



# Ohio Legislative Service Commission

## Bill Analysis

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### S.B. 330

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(As Introduced)

**Sens.** Lehner, Hite, Jones, Thomas

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## BILL SUMMARY

- Provides for the regulation and licensure of dental therapists.
- Establishes supervision and scope of practice standards for dental therapists.
- Specifies that laws applying to health professionals generally apply to dental therapists.
- Permits a dentist to assign additional intraoral tasks to a dental hygienist.
- Modifies the authority of certain dental health professionals to practice while a supervising dentist is not physically present.
- Modifies the supervision requirements for dental assistants, dental x-ray machine operators, and expanded function dental auxiliaries.
- Adds two dental therapists to the State Dental Board.

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## CONTENT AND OPERATION

### DENTAL THERAPISTS

The bill provides for the regulation and licensure of a dental health profession not provided for under current Ohio law: dental therapy.



## Dental therapy scope of practice

### Supervision by a dentist

Under the bill, a dental therapist may practice only under the supervision, control, and full responsibility of a licensed dentist. The bill prohibits a dental therapist from practicing independently from the supervising dentist's practice or the practice of another dentist authorized by the supervising dentist.<sup>1</sup> A violation of this prohibition is a first degree misdemeanor for a first offense and a fifth degree felony for a subsequent offense.<sup>2</sup>

A dentist may supervise up to four dental therapists at the same time.<sup>3</sup>

### Dental therapy services

Under the bill, the following services are included in a dental therapist's scope of practice:

Oral health instruction and disease prevention education	Diagnosing dental disease and creating an individualized treatment plan or referring for services
Dental charting	Serial extractions of primary teeth, not including facilitative or surgical extractions
Making radiographs	Nonsurgical extractions of teeth that are not unerupted, impacted or fractured and need not be sectioned for removal
Dental prophylaxis	Emergency palliative treatment of dental pain
Mechanical polishing	Placement and removal of space maintainers
Prescribing, administering, and dispensing topical or prophylactic agents	Cavity preparation
Applying fluoride and pit and fissure sealants	Restoration of teeth (not including procedures involving permanent crowns, bridges, or denture fabrication)
Pulp vitality testing	Placement of temporary crowns
Applying desensitizing medication or resin	Preparation and placement of preformed crowns
Fabricating athletic mouth guards	Pulpotomies on primary teeth
Placing temporary restorations	Pulp capping

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<sup>1</sup> R.C. 4715.72(A) and (C).

<sup>2</sup> R.C. 4715.99.

<sup>3</sup> R.C. 4715.72.



Fabricating soft occlusal guards	Suture removal
Certain denture-related procedures (i.e., tissue conditioning or soft relines)	Brush biopsies
Interim therapeutic restorations	Repairing defective prosthetic devices
Periodontal dressing changes	Recementing permanent crowns
Emergency and interim tooth reimplantation and stabilization of permanent teeth	Providing, dispensing, and administering nonprescription analgesic drugs
Administering local anesthetic	Performing oral cancer screening
Administering nitrous oxide in accordance with rules adopted by the Board	Any other service authorized by the Board

The bill permits a dental therapist to provide a dental therapy service only if the therapist has been authorized to do so by a dentist and has been educated to provide the service.<sup>4</sup>

### **Authority to administer intraoral block and infiltration local anesthesia**

In addition to the services listed above, the bill permits dental therapists who meet certain requirements to administer intraoral block and infiltration local anesthesia. To be authorized to administer the anesthesia, a dental therapist must be certified to perform basic cardiac life-support and satisfy either the education requirements described below or the licensing requirements described below.<sup>5</sup>

#### **Education requirements**

To satisfy the education requirements, a dental therapist must successfully complete a course in the administration of local anesthesia that has been approved by the Board and that is offered by a CODA-accredited program. Within 18 months of completing the course, the therapist must pass a state or regional written examination on local anesthesia that has been approved by the Board.<sup>6</sup>

To receive Board approval, a local anesthesia administration course must contain at least 15 hours of didactic instruction, at least 14 hours of clinical experience, and instruction on each of the following:<sup>7</sup>

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<sup>4</sup> R.C. 4715.73(A).

<sup>5</sup> R.C. 4715.73(B).

<sup>6</sup> R.C. 4715.73(B)(1).

