser was diligently working on the draft language for the anesthesia and sedation rules and expects to have a draft for review during the June or July meeting.

Section 4715-8 Continuing Education

President Subramanian indicated that the Committee had a significant discussion on the rules regarding continuing education sponsorships and more specifically, continuing education being provided by local study clubs. He stated that the Committee has decided to table those rules so that all members may have the opportunity to review those sections and provide their input to him and Mr. Kochheiser. Board member input should be submitted by the end of the month so that their discussions may be completed at the June meeting. He reiterated that he would like all members of the Board to take the time to read through the rules regarding continuing education and submit their input as soon as possible before the end of the month so that this matter may be concluded at the June meeting.

Rules for Filing

President Subramanian informed the Board members that the balance of the rules up for consideration at this time were discussed with only minor recommended changes to be made accordingly. He stated that with those minor changes being made the Committee was recommending that the following No Change and Amended rules be considered by the full Board for a vote to initial file:

4715-3-01	Definitions.
4715-5-01.1	Requirements for initial licensure for dentists.
4715-9-01.3	Monitoring of nitrous oxide-oxygen (N2O-O2) minimal sedation; education or training requirements.
4715-9-03	Requirements for initial licensure for dental hygienists.
4715-15-26	Evidence.
4715-22-01	Volunteer's certificate issued to retired dentist or dental hygienist to provide free services to indigent and uninsured persons; immunity.

Motion by Dr. Anderson, second by Dr. Das, to approve the rules as listed for initial filing with the Joint Committee on Agency Rule Review (JCARR), the Secretary of State's Office, and the Office of Small Business.

Motion carried unanimously.

Motion by Dr. Kyger, second by Dr. Bean, to approve the Law and Rules Review Committee report as presented.

Motion carried unanimously.

Scope of Practice Committee

Dr. Bauer informed the members that the Scope of Practice Committee met earlier that morning at 9:02 a.m. in room 1918 of the Vern Riffe Center. He indicated that all Committee members were in attendance.

Minutes

Dr. Bauer stated that the minutes from the previous meeting in March were approved without comment or changes.

Sleep-related Breathing Disorders Position Statement

Dr. Bauer indicated that the final draft of the Sleep-related Breathing Disorders (SRBD) Position Statement was reviewed and approved by the Committee with one minor grammatical change and was now ready for consideration by the full Board.

Motion by Dr. Bauer, second by Ms. Johnston, to approve the Position Statement: Role of the Dentist in the Treatment of Sleep-related Breathing Disorders.

Motion carried unanimously.

Discussion Topics

Teledentistry and Silver Diamine Fluoride Application

Dr. Bauer stated that an update on the recently passed teledentistry bill and its implications on SDF application was provided by Deputy Director Kochheiser and Zach Russell. The prospective model for the administration of SDF was discussed and a position statement on the topic will be tabled until rules are finalized.

Pediatric Airway Assessment

Dr. Bauer explained that the Committee had discussed the role of the dentist in pediatric airway assessment and referral. The committee determined that this falls within the already approved SRBD position statement and the point was made that additions to this position statement can be made in the future if the committee sees fit.

Position Statement on In-office Phlebotomy

Dr. Bauer said the Committee continued their earlier discussion regarding a potential position statement with respect to in-office phlebotomy and concluded that no such statement was indicated at this time. Members also discussed the irregularities among dental programs with respect to the extent phlebotomy/venipuncture education is provided to dental students.

Board Certification in Addiction

Dr. Bauer stated that Board Certification in Addiction Medicine was brought up again and its potential positive impact to public health. He stated that President Subramanian was awaiting more information on the possibility of dentists accessing this education since currently they are not permitted to pursue this educational pathway, as only medical doctors are able to do so.

Motion by Ms. Johnston, second by Dr. Krob, to approve the Scope of Practice Committee report as presented.

Motion carried unanimously.

Executive Updates

President's Update

President Subramanian took a moment to congratulate Director Kamdar for the excellent testimony he provided to the House and Senate Finance committees on the Board's budget request for FY 2020 and FY 2021 biennium and related matters. He commented that the discussion and question and answer session were so informative that Director Kamdar's testimony has brought accolades from not only interested stakeholders, but from other

outside agencies as well. President Subramanian also said that the Auditor of State audit of the Ohio State Dental Board was completed this month and the Board was successful under the stewardship of Director Kamdar. He then congratulated Director Kamdar and staff.

President Subramanian stated that as a board, the primary objective is protection of the public. He said that in this regard the Board should work together with other entities on projects such as the Ohio Ethics Commission to maintain integrity and respect for the law. and also, with the DeWine-Husted administration's InnovateOhio platform. He encouraged all the members of the Board to work in tandem with others to help with the opioid epidemic, improve access to care, and use technology for the betterment of absolute patient protection. Also, he talked about how the Board could promote educating the public through routine visits at dental offices on the dangers of vaping to oral health and overall health outcomes especially with older teenagers and young adults.

Executive Director's Update

Director Kamdar thanked President Subramanian for his recognition and stated that it was an honor and a privilege to provide testimony before the House of Representatives Finance Committee and the Senate Finance Committee to present the Board's budget needs for the next biennium. He informed the members that they have been fiscally conservative and frugal with expenses. Director Kamdar also discussed Board priorities involving opioid prescribing and concerns regarding vaping.

Director Kamdar then asked the Board members to start looking at their calendar for next year. He stated that they will soon be selecting dates for Board meetings for next year and suggested that it be modeled after the dates for this year. Discussions will be held at the next Board meeting and dates will be finalized at the following month's meeting.

