



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: S.B. 330 of the 131st G.A.

Date: December 5, 2016

Status: As Introduced

Sponsor: Sen. Lehner

Local Impact Statement Procedure Required: No

Contents: Establishes licensing requirements for dental therapists

State Fiscal Highlights

- The State Dental Board could receive a gain in licensing and registration fee revenue. The amount will depend on the number of dental therapists seeking licensure. On the other hand, the Board would incur rule promulgation and administrative costs associated with dental therapist regulation.
- The State Dental Board will incur costs of approximately \$17,000 per year to add two new members to the Board.
- The State Dental Board may also experience a negligible increase in costs to determine whether the life-support training certified by American Safety and Health Institute (ASHI) meets national standards.
- The State Dental Board will experience a minimal loss in revenue related to the repeal of the Oral Health Access Supervision Program.

Local Fiscal Highlights

- There may be costs to local courts associated with violations of the bill regarding unlicensed, unsupervised, and unqualified practice. The number of violations is anticipated to be few, so any costs should be minimal. Additionally, some of these costs could be offset by any court costs and fine revenue collected.

Detailed Fiscal Analysis

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

Dental therapy

The bill outlines the scope of practice and eligibility requirements to obtain a license to practice dental therapy. This includes an application fee to be paid to the State Dental Board, which is \$96 for a license issued in an odd-numbered year and \$147 for a license issued in an even-numbered year. The Board must issue a dental therapy license to each applicant who submits a complete application and satisfies the eligibility requirements. As a result, the State Dental Board would realize a gain in licensing revenue. The total gain would depend on the number of individuals seeking licensure as dental therapists. According to the State Dental Board, during the initial year of the program there would likely be less than 20 applicants for licensure. However, these numbers could increase in subsequent years as additional applicants sought licensure. The Board would also realize a subsequent increase in investigative costs to regulate dental therapists. The Board could also realize one-time costs, including information technology costs to adjust the e-licensing system to include dental therapists and costs to develop a licensure examination.

The bill adds two members to the State Dental Board who are dental therapists, thereby increasing membership to 15 members. According to the Board, this will result in additional costs for the Board of about \$8,500 for each new member per year, for a total annual cost of \$17,000.

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 must be accompanied by a \$105 registration fee paid to the state treasurer. Registration must be renewed in accordance with Ohio's standard renewal procedure. The bill also outlines certain continuing education requirements for renewal. 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. The bill also provides for temporary retirement of a dental therapist, as well as reinstatement from temporary retirement. The Board will realize an increase in registration fee revenue. The amount of revenue collected will depend on the number of dental therapists seeking renewal.

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 by the Commission on Dental Accreditation. 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. The Board could realize a gain in licensing revenue and a subsequent increase in costs for issuing these licenses. However, the Board anticipates the number of licenses issued to be few, so any impact should be negligible.

Prohibitions

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. A violation of this prohibition is a first degree misdemeanor for a first offense and a fifth degree felony for a subsequent offense.

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. The bill also prohibits a person from knowingly employing a dental therapist who has not complied with the laws regulating dental health professionals. 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.

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. A first-time violation of this prohibition is a first degree misdemeanor, and each subsequent violation is a fifth degree felony.

There may be costs to local courts associated with violations of these abovementioned prohibitions, as well as incarceration costs to the Department of Rehabilitation and Correction for subsequent offenses. The number of any violations is anticipated to be few. Thus, any costs are anticipated to be minimal. Additionally, some of the costs may be offset by any court costs or fine revenue collected.

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. This could result in related costs for the Attorney General or a county prosecutor.

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. The Board expects that it would contract out for this work at a negligible cost.

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. The fee charged to participate in the program is \$20 for both dentists and dental hygienists each biennial renewal period. According to the Board, there have been 69 dentists and 124 dental hygienists who have participated in the program since its inception in 2010. As a result, the Board will experience a minimal loss in revenue related to the repeal of the program. There could also be a minimal decrease in administrative costs associated with the Board's duties regarding the program.

Rule promulgation

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. The Board may experience a