<sup>7</sup> R.C. 4715.73(C).

Theory of pain control	Psychological aspects of pain control
Selection of pain control modalities	Systemic complications
Anatomy	Techniques of maxillary and mandibular anesthesia
Neurophysiology	Infection control
Pharmacology of local anesthetics	Local anesthesia medical emergencies
Pharmacology of vasoconstrictors	

### **Licensing requirements**

To satisfy the licensing requirements, a dental therapist (1) must be authorized by another state's dental therapy licensing authority to administer local anesthesia and (2) as a condition of receiving that authorization, must have completed a course or instruction in the administration of local anesthesia. The required hours and content of the course must be substantially equivalent, as determined by the Board, to the hours and content described above (see "**Education requirements**"). If the Board determines that the required hours and content of the courses are not substantially equivalent, the dental therapist must submit evidence that the therapist obtained 24 consecutive months of experience in the administration of local anesthesia in the other state. That experience must have been obtained within the 4-year period immediately preceding the date that the therapist applied for an Ohio license.<sup>8</sup>

### **Physical presence of supervising dentist**

The bill generally prohibits a dental therapist from providing dental therapy services when the supervising dentist is not physically present.<sup>9</sup> An exception to this general prohibition permits a dental therapist to practice under a dentist's general supervision, regardless of whether the dentist is physically present, if the dentist and dental therapist have entered into a supervision agreement.<sup>10</sup>

To be eligible to practice under a dentist's general supervision, the dental therapist must have successfully completed 400 hours of clinical practice under the direct supervision of a dentist and have entered into a supervision agreement with the supervising dentist. The dental therapist must demonstrate proficiency in performing each service that the therapist is authorized to perform under the agreement.

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<sup>8</sup> R.C. 4715.73(B)(2).

<sup>9</sup> R.C. 4715.72(A).

<sup>10</sup> R.C. 4715.74.

To be valid, the supervision agreement must include any exclusions, limitations, or conditions on the services the dental therapist is authorized to provide. In the agreement, the dental therapist must agree to comply with any written protocols or standing orders established by the supervising dentist. The agreement must also describe circumstances under which the dental therapist is required to refer patients to the supervising dentist, another dentist, or another health care professional. When practicing under a dentist's general supervision, the dental therapist must comply with the supervision agreement.

The bill defines "general supervision" as a form of supervision in which the supervisor is reasonably available for consultation and direction through some form of communication, regardless of whether the supervisor is physically present at the location of the individual being supervised.<sup>11</sup>

### **Locations of practice**

The bill limits the locations in which a dental therapist may practice. Generally, a dental therapist may practice only in an area that has been designated either as a dental health resource shortage area by the Director of Health or as a dental care health professional shortage area by the U.S. Health Resources and Services Administration.<sup>12</sup> A dental health resource shortage area is an area that experiences special dental health problems and dentist practice patterns that limit access to dental care, and a dental care health professional shortage area is an area with a health manpower shortage that is not reasonably accessible to an adequately served area.<sup>13</sup>

The bill specifies that these limits do not apply to a dental therapist if at least 20% of the supervising dentist's patients are Medicaid recipients. In that case, the dental therapist may practice in any area.<sup>14</sup>

### **Licensing requirements**

The bill prohibits a person from purposefully practicing as a dental therapist unless the person has been licensed by the Board to practice as a dental therapist.<sup>15</sup> The bill also prohibits a person from knowingly employing a dental therapist who has not

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<sup>11</sup> R.C. 4715.74.

<sup>12</sup> R.C. 4715.72(B).

<sup>13</sup> R.C. 3702.87, not in bill, and 42 U.S.C. 254e(a)(1).

<sup>14</sup> R.C. 4715.72(B)(3).

<sup>15</sup> R.C. 4715.70.

complied with the laws regulating dental health professionals.<sup>16</sup> A violation of either of these prohibitions is a first degree misdemeanor for a first offense and a fifth degree felony for a subsequent offense.<sup>17</sup>

The bill extends continuing law permitting the Board to request the Attorney General or a county prosecutor to apply for an injunction to restrain the unlicensed practice of dentistry or dental hygiene by permitting the Board to make such a request to restrain the unlicensed practice of dental therapy.<sup>18</sup>

### **Eligibility requirements**

To be eligible for a license to practice dental therapy, an applicant must satisfy the following requirements:<sup>19</sup>

- (1) Be at least 18 years of age and of good moral character;
- (2) Have graduated from a dental therapy education program accredited by the Commission on Dental Accreditation (CODA);
- (3) Have passed a dental therapy examination prescribed by the Board;
- (4) Pay an application fee, which is \$96 for a license issued in an odd-numbered year and \$147 for a license issued in an even-numbered year.