Anything for the Good of the Board

President Subramanian inquired as to whether any of the Board members had any items to address under "Anything for the Good of the Board." He noted that there were no items to address.

Adjourn

President Subramanian adjourned the meeting at 3:13 p.m.



KUMAR SUBRAMANIAN, D.D.S.

President



CANISE Y. BEAN, D.M.D., M.P.H.
Vice President

Appendix A

Position Statement: Role of the Dentist in the Treatment of Sleep-related Breathing Disorders

Date: May 8, 2019

The Ohio State Dental Board (Board) is committed to ensuring the safe practice of dentistry to the public. The purpose of these recommendations is to address inquiries regarding the role of the dentist in the treatment of a patient with sleep-related breathing disorders. Sleep-related breathing disorders (SRBD) - disorders characterized by disruptions in normal breathing patterns, including snoring, upper airway resistance syndrome, and obstructive sleep apnea.

Although a dentist “diagnoses or treats diseases or lesions of human teeth or jaws, or associated structures,” SRBD is a potentially life-threatening medical condition with numerous implications on systemic health and requires the diagnosis of a licensed physician. R.C. section 4715.01. If the patient presents with a history or clinical findings consistent with SRBD, it is recommended that the dentist refer that patient to their primary care physician to coordinate diagnosis and treatment by a medical provider. The need for, and appropriateness of, a home sleep apnea test (HSAT) must be based on the patient’s medical history and a face-to-face examination by a medical provider, either in person or via telemedicine.

It is the duty of the diagnosing medical provider to determine if oral appliance therapy is indicated in the treatment of a specific patient. The dentist is uniquely qualified to obtain the necessary records to fabricate intra-oral appliances for the therapeutic benefit of individuals suffering from SRBD when this course of therapy is recommended by the treating medical provider. The dentist shall determine which appliance is best suited for the dentition of the patient and also suitable for reaching the objectives set forth by the referring medical provider.

The dentist shall ensure the fit on the intra-oral structures is such that the therapeutic benefit is able to be fully realized by the patient. It is recommended that titration of the device, follow up care, and/or any adjustments that have an unknown impact on the systemic issues surrounding SRBD be overseen by the treating medical provider. Identification and management of the potential occlusal, orthodontic, and temporomandibular side effects will be among the responsibilities of the dentist when these patients present for routine periodic examination. Patients presenting at routine examination with concerns regarding efficacy of SRBD treatment will be referred back to the treating medical provider for evaluation.

References

1. The Role of Dentistry in the Treatment of Sleep Related Breathing Disorders, Adopted by ADA’s 2017 House of Delegates. American Dental Association.
<https://www.ada.org/~media/ADA/Member%20Center/Files/The-Role-of-Dentistry-in-Sleep-Related-Breathing-Disorders.pdf?la=en>
2. Clinical Practice Guideline for the Treatment of Obstructive Sleep Apnea and Snoring with Oral Appliance Therapy: An Update for 2015. American Academy of Sleep Medicine.
<http://jcsn.aasm.org/ViewAbstract.aspx?pid=30098>

Appendix B

Rules to Initial File

- 4715-3-01 Definitions
- 4715-5-01.1 Requirements for initial licensure for dentists.
- 4715-9-01.3 Monitoring of nitrous oxide-oxygen (N2O-O2) minimal sedation; education or training requirements.
- 4715-9-03 Requirements for initial licensure for dental hygienists.
- 4715-15-26 Evidence.
- 4715-22-01 Volunteer's certificate issued to retired dentist or dental hygienist to provide free services to indigent and uninsured persons; immunity.

Ohio Administrative Code Rules to Initial File

4715-3-01 Definitions

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

2 (A) Advertising terms

3 (1) "Invasion of privacy" - to encroach upon or violate a person's personal, intimate, and/or private
4 space.

5 (2) "Misrepresentation" - to represent falsely, wrongly, or misleadingly.

6 (3) "Overreach" - to get the better of, especially by deceit or trickery; to outwit; to reach too far; to
7 cheat others.

8 (4) "Reasonably dignified" - possessing distinction, poise, honor, esteem.

9 (5) "Reasonably restrained" - moderation in action or expression.

10 (6) "Undue influence" - using power in an excessive or unreasonable way to produce effects, either,
11 directly, indirectly, or through an intermediary.

12 (7) "Unreasonable interference" - to unreasonably come between so as to impede, hinder or
13 obstruct

14 (B) Anesthesia/sedation terms

15 (1) "Administration" - providing, applying, or injecting a drug or other therapeutic agent for a
16 patient of record, including providing a patient with a single dose of a controlled substance or
17 other dangerous drug that is to be used incidental to, or contemporaneously with, a planned
18 procedure, with the intent of being an integral and indicated action to properly initiate and
19 complete the dental procedure within the standard of care in dentistry.

20 (2) "Analgesia" - the diminution or elimination of pain.

21 (3) "Anxiolysis" - the diminution or elimination of anxiety.

22 (4) "Enteral/oral conscious sedation" - The use of a single drug administered orally or sublingually at
23 one time on a given treatment day, or combination of drugs administered concomitantly orally
24 or sublingually at one time on a given treatment day, in order to provide sedation or anxiolysis
25 for dentistry. If the dosage is determined to be inadequate and an increased dosage is required
26 to sufficiently provide sedation or anxiolysis, the practitioner must reschedule the patient for a
27 subsequent appointment on a different day. All enteral/oral sedatives shall be administered at
28 the same time and only once during any given treatment day unless the administering dentist is
29 permitted to provide intravenous conscious sedation or general anesthesia.

