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H.B. 203
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsor: Rep. Lipps

Effective date: December 16, 2020

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SUMMARY

- Requires a mobile dental facility operator, who must be a dentist, to provide specified information to patients, the State Dental Board, and treatment venues.
- Modifies the authority of pharmacists to enter into consult agreements for managing patient drug therapies by (1) authorizing agreements with advanced practice registered nurses or physician assistants (rather than only physicians) and (2) permitting any laboratory or diagnostic test to be ordered (rather than only blood or urine tests).

DETAILED ANALYSIS

Mobile dental facilities

The act establishes notification requirements for mobile dental facilities, which are described as either (1) a self-contained, intact facility that may be transported from one location to another in which dentistry or dental hygiene is practiced or (2) a site used on a temporary basis to provide dental or dental hygiene services using portable equipment. Only a licensed dentist may operate a mobile dental facility.¹

Information to the patient

The act requires a mobile dental facility's operator, or the operator's representative, to provide each patient, or the patient's representative, with the following:

1. The name of each individual who arranged for or provided services to the patient;

¹ R.C. 4715.70 and 4715.71; conforming change in R.C. 4715.36.

2. The telephone number to reach the facility operator or representative in case of an emergency;
3. A list of the services provided to the patient;
4. Any recommendations regarding further dental or dental hygiene services;
5. A notice that the facility must provide access to the patient's complete dental records in accordance with state and federal law; and
6. Instructions for requesting a copy or transfer of the patient's records.²

Information to the licensing board and treatment venues

The act requires a mobile dental facility's operator, or the operator's representative, to notify the State Dental Board and all treatment venues if the operator (1) has a change of address or telephone number or (2) ceases to operate the facility. The notice must be provided in writing within 14 days after either event occurs.³

A dentist who operates a mobile dental facility is required by the act to include information regarding the facility on the form the dentist uses for biennial licensure registration with the Board. The Board may require any information considered necessary to monitor compliance with the act.⁴

Enforcement

The act authorizes the Board to take professional disciplinary action against a dentist operating a mobile dental facility if the dentist fails to comply with any of the act's requirements for providing information to patients, the Board, or treatment venues.⁵

Pharmacist consult agreements

The act modifies pharmacists' authority to enter into consult agreements for the management of patient drug therapies.⁶

Consulting with health care professionals

While continuing to authorize consult agreements between pharmacists and physicians, the act permits one or more pharmacists to enter into a consult agreement with one or more advanced practice registered nurses or physician assistants. For a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to be eligible to enter into the agreement, at least one of the nurse's collaborating physicians must authorize it. Similarly, for a

² R.C. 4715.71.

³ R.C. 4715.72.

⁴ R.C. 4715.14(A)(1).

⁵ R.C. 4715.30(A)(18).

⁶ R.C. 4729.01(B) and 4729.39.

physician assistant to be eligible, at least one of the physician assistant's supervising physicians must authorize it.⁷

Ordering and evaluating tests

As part of managing a patient's drug therapy under a consult agreement, the act permits a pharmacist to order and evaluate not only blood and urine tests, as provided under continuing law, but also other laboratory and diagnostic tests. The act clarifies that the tests, as opposed to the results, must be related to the patient's drug therapy. Although the act broadens the authority to order and evaluate tests and results, a pharmacist remains unauthorized to make a diagnosis.⁸

Conforming changes

Because the act expands the types of practitioners with whom pharmacists may enter into consult agreements, it makes corresponding changes to a number of related laws.⁹

HISTORY

Action	Date
Introduced	04-16-19
Reported, H. Health	06-26-19
Passed House (92-0)	11-06-19
Reported, S. Health, Human Services & Medicaid	05-15-20
Passed Senate (32-0)	05-20-20
House concurred in Senate amendments (93-1)	09-01-20

20-HB203-133/ts

⁷ R.C. 4729.39(A) and (B).

⁸ R.C. 4729.39(D)(1)(b).

⁹ R.C. 1751.91, 3923.89, 4723.28, 4729.39(E), 4730.25, and 5164.14.