An individual seeking a dental therapy license must file an application verified by oath with the Board's secretary. The Board must issue a dental therapy license to each applicant who submits a complete application and satisfies the eligibility requirements.<sup>20</sup>

### **Dental therapy examination**

As mentioned above, each applicant must pass a Board-prescribed dental therapy examination. The bill permits an applicant who fails to pass the examination to apply for a reexamination. If the applicant fails the reexamination, the applicant must

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<sup>16</sup> R.C. 4715.79.

<sup>17</sup> R.C. 4715.99.

<sup>18</sup> R.C. 4715.05.

<sup>19</sup> R.C. 4715.71(A).

<sup>20</sup> R.C. 4715.71(C).



successfully complete a refresher course from a dental therapy education program accredited by CODA before being admitted to take the examination for a third time.<sup>21</sup>

### **Alternative eligibility requirements**

The bill establishes a means for an applicant to become eligible for a dental therapy license without graduating from a CODA-accredited dental therapy education program. The bill permits the Board to issue a dental therapy license to such an applicant if the applicant:<sup>22</sup>

- (1) Is at least 18 years old and of good moral character;
- (2) Demonstrates, to the Board's satisfaction, knowledge of the laws, regulations, and rules governing the practice of dental therapy;
- (3) Proves, to the Board's satisfaction, intent to practice dental therapy in Ohio;
- (4) Is a graduate of an education program that the Board determines has standards substantially similar to those that must be met to be accredited by CODA;
- (5) Either holds a license or certification by examination from dental therapy licensing agency in another jurisdiction or passes a Board-prescribed examination relating to the practice of dental therapy.

### **Display of license**

A dental therapist's license must be displayed in a conspicuous place in the room in which the dental therapist practices.<sup>23</sup>

### **Registration**

The bill requires each licensed dental therapist to register with the State Dental Board on or before January 1 of each even-numbered year. The registration must be made on a Board-prescribed form and include the dental therapist's name, address, license number, office location, name of the supervising dentist, and any other reasonable information the Board considers necessary. The registration form must be accompanied by a \$105 registration fee paid to the State Treasurer.

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<sup>21</sup> R.C. 4715.71(B).

<sup>22</sup> R.C. 4715.78(A).

<sup>23</sup> R.C. 4715.75(C).



Registration is valid for the two-year period beginning January 1 of the even-numbered year and ending December 31 of the following odd-numbered year. Registration must be renewed in accordance with Ohio's standard renewal procedure (Revised Code Chapter 4745.). Failure to renew registration results in the automatic suspension of the dental therapist's license, unless the therapist is temporarily retired. A dental therapist whose license has been suspended for failure to renew registration may apply for license reinstatement. The reinstatement application must include payment of the biennial registration fee plus an additional \$31 to cover the costs of reinstatement.<sup>24</sup>

### **Record of dental therapists**

The bill requires the Secretary of the Board to keep a record of all dental therapists and dental hygienist therapists. The record must include the therapist's office location and the name of the supervising dentist.<sup>25</sup>

The bill requires a dental therapist to notify the Secretary in writing or electronically of any change in the therapist's office address or employment within ten days of the change.<sup>26</sup>

### **Limited teaching license**

The bill permits the Board to issue a limited teaching license authorizing the license-holder to teach and demonstrate the skills of a dental therapist in an educational program of a CODA-accredited dental therapy education program. Such a license may be issued to an applicant who is authorized to practice dental therapy in another state or country.

An application for a limited teaching license must be endorsed by the dental therapy education program where the applicant will be teaching and must be accompanied by a \$58 payment. The license may be issued without an examination and must be renewed annually in accordance with Ohio's Standard License Renewal Procedure (Revised Code Chapter 4745.).<sup>27</sup>

### **Dental hygienist therapist**

The bill establishes that the practice of a dental hygienist therapist consists of both the practice of a dental hygienist and the practice of a dental therapist. The bill

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<sup>24</sup> R.C. 4715.75.