30 (5) "Combination inhalation-enteral conscious sedation (combined conscious sedation)" - conscious
31 sedation using enteral agents, as indicated in paragraph (B)(4) of rule 4715-3-01 of the
32 Administrative Code, and nitrous oxide/oxygen inhalation sedation. Nitrous oxide/oxygen used
33 in combination with sedative agents may produce conscious or deep sedation or general
34 anesthesia.

35 (6) "Conscious sedation" - a minimally depressed level of consciousness that retains the patient's
36 ability to independently and continuously maintain an airway and respond appropriately to
37 physical stimulation or verbal command, and that is produced by a pharmacologic or non-
38 pharmacologic method, or a combination thereof.

39 In accord with this particular definition, the drugs and/or techniques used should carry a margin
40 of safety wide enough to render unintended loss of consciousness unlikely. Further, patients
41 whose only response is reflex withdrawal from repeated painful stimuli would not be considered
42 to be in a state of conscious sedation.

- 43 (7) "Continual" - repeated regularly and frequently in a steady succession.
44 (8) "Continuous" - prolonged without any interruption at any time.
45 (9) "Deep sedation" - an induced state of depressed consciousness, accompanied by partial loss of
46 protective reflexes, including the inability to continually maintain an airway independently
47 and/or to respond purposefully to physical stimulation or verbal command, and is produced by a
48 pharmacologic or non-pharmacologic method, or combination thereof.
49 (10)"Enteral" - any technique of administration in which the agent is absorbed through the
50 gastrointestinal (GI) tract or oral mucosa [i.e., oral, rectal, sublingual].
51 (11)"General anesthesia" - an induced state of unconsciousness accompanied by partial or complete
52 loss of protective reflexes, including the inability to continually maintain an airway
53 independently and respond purposefully to physical stimulation or verbal command, and is
54 produced by a pharmacologic or non-pharmacologic method, or combination thereof.
55 (12)"Immediately available" - on site in the facility and available for immediate use.
56 (13)"Inhalation" - a technique of administration in which a gaseous or volatile agent is introduced
57 into the pulmonary tree and whose primary effect is due to absorption through the pulmonary
58 bed.
59 (14)"Local anesthesia" - the elimination of sensation, especially pain, in one part of the body by
60 regional injection of a drug.
61 (15)"Minimal sedation" - a minimally depressed level of consciousness, produced by a
62 pharmacological method, that retains the patient's ability to independently and continuously
63 maintain an airway and respond normally to tactile stimulation and verbal command. Although
64 cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular
65 functions are unaffected.
66 (16)"Moderate sedation" - a drug-induced depression of consciousness during which patients
67 respond purposefully to verbal commands, either alone or accompanied by light tactile
68 stimulation. No interventions are required to maintain a patent airway, and spontaneous
69 ventilation is adequate. Cardiovascular function is usually maintained.
70 (17)"Parenteral" - a technique of administration in which the drug bypasses the gastrointestinal (GI)
71 tract [i.e., intramuscular (IM), intravenous (IV), intranasal (IN), submucosal (SM), subcutaneous
72 (SC), intraocular (IO)].
73 (18)"Time-oriented anesthesia record" - documentation at appropriate intervals of drugs, doses and
74 physiologic data obtained during patient monitoring.
75 (19)"Topical anesthesia" - the elimination of sensation, especially pain, in one part of the body by
76 skin or mucous membrane surface application of a drug.
77 (20)"Transdermal/transmucosal" - a technique of administration in which the drug is administered
78 by patch or iontophoresis.
79 (C) Prescribing terms
80 (1) "Acute pain" - pain that normally fades with healing, is related to tissue damage or trauma,
81 significantly alters a patient's typical function and is expected to be time limited.
82 (2) "Dentist" - a person holding a license under Chapter 4715. of the Revised Code to practice
83 dentistry.
84 (3) "Extended-release or long-acting opioid analgesic" - a controlled substance opioid analgesic, as
85 defined in section 3719.01 of the Revised Code, that includes any of the following:
86 (a) The drug has United States food and drug administration approved labeling indicating that it
87 is an extended-release or controlled release formulation; or
88 (b) The drug is administered via a transdermal route; or
89 (c) The drug contains methadone.