<sup>25</sup> R.C. 4715.77.

<sup>26</sup> R.C. 4715.75(C).

<sup>27</sup> R.C. 4715.78.



prohibits an individual from holding that person's self out as being a dental hygienist therapist unless the individual holds a license to practice dental hygiene and a license to practice dental therapy.<sup>28</sup>

## **Continuing education**

When renewing a dental therapy registration, a dental therapist must certify that the therapist completed 24 hours of continuing dental therapy education during the preceding two-year period. Under the bill, the following courses apply toward meeting the continuing education requirement:<sup>29</sup>

- (1) Basic life-support training course;
- (2) Any course required by statute or Board rule for registration or as a condition of performing a particular function;
- (3) Any other course the Board considers acceptable.

The bill permits continuing dental therapy education courses to be developed by any of the following:<sup>30</sup>

- (1) National or state dental therapy associations or district or local dental therapy associations affiliated with a national or state dental therapy association;
- (2) CODA-accredited dental therapy education programs;
- (3) Accredited dental colleges or schools;
- (4) Board-approved organizations, schools, paraprofessional programs, or agencies.

The bill requires a dental therapist to retain receipts, vouchers, or certificates to document completion of continuing education programs. The documents must be retained for four years, and the Board is authorized to request the documentation from a therapist. In the case of an unusual circumstance, emergency, or special hardship, the Board may excuse dental therapists, either individually or as a group, from all or part of

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<sup>28</sup> R.C. 4715.80.

<sup>29</sup> R.C. 4715.76(A) and (B).

<sup>30</sup> R.C. 4715.76(C).

the continuing education requirement. Failure to satisfy the continuing education requirement constitutes a failure to renew registration.<sup>31</sup>

For dental hygienist therapists, courses taken to satisfy the continuing dental hygiene education apply towards meeting the continuing dental therapy education requirements.<sup>32</sup> Similarly, courses taken to satisfy the continuing dental therapy education requirements apply towards meeting the continuing dental hygiene education requirements.<sup>33</sup>

### **Life-support certification**

To renew a dental therapy registration, a dental therapist must be certified to perform basic life-support procedures. The certification must be the result of completing a basic life-support training course certified by the American Red Cross, the American Heart Association, or, if certain conditions are satisfied, the American Safety and Health Institute (ASHI).

The bill requires the Board to determine whether the life-support training certified by ASHI meets national standards. The Board must compare the ASHI-certified training with the training certified by the American Red Cross and the American Heart Association. If the Board determines ASHI-certified training meets national standards and is equivalent to the other courses, then ASHI-certified training will satisfy the life-support certification requirements.<sup>34</sup>

### **Temporary retirement**

The bill permits a dental therapist to temporarily retire from the practice of dental therapy during which time the therapist's license is inactive. A therapist who seeks to temporarily retire must provide written notice to the Board. The Board must grant the request unless the therapist has not paid the registration fee for the registration period that includes the day immediately preceding the start date of the temporary retirement or the therapist is the subject of a disciplinary action initiated by the Board.<sup>35</sup>

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<sup>31</sup> R.C. 4715.76(D), (E), and (F).

<sup>32</sup> R.C. 4715.76(B).

<sup>33</sup> R.C. 4715.25.

<sup>34</sup> R.C. 4715.761.

<sup>35</sup> R.C. 4715.751.

## **Reinstatement**

A temporarily retired dental therapist may apply in writing at any time for reinstatement of the inactive license. To have a license reinstated, the therapist must pay the registration fee for the registration period that includes the day on which the retirement is to cease and have completed 24 hours of continuing dental therapy education during the preceding two-year period. In the case of an unusual circumstance, emergency, or special hardship, the Board may excuse dental therapists, individually or as a group, from all or part of this continuing education requirement.

The Board must register each dental therapist whose license is reinstated, and the registration expires at the end of the registration period during which the license is reinstated.<sup>36</sup>

## **Volunteer certificate**

Continuing law permits retired dentists and dental hygienists to apply for a volunteer's certificate permitting the certificate holder to provide dental services to indigent and uninsured persons. The bill extends this authority to retired dental therapists.

To apply for a volunteer's certificate, the retired dental therapist must submit a certificate of graduation from a dental therapy program, a copy of the therapist's most recent license to practice, and evidence that the therapist practiced for at least ten years prior to retiring. The certificate is valid for three years and may be renewed.<sup>37</sup>

## **Disciplinary actions**

Continuing law prohibits a dental health professional from providing or allowing another dental health professional to provide dental care that departs from or fails to conform to accepted standards of practice. The bill extends this prohibition to dental therapists.

Continuing law also subjects a manager, proprietor, operator, or conductor of a dental facility to disciplinary action if a dental health professional providing services in the facility is found to have violated the law and the manager, proprietor, operator, or conductor knew of the violation and permitted it to occur on a recurring basis. The bill applies this provision to violations of dental therapists.<sup>38</sup>

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<sup>36</sup> R.C. 4715.752.

<sup>37</sup> R.C. 4715.42.

<sup>38</sup> R.C. 4715.30.



## **Substance abuse**

Under continuing law, the Board is required to adopt rules establishing standards for the treatment of substance abuse for dentists and dental hygienists. Under the bill, the Board must also establish standards for the treatment of substance abuse for dental therapists.<sup>39</sup>

## **Civil immunity**

Continuing law grants immunity in a tort or other civil action to a health care professional who volunteers to provide free health care services to an indigent and uninsured person, unless an action or omission constitutes willful or wanton misconduct. The bill extends this qualified immunity to dental therapists.<sup>40</sup>

Continuing law also grants immunity to a health care professional for matters related to donating, giving, accepting, or dispensing drugs under the Drug Repository Program. The bill extends this immunity to dental therapists.<sup>41</sup>

## **Dental therapy students**

The bill requires a dentist to be physically present whenever a dental therapy student is performing clinical dental procedures on a patient.

Continuing law specifies that laws regulating the practices of dentistry and dental hygiene do not apply to bona fide dentistry and dental hygiene students. The bill adds to this provision by specifying that the laws regulating the practice of dental therapy do not apply to a bona fide dental therapy student when the student is participating in a dental therapy education program accredited by CODA.<sup>42</sup>

## **Drug offense conviction**

Continuing law requires a court to notify a professional licensing board if a person holding a specified professional license has been convicted of or pleads guilty to certain drug offenses. The bill extends the notification requirement to holders of a dental therapist license or a dental therapist's limited teaching license.<sup>43</sup>

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<sup>39</sup> R.C. 4715.301.

<sup>40</sup> R.C. 2305.234.

<sup>41</sup> R.C. 3715.872.

<sup>42</sup> R.C. 4715.33.

<sup>43</sup> R.C. 2925.01.

## **AIDS patient referrals**

Continuing law prohibits a government entity or private nonprofit corporation receiving state or local government funds from refusing to admit or provide services to an individual solely because the individual refuses to consent to an HIV test or to disclose HIV test results. The bill specifies that this prohibition does not prevent a dental therapist from referring an individual who the therapist has reason to believe may have AIDS or an AIDS-related condition to an appropriate health care provider or facility.<sup>44</sup>

## **Patient access to records**

Continuing law contains provisions governing a patient's access to the patient's records and the fees that may be charged for providing copies of the records to a patient, the patient's personal representative, or other person the patient authorizes. The bill extends these laws to dental therapists.<sup>45</sup>

## **Liability insurance**

Continuing law permits a board of health to purchase liability insurance for a health care professional with whom the board contracts for providing health care services. The bill includes a dental therapist as a health care professional for whom liability insurance may be purchased.<sup>46</sup>

## **Duty to report**

Continuing law requires certain health care professionals to report the abuse, neglect, or misappropriation of property of a person residing in a nursing home or residential care facility. The bill extends this requirement to dental therapists.<sup>47</sup>

## **Employment**

Continuing law specifies that no law precludes a health insuring corporation, health care practitioner, or organized health care group from employing certain health personnel. The bill includes dental therapists among the listed health personnel.<sup>48</sup>

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<sup>44</sup> R.C. 3701.245.

<sup>45</sup> R.C. 3701.74 and 3701.741, not in the bill.

<sup>46</sup> R.C. 3709.161.