- 90 (4) "Morphine equivalent dose"- the conversion of various opioid analgesics to the same amount of
91 morphine by the use of accepted conversion tables provided by the state of Ohio board of
92 pharmacy at <http://www.ohiopmp.gov> https://www.ohiopmp.gov/MED_Calculator.aspx.
- 93 (5) "Minor"- an individual under the age of eighteen years of age who is not emancipated.
- 94 (6) "Opioid analgesic" - has the same meaning as in section 3719.01 of the Revised Code and means
95 a controlled substance that has analgesic pharmacologic activity at the opioid receptors of the
96 central nervous system, including but not limited to the following drugs and their varying salt
97 forms or chemical congeners: buprenorphine, butorphanol, codeine (including acetaminophen
98 and other combination products), dihydrocodeine, fentanyl, hydrocodone (including
99 acetaminophen combination products), hydromorphone, meperidine, methadone, morphine
100 sulfate, oxycodone (including acetaminophen, aspirin, and other combination products),
101 oxymorphone, tapentadol, and tramadol.
- 102 (D) Dental personnel
- 103 (1) "Licensed dentist" - a graduate of an accredited or a foreign dental school who has successfully
104 passed all examinations, completed all application requirements for licensure in Ohio as set
105 forth in section 4715.10 of the Revised Code and the agency rules of this board, and holds a
106 current license to practice dentistry in Ohio which is not suspended or revoked by board action.
- 107 (2) "Unlicensed dentist" - a graduate of an accredited dental school who has not successfully passed
108 all examinations or completed the application requirements for licensure in Ohio as set forth in
109 section 4715.10 of the Revised Code and the agency rules of this board; or the holder of a
110 license to practice dentistry in Ohio which has been suspended or revoked by board action.
- 111 (3) "Graduates of unaccredited dental colleges located outside the United States" - a graduate of a
112 dental school that is located outside the United States and is not accredited by the [American
113 dental association commission](#) [Commission](#) on dental accreditation.
- 114 (4) "Dental student" - a student in good standing currently enrolled in an accredited dental school.
- 115 (5) "Licensed dental hygienist" - a graduate of an accredited dental hygiene school or program who
116 has successfully passed all examinations, completed all application requirements for licensure in
117 Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this board, and
118 holds a current license to practice dental hygiene in Ohio which is not suspended or revoked by
119 board action.
- 120 (6) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene school or program
121 who has not successfully passed all examinations or completed the application requirements for
122 licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this
123 board; or the holder of a license to practice dental hygiene in Ohio which has been suspended or
124 revoked by board action.
- 125 (7) "Certified assistant" - a dental assistant who maintains current certification by completion of the
126 continuing education requirements upon successfully passing the "Certified Dental Assistant"
127 (CDA) certification examination of the [dental-Dental](#) assisting national board (DANB) or the
128 certification examination of the Ohio commission on dental assistant certification (OCDAC).
- 129 (8) "Basic qualified personnel" - basic qualified personnel are those persons who are adjudged by
130 the licensed dentist to be capable and competent of performing basic remediable intra-oral and
131 extra-oral dental tasks and/or procedures under his [or her](#) direct supervision and full
132 responsibility. These persons must be trained directly via an employer-dentist, via a planned
133 sequence of instruction in an educational institution or via in-office training.
- 134 (9) "Advanced qualified personnel" (hereinafter referred to as expanded function dental auxiliaries
135 or EFDA's) - those persons who have passed the Ohio state dental board designated
136 examination for expanded function dental auxiliaries who may perform advanced remediable

- 137 intra-oral dental tasks and/ or procedures under the direct supervision and full responsibility of
138 a licensed dentist.
- 139 Upon submitting proof of successful completion of acceptable training on a form prescribed by
140 the board and signed by the chief administrative officer of the program at the accredited
141 institution, the following applicants shall be admitted to the state board designated examination
142 for expanded function dental auxiliary:
- 143 (a) "Unlicensed dentist" - a graduate of an accredited dental school unless his license is under
144 suspension or revocation by the board.
- 145 (b) "Dental student" - a dental student in good standing and currently enrolled in an accredited
146 institution, upon recommendation of the dean.
- 147 (c) "Graduates of unaccredited dental colleges located outside the United States" - a graduate
148 of a dental school located outside the United States that is not accredited by the [American
149 dental association commission](#) ~~Commission~~ on dental accreditation and after admission to
150 an accredited educational institution or program.
- 151 (d) "Certified assistant" - a certified assistant if [he or](#) she has satisfactorily completed training in
152 advanced remediable intra-oral dental tasks and/ or procedures through an accredited
153 educational institution or program whose educational standards are recognized and/ or
154 accredited by the [American dental association commission](#) ~~Commission~~ on dental
155 accreditation [or the Higher learning commission of the north central association of colleges
156 and schools](#). The curriculum must include clinical experience.
- 157 (e) "Licensed dental hygienist" - a graduate of an accredited dental hygiene program if [he or](#)
158 she has satisfactorily completed training in advanced remediable intra-oral dental tasks
159 and/ or procedures through an accredited educational institution or program whose
160 educational standards are recognized and/ or accredited by the [American dental association
161 commission](#) ~~Commission~~ on dental accreditation [or the Higher learning commission of the
162 north central association of colleges and schools](#), unless [his or](#) her license is under
163 suspension or revocation. The curriculum must include clinical experience.
- 164 (f) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene program if [he or](#)
165 she has satisfactorily completed training in advanced remediable intra-oral dental tasks
166 and/ or procedures through an accredited educational institution or program whose
167 educational standards are recognized and/ or accredited by the [American dental association
168 commission](#) ~~Commission~~ on dental accreditation [or the Higher learning commission of the
169 north central association of colleges and schools](#). The curriculum must include clinical
170 experience.
- 171 (10)"Dental auxiliaries" - dental auxiliaries are all persons, not licensed to practice dentistry in Ohio,
172 who assist in the dental practice.
- 173 (a) Subject to those more specific laws or rules regulating the functions of basic qualified
174 personnel, expanded function dental auxiliaries and hygienists, a dental auxiliary may, under
175 the personal supervision and full responsibility of a licensed dentist, assist in the concurrent
176 performance of supportive procedures, and may assist with the administration of drugs,
177 medications, and inhalation anesthetic agents, including nitrous oxide.
- 178 (b) Further, parenteral injections for the administration of drugs, including local anesthetic
179 agents may not be delegated to dental auxiliaries unless they are appropriately licensed in
180 the state of Ohio.
- 181 (11)"Dental health care workers" - dental health care workers are all personnel utilized by a licensed
182 dentist who assist in a dental practice and who may be exposed to body fluids such as blood or
183 saliva.