<sup>47</sup> R.C. 3721.21.

<sup>48</sup> R.C. 1751.01.

## DENTAL HYGIENISTS

### Practicing while dentist is absent

Under continuing law, a dental hygienist is generally prohibited from providing dental hygiene services unless a supervising dentist is physically present. The bill modifies an exception to this prohibition when a dentist is absent for up to 15 business days and creates an additional exception when the dentist and hygienist have entered into a supervision agreement.

#### Temporary absence exception

Continuing law permits a dental hygienist to provide services to a patient while a supervising dentist is absent for up to 15 consecutive business days if certain requirements are satisfied. Under current law, one such requirement is that the dental hygienist must have at least one year and a minimum of 1,500 hours of dental hygiene experience. The bill modifies this requirement by instead requiring that the dental hygienist have successfully completed 400 hours of clinical practice under the direct supervision of a dentist.<sup>49</sup>

#### General supervision exception

The bill creates an additional exception permitting a dental hygienist to provide dental hygiene services to a patient while a dentist is not physically present if the hygienist enters into a supervision agreement with a supervising dentist. The services may be provided regardless of whether a dentist has examined, diagnosed, or provided treatment planning for the patient.

To be eligible to provide dental hygiene services while a dentist is not physically present pursuant to a supervision agreement, the dental hygienist must have successfully completed 400 hours of clinical practice as a licensed hygienist under the direct supervision of a dentist and have demonstrated to the supervising dentist proficiency in each service authorized under the supervision agreement. While providing the services, the dental hygienist must comply with the supervision agreement.<sup>50</sup>

To permit a dental hygienist to practice while a dentist is not physically present, the supervision agreement must authorize the dental hygienist to provide dental

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<sup>49</sup> R.C. 4715.22(C).

<sup>50</sup> R.C. 4715.22(E).



hygiene services under the dentist's general supervision<sup>51</sup> and must include the following:<sup>52</sup>

(1) Any exclusions, limitations, or conditions on the services the dental hygienist is authorized to perform;

(2) A statement from the dental hygienist agreeing to comply with any written protocols or standing orders established by the supervising dentist;

(3) A description of circumstances under which the dental hygienist is required to refer patients to the supervising dentist or another dentist or health care professional.

### **Dental hygiene services**

The bill specifies that a dentist may assign the following intraoral tasks to a dental hygienist:<sup>53</sup>

(1) Performing oral cancer screenings;

(2) Prescribing, administering, and dispensing topical or prophylactic agents, including fluoride varnishes, antimicrobial solutions for mouth rinsing, and other antimicrobial agents;

(3) Applying fluoride and pit and fissure sealants.

### **Continuing dental hygiene education**

Continuing law specifies the agencies or organizations that may develop and offer continuing dental hygiene education programs. The bill adds national or state dental therapy associations, district or local dental therapy associations affiliated with a national or state dental therapy association, and dental therapy education programs accredited by CODA.<sup>54</sup>

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<sup>51</sup> R.C. 4715.22(A).

<sup>52</sup> R.C. 4715.221.

<sup>53</sup> R.C. 4715.232.

<sup>54</sup> R.C. 4715.25.



## Oral Health Access Supervision Program

The bill repeals the Oral Health Access Supervision Program. Under the Program, qualified dental hygienists are permitted to provide limited services in underserved areas while a dentist is not physically present.<sup>55</sup>

### DENTAL ASSISTANTS

#### Supervision

Current law generally requires dental assistants and other qualified personnel to practice under the direct supervision of a dentist. The bill permits dental assistants and other qualified personnel to perform services under the direct supervision of a dental hygienist or a dental therapist if the hygienist or therapist is authorized to perform the services.

Continuing law contains exceptions to the direct supervision requirement; qualified dental assistants are permitted to perform a limited number of services while a dentist is not physically present for up to 15 consecutive business days and are permitted to apply pit and fissure sealants while a dentist is not physically present. Under the bill, the exceptions also apply when neither a supervising dental hygienist nor supervising dental therapist is present.<sup>56</sup>

Continuing law prohibits a dentist from assigning to a dental assistant or other qualified personnel any dental procedure that the assistant or personnel are not legally authorized to perform. The bill extends this prohibition to dental hygienists and dental therapists.<sup>57</sup> A first-time violation of this prohibition is a first degree misdemeanor, and each subsequent violation is a fifth degree felony.<sup>58</sup>

Under current law, a dental assistant may polish the clinical crowns of teeth and apply pit and fissure sealants only after a dentist has evaluated the patient. Under the bill, a dental assistant is permitted to perform those services after either a dentist or a dental therapist has evaluated the patient.<sup>59</sup>

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<sup>55</sup> R.C. 4715.36, 4715.361, 4715.362, 4715.363, 4715.364, 4715.365, 4715.366, 4715.367, 4715.368, 4715.369, 4715.371, 4715.372, 4715.373, 4715.374, and 4715.375.

<sup>56</sup> R.C. 4715.39.

<sup>57</sup> R.C. 4715.39(H).

<sup>58</sup> R.C. 4715.99.

<sup>59</sup> R.C. 4715.39(B).



## DENTAL X-RAY MACHINE OPERATORS

### Supervision

Current law requires a dental x-ray machine operator to perform radiologic procedures only under the direct supervision of a dentist. The bill permits a dental x-ray machine operator to practice under the direct supervision of either a dentist or a dental therapist.

Continuing law permits a dental x-ray machine operator to practice while a dentist is not physically present if the dentist examined the patient within the preceding year and the dentist ordered the radiologic procedure. The bill permits a machine operator to practice while neither a dentist nor a dental therapist is present if either the dentist or the dental therapist examined the patient within the preceding year and the dentist or dental therapist ordered the procedure.<sup>60</sup>

## EXPANDED FUNCTION DENTAL AUXILIARIES

### Supervision

Current law generally requires an expanded function dental auxiliary (EFDA) to practice only under the supervision of a dentist who is physically present. The bill permits an EFDA to perform services under the direct supervision of a dental hygienist or a dental therapist if the hygienist or therapist is physically present and is authorized to perform the services.

Continuing law contains two exceptions to the requirement that the supervising dentist be physically present when an EFDA is providing services; qualified dental assistants are permitted to perform a limited number of services while a dentist is not physically present for up to 15 consecutive business days and are permitted to apply pit and fissure sealants while a dentist is not physically present. Under the bill, those exceptions also apply when neither a supervising dental hygienist nor supervising dental therapist is present.<sup>61</sup>

### Competency examination

The bill modifies the requirements to be eligible to register as an EFDA. Under continuing law, an individual must pass a Board-approved examination. The bill permits the Board to approve examinations that permit licensed dental therapists and

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<sup>60</sup> R.C. 4715.56.

<sup>61</sup> R.C. 4715.64.



unlicensed dental therapists who have graduated from a dental therapy education program accredited by CODA to take the examination.<sup>62</sup>

## **STATE DENTAL BOARD**

### **Board membership**

The bill adds two members to the State Dental Board, thereby increasing membership to 15 members. The two additional members must be graduates of a reputable dental therapy program, must be United States citizens, and must have been practicing dental therapy in Ohio legally and reputably for the six-month period preceding the appointment. Of those two members, at most one can be employed as a full-time teacher of dental therapy students.

The Governor must appoint the new members with the advice and consent of the Senate. A state or national organization that represents the practice of dental therapy may submit to the Governor five nominees for each of the two dental therapy positions. The Governor, at the Governor's discretion, may nominate an individual from that list of names or an individual not included on the list.<sup>63</sup>

### **Initial dental therapy members**

Until the Board has implemented the bill and individuals are available who meet the requirements to be appointed to the Board positions created by the bill, the bill permits the Governor to fill the vacancies by appointing individuals who are representatives of national or state organizations that represent the interests of persons who practice dental therapy.<sup>64</sup>

### **Duties related to the practice of dental therapy**

Continuing law requires the Board to adopt rules establishing standards for the safe practice of dentistry and dental hygiene, to promote such practice, and to examine eligible applicants to practice dental therapy. The bill extends this requirement to include the practice of dental therapy.<sup>65</sup>

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<sup>62</sup> R.C. 4715.66.

<sup>63</sup> R.C. 4715.02.

<sup>64</sup> Section 4.

<sup>65</sup> R.C. 4715.03.



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## HISTORY

ACTION

DATE

Introduced

05-17-16

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