- 184 (E) Disciplinary terms
- 185 (1) "Revocation" - permanent loss of license to practice in Ohio with no ability to apply for licensure
- 186 in this state in the future.
- 187 (2) "Suspension" - loss of license to practice for a specific period of time (definite suspension) or
- 188 until specific conditions are met (indefinite suspension). In the case of indefinite suspension, the
- 189 board may specify a minimum period of time during which the licensee may not practice, in
- 190 addition to other conditions for reinstatement of license.
- 191 (3) "Restriction" - license to practice is restricted in some way (eg., licensee is prohibited from
- 192 practicing a certain specialty or procedure or prescribing, etc.) or is subject to terms and
- 193 conditions specified by the board. The restriction can be permanent or temporary.
- 194 (4) "Probation" - a specific type of restriction wherein the license to practice remains dependent
- 195 upon compliance with terms and conditions specified by the board (eg., periodic appearances,
- 196 drug logs, reports by treating practitioners, etc.). The probation period may be for a definite or
- 197 indefinite period of time. In the case of indefinite probation, the board may establish a
- 198 minimum probationary period, with provisions for termination of probation at the board's
- 199 discretion thereafter.
- 200 (5) "Censure/reprimand" - the licensee is formally and publicly reprimanded in writing.
- 201 (F) Educational terms
- 202 (1) "Accreditation" - a procedure for recognizing or certifying that an educational institution or
- 203 program meets prescribed standards that qualify its graduates for entitlement to take the state
- 204 board designated examination.
- 205 (2) "Accredited educational institution or program" - an educational institution or program
- 206 accredited by one or more of the following:
- 207 (a) ~~American dental association commission~~ Commission on dental accreditation; responsible
- 208 for the accreditation of dental and dental-related education within the United States and
- 209 Canada.
- 210 (b) Accreditation council for graduate medical education (ACGME); responsible for the
- 211 accreditation of post-doctoral medical training programs within the United States.
- 212 (c) The Joint commission on accreditation of healthcare organizations (JCAHO)(JC); responsible
- 213 for the evaluation and accreditation of health care organizations and programs in the United
- 214 States. An independent, not-for-profit accrediting organization which sets professionally
- 215 based standards and evaluates the compliance of health care organizations.
- 216 (3) "Accredited dental school" - a dental school accredited by the ~~American dental association~~
- 217 commission-Commission on dental accreditation.
- 218 (4) "Accredited dental hygiene program" - a dental hygiene program accredited by the ~~American~~
- 219 dental association commission-Commission on dental accreditation.
- 220 (5) "Accredited dental assisting program" - a dental assisting program accredited by the
- 221 Commission on dental accreditation.
- 222 (6) Education:
- 223 (a) "Continuing education" means educational and scientific courses consisting of activities
- 224 designed to review existing concepts and techniques, to convey information beyond the
- 225 basic dental education and to update knowledge on advances in scientific, and clinical
- 226 practice related subject matter, including evidence based dentistry wherein the objective is
- 227 to improve the knowledge, skills and ability of the individual to provide the highest quality
- 228 of service to the public and the profession.
- 229 (b) "Remedial education" means a prescribed educational intervention that is designed to
- 230 restore an identified practice deficiency of a licensee to conformity with the accepted
- 231 standards of the profession. Remediation includes, but is not limited to, successful

- 232 demonstration by the licensee that the learned knowledge and skills have been
233 incorporated into the licensee's practice.
- 234 (G) General terms
- 235 (1) "Must/shall" - indicates an imperative need and/or duty; an essential or indispensable item;
236 mandatory.
- 237 (2) "Should" - indicates the recommended manner to obtain the standard; highly desirable.
- 238 (3) "May" - indicates freedom, or liberty to follow a reasonable alternative.
- 239 (4) "Immediately available" - on site in the facility and available for immediate
240 use/review/inspection.
- 241 (5) "All" - the whole extent or quantity of; every one of; the entire number of.
- 242 (H) Impairment
- 243 (1) "Impairment" - means impairment of ability to practice under accepted standards of the
244 profession because of physical or mental disability, or dependence on alcohol or other drugs, or
245 habitual or excessive use or abuse of alcohol, drugs or other substances. Impairment includes
246 inability to practice in accordance with such standards, and inability to practice in accordance
247 with such standards without appropriate treatment, monitoring and supervision.
- 248 (2) "Inability to practice" - means impairment of ability to practice under accepted standards of the
249 profession because of physical or mental disability, dependence on alcohol or other drugs, or
250 excessive use of alcohol or other drugs.
- 251 (3) "No longer drug or alcohol dependent" - means a demonstration of abstinence from alcohol,
252 and from drugs or substances that may impair the ability to practice.
- 253 (4) "Relapse" - means any use of, or obtaining for the purpose of using, alcohol or other drugs or
254 substances that may impair the ability to practice, including a return to the pattern of
255 impairment activities, by one previously diagnosed and treated for drug or alcohol abuse or
256 dependence. This does not apply to substances obtained pursuant to the direction of a treating
257 physician who has knowledge of the patient's history and the disease of addiction, or pursuant
258 to the direction of a physician in a medical emergency.
- 259 (I) Infection control
- 260 (1) "Appropriate disinfectant" - a diluted bleach solution, EPA-registered tuberculocides, sterilants,
261 or products registered against HIV/HBV, provided the surfaces have not become contaminated
262 with agents or volumes of or concentrations of agents for which higher level disinfection is
263 recommended.
- 264 (2) "Chemical sterilization process" - use of a sterilant cleared by the food and drug administration
265 in a 510 (K) in accordance with the manufacturer's instructions.
- 266 (3) "Immediate remedial action" - after the first positive spore test occurs, a second biological spore
267 test must be performed according to manufacturer's guidelines. In the event a second positive
268 biological spore test occurs, the device must be removed from service until repaired.
- 269 (4) "Overgloving" - placing one disposable glove over another disposable glove [between patients](#)
270 when the first glove is contaminated.
- 271 (J) Levels of knowledge
- 272 (1) "Familiarity" - a simplified knowledge for the purpose of orientation and recognition of general
273 principles.
- 274 (2) "In-depth" - a [thorough](#) knowledge of concepts and theories for the purpose of critical
275 analysis and the synthesis of more complete understanding (highest level of knowledge).
- 276 (K) Levels of skill
- 277 (1) "Exposed" - the level of skill attained by observation of or participation in a particular activity.
- 278 (2) "Competent" - displaying special skill or knowledge derived from training and experience.

- 279 (3) "Proficient" - the level of skill attained when a particular activity is accomplished with repeated
280 quality and a more efficient utilization of time (highest level of skill).
- 281 (L) Miscellaneous terms
- 282 (1) Construction
- 283 (a) Where a pronoun of one gender appears in these rules, it shall be interpreted to mean or
284 include the pronoun of the other gender where appropriate.
- 285 (2) "Casts" - any platform from which a restoration is constructed.
- 286 (3) "Director of continuing education practicum" - the director of a continuing education practicum
287 must be a dentist licensed to practice in the state of Ohio.
- 288 (4) "Emergency" - a sudden, generally unexpected occurrence or set of circumstances demanding
289 immediate action.
- 290 (5) "Final impression for digital capture" - the digital or analog image or compilation of images
291 approved and submitted by the supervising dentist for the construction of casts which is
292 captured by the digital scanning of any hard or soft tissue bearing area, whether intra-orally or
293 extra-orally for the purpose of fabricating a prosthesis.
- 294 (6) "Final placement or removal of appliances" - the word "final" as used in paragraphs (B) and (C)
295 of rule 4715-11-06 of the Administrative Code means the last step in the therapeutic process
296 concerning the placement, replacement or removal of a removable appliance, or a fixed
297 appliance directly attached to a tooth or teeth by cementation, direct bonding or other similar
298 process, and the same applies to appliances utilized for the correction of malpositions of the
299 teeth. The temporary placement of any appliance is not considered the final placement in the
300 therapeutic process
- 301 (7) "License" - a current valid license, [registration](#), certificate or permit issued pursuant to sections
302 4715.01 to 4715.99 of the Revised Code, which has not been revoked or suspended.
- 303 (8) "Licensee" - the holder of a current valid license, [registration](#), certificate or permit issued
304 pursuant to sections 4715.01 to 4715.99 of the Revised Code, which has not been revoked or
305 suspended.
- 306 (9) "Treatment day" - any portion of any day during which treatment is rendered to a patient
307 constitutes a treatment day.
- 308 (M) Personal information system
- 309 (1) "Access" as a noun means an opportunity to copy, view, or otherwise perceive whereas "access"
310 as a verb means to copy, view, or otherwise perceive.
- 311 (2) "Acquisition of a new computer system" means the purchase of a "computer system," as
312 defined in this rule, that is not a computer system currently in place nor one for which the
313 acquisition process has been initiated as of the effective date of the board rule addressing
314 requirements in section 1347.15 of the Revised Code.
- 315 (3) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code that
316 stores, maintains, or retrieves personal information using electronic data processing equipment.
- 317 (4) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of
318 section 1347.15 of the Revised Code and identified by rules promulgated by the board in
319 accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the
320 federal or state statutes or administrative rules that make personal information maintained by
321 the board confidential.
- 322 (5) "Employee of the board" means each employee of the dental board, as well as each member of
323 the dental board appointed to the board pursuant to section 4715.02 of the Revised Code.
- 324 (6) "Incidental contact" means contact with the information that is secondary or tangential to the
325 primary purpose of the activity that resulted in the contact.

- 326 (7) "Individual" means natural person or the natural person's authorized representative, legal
327 counsel, legal custodian, or legal guardian.
- 328 (8) "Information owner" means the individual appointed in accordance with division (A) of section
329 1347.05 of the Revised Code to be directly responsible for a system.
- 330 (9) "Person" means natural person.
- 331 (10)"Personal information" has the same meaning as defined in division (E) of section 1347.05 of the
332 Revised Code.
- 333 (11)"Personal information system" means a "system" that "maintains" "personal information" as
334 those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and
335 computer systems.
- 336 (12)"Research" means a methodical investigation into a subject.
- 337 (13)"Routine" means common place, regular, habitual, or ordinary.
- 338 (14)"Routine information that is maintained for the purpose of internal office administration, the
339 use of which would not adversely affect a person" as that phrase is used in division (F) of section
340 1347.01 of the Revised Code means personal information relating to the board's employees that
341 is maintained by the board for administrative and human resource purposes.
- 342 (15)"System" has the same meaning as defined by division (F) of section 1347.01 of the Revised
343 Code.
- 344 (16)"Upgrade" means a substantial redesign of an existing system for the purpose of providing a
345 substantial amount of new application functionality, or application modifications that would
346 involve substantial administrative or fiscal resources to implement, but would not include
347 maintenance, minor updates and patches, or modifications that entail a limited addition of
348 functionality due to changes in business or legal requirements.
- 349 (N) Military personnel/veterans
- 350 (1) For the purposes of Chapters 4715-1 to 4715-40 of the Administrative Code, and except as
351 otherwise provided, the following definitions shall apply:
- 352 (a) "Active duty service members" means any member of the armed forces of the United States
353 performing active duty under title 10 of the United States Code.
- 354 (b) "Armed forces: means the armed forces of the United States, including the army, navy, air
355 force, marine corps, coast guard, or any reserve components of those forces; the national
356 guard of any state; the commissioned corps of the United States public health service; the
357 merchant marine service during wartime; such other service as may be designated by
358 congress; or the Ohio organized militia when engaged in full-time national guard duty for a
359 period of more than thirty days.
- 360 (c) "Applicant" means an individual who applies to the board for a license, permit, certificate,
361 or registration or renewal, reinstatement or reactivation of a license, permit, certificate, or
362 registration to practice as:
- 363 (i) A licensed dentist;
- 364 (ii) A licensed dentist with an anesthesia or conscious sedation permit;
- 365 (iii) A licensed dental hygienist;
- 366 (iv) A dental x-ray machine operator; or
- 367 (v) An expanded function dental auxiliary.
- 368 (d) "Service member" means any person who is serving in the armed forces.
- 369 (e) "Merchant marine" includes the United States army transport service and the United States
370 naval transport service.
- 371 (f) "Veteran" means any person who has completed service in the armed forces, including the
372 national guard of any state, or a reserve component of the armed forces, who has been

373 discharged under honorable conditions from the armed forces or who has been transferred
374 to the reserve with evidence of satisfactory service.

375 (O) Special needs program

376 (1) "Special needs program" - a program that is operated through a school district board of
377 education or the governing board of an educational service center; the board of health of a city
378 or general health district or the authority having the duties of a board of health under section
379 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other
380 public or private entity recognized and approved by the state dental board.

381 (P) Supervision

382 (1) "Supervision" - acts are deemed to be under the supervision of a licensed dentist when
383 performed in a dental facility wherein a licensed dentist is physically present at all times during
384 the performance of such acts and such acts are performed pursuant to his or her order, control
385 and full professional responsibility. Such acts shall be performed only after examination and
386 diagnosis by said dentist and in accordance with said dentist's treatment plan for the procedure
387 to be performed by the licensed dental hygienist, certified assistant, expanded function dental
388 auxiliary, and/or dental x-ray machine operator. This definition is subject to the exceptions
389 noted in ~~section~~sections 4715.22, 4715.39, 4715.56 and 4715.64 of the Revised Code.

390 (2) "Direct supervision" - acts are deemed to be under the direct supervision of a licensed dentist
391 when performed in a dental facility wherein a licensed dentist is physically present at all times
392 during the performance of such acts and such acts are performed pursuant to his or her order,
393 control and full professional responsibility, and are checked and approved by the licensed
394 dentist before the patient upon whom such act has been performed departs from the dental
395 facility of said dentist.

396 (3) "Personal supervision" - acts are deemed to be under the personal supervision of the licensed
397 dentist when the dentist is personally operating on a patient and authorizes an auxiliary to aid
398 treatment by concurrently performing supportive procedures.

399 (4) "Under the direction of" - pursuant to division (A) of section 4715.16 of the Revised Code, acts
400 are deemed to be under the direction of a licensed dentist when performed in a dental facility
401 wherein a licensed dentist is physically present at all times during the performance of such acts
402 and performed pursuant to his or her control and oversight. Acts are also deemed to be under
403 the direction of a licensed dentist when performed in connection with residency programs
404 approved by the ~~American dental association commission~~Commission on dental accreditation
405 and operated in accordance with the guidelines for the supervision of residents as set forth in
406 the accreditation standards.

407 (Q) Tasks and/or procedures categories

408 (1) "Basic remediable intra-oral and extra-oral dental tasks and/or procedures" - those dental tasks
409 and/or procedures which do not create irreparable changes within the oral cavity and/or the
410 contiguous structures and which are set forth in rule 4715-11-02 of the Administrative Code.

411 (2) "Advanced remediable intra-oral dental tasks and /or procedures" - all tasks and/or procedures,
412 with consideration of the soft tissue, involved in the art or placement of preventive or
413 restorative materials limited to the following:

414 (a) Placement of sealants;

415 (b) Amalgam restorative materials; and

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

417 (3) "Irremediable tasks and/or procedures" - irremediable tasks and/or procedures are those which,
418 when performed, may create irreparable changes within the oral cavity or contiguous
419 structures. Further, parenteral injections for the administration of drugs, including local

- 420 anesthetic agents, are considered to be irremediable tasks under agency 4715 of the
 421 Administrative Code.
 422 (4) "Surgery" means any procedure that involves cutting or otherwise infiltrating hard or soft
 423 human tissue, including but not limited to gingivae, bone and tooth structure, by mechanical
 424 means, including, laser surgery, therapeutic ionizing radiation, and therapeutic ultrasound.

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4715-5-01.1 Requirements for initial licensure for dentists.

- 1 (A) Applicants for licensure to practice dentistry as provided in sections 4715.10, 4715.11 and 4715.12 of
 2 the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided
 3 by the state dental board:
 4 (1) Be at least eighteen years of age; and
 5 (2) Be of good moral character; and
 6 (3) Be a graduate of an accredited dental college, or a graduate of an unaccredited dental college
 7 located outside the United States and meets the requirements set forth in rule 4715-18-01 of
 8 the Administrative Code; and
 9 (4) ~~Has~~ Have successfully passed all parts of the examination given by the joint commission on
 10 national dental examinations; and
 11 (5) Provides evidence of successfully passing ~~all components based on a conjunctive scoring method~~
 12 ~~of~~ one of the following regional board examinations: ~~the North-east regional board of dental~~
 13 ~~examiners, inc. (NERB), the Central regional dental testing service, inc. (CRDTS), the Southern~~
 14 ~~regional testing agency, inc. (SRTA) the central regional dental testing service, inc. (CRDTS),~~
 15 ~~northeast regional board of dental examiners, inc. (NERB), the commission on dental~~
 16 ~~competency assessments (CDCA), the southern regional dental testing agency, inc. (SRTA), the~~
 17 ~~council of interstate testing agencies, inc. (CITA), or the Western regional examining board~~
 18 ~~(WREB); or~~
 19 (6) Possesses a license in good standing from another state for five years and has actively engaged
 20 in the legal and reputable practice of dentistry in another state or in the armed forces of the
 21 United States, the United States public health service, or the United States department of
 22 veterans' affairs for five years immediately preceding application.
 23 (7) Have successfully completed a dental residency program accredited or approved by the
 24 commission on dental accreditation and administered by an accredited dental college or
 25 hospital, as attested to by the director of the program on a form prescribed and provided by the
 26 board.
 27 (B) Each applicant shall successfully pass a written jurisprudence examination approved by the state
 28 dental board on the statute and rules governing the practice of dentistry in the state of Ohio.

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Statutory Authority: 4715.03, 4715.11

Rule Amplifies: 4715.10

Prior Effective Dates: 5/15/03, 6/7/04, 5/22/09

4715-9-01.3 Monitoring of nitrous oxide-oxygen (N2O-O2) minimal sedation; education or training requirements.

1 Each licensed dental hygienist seeking to monitor nitrous oxide-oxygen (N2O-O2) minimal sedation must
 2 have completed a basic life-support training course certified by the American heart association, the
 3 American red cross, or the American safety and health institute, and remain current at all times when
 4 monitoring N2O-O2 minimal sedation. In order to monitor N2O-O2 minimal sedation the dental hygienist
 5 must have completed the education and examination requirements set forth in rule 4715-11-02.1 of the
 6 Administrative Code for the monitoring of N2O-O2 minimal sedation for basic qualified personnel
 7 excepting that the licensed dental hygienist is not required to complete the stipulations set forth in
 8 paragraph (A)(40)(b) of rule 4715-11-02 of the Administrative Code.

9 Completion of basic life-support and all education and examination requirements for the administration
 10 of N2O-O2 minimal sedation shall be documented on a form supplied by the board, with any necessary
 11 supporting information attached. This form shall be maintained in the facility(s) where the dental
 12 hygienist is working. The board retains the right and authority, upon notification, to audit, monitor or
 13 request evidence demonstrating adherence to Chapter 4715. of the Revised Code and/or agency 4715 of
 14 the Administrative Code.

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4715-9-03 Requirements for initial licensure for dental hygienists.

- 1 (A) Applicants for licensure to practice dental hygiene as provided in section 4715.21 of the Revised
 2 Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state
 3 dental board:
- 4 (1) Be at least eighteen years of age; and
 - 5 (2) Be of good moral character; and
 - 6 (3) Be a graduate of an accredited school of dental hygiene; and
 - 7 (4) Have successfully passed all parts of the examination given by the joint commission on national
 8 dental examinations; and
 - 9 (5) Provides evidence of successfully passing ~~all components based on a conjunctive scoring method~~
 10 ~~of one of the following regional board examinations: the north east regional board of dental~~
 11 ~~examiners, inc. (NERB), the central regional dental testing service, inc. (CRDTS), the southern~~
 12 ~~regional testing agency, inc. (SRTA)~~the central regional dental testing service, inc. (CRDTS),
 13 northeast regional board of dental examiners, inc. (NERB), the commission on dental
 14 competency assessments (CDCA), the southern regional dental testing agency, inc. (SRTA), the
 15 council of interstate testing agencies, inc. (CITA), or the western regional examining board
 16 (WREB).
- 17 (B) Applicants for licensure to practice dental hygiene as provided in section 4715.27 of the Revised
 18 Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state
 19 dental board:

- 20 (1) Be at least eighteen years of age; and
 21 (2) Be of good moral character; and
 22 (3) Be a graduate of an accredited school of dental hygiene; and
 23 (4) Has successfully passed all parts of the examination given by the joint commission on national
 24 dental examinations; and
 25 (5) Holds a license in good standing from another state and has actively engaged in the legal and
 26 reputable practice of dental hygiene in another state or in the armed forces of the United
 27 States, the United States public health service, or the United States department of veterans'
 28 affairs for five years immediately preceding application; and
 29 (6) Proves to the satisfaction of the board the intention to practice dental hygiene in this state.
 30 (C) Each applicant for licensure to practice dental hygiene shall successfully pass a jurisprudence
 31 examination approved by the state dental board on the statute and rules governing the practice of
 32 dental hygiene in the state of Ohio.

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Prior Effective Dates: 5/15/03, 6/7/04

4715-15-26 Evidence.

- 1 The "Ohio rules of evidence" may be taken into consideration by the board or its attorney hearing
 2 examiner in determining the admissibility of evidence, but shall not be controlling. The "Ohio rules of
 3 evidence" are readily available to attorneys and may be found at public libraries, bookstores, and on the
 4 internet at <http://www.supremecourt.ohio.gov/LegalResources/Rules/evidence/evidence.pdf>.
 5 The attorney hearing examiner may permit the use of electronic or photographic means for the
 6 presentation of evidence.

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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 5162. 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 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 school or dental hygiene college or 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-volunteer](#) 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-volunteer](#) 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-volunteer](#) 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-volunteer](#) 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-volunteer](#) 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-volunteer](#) 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-volunteer](#) 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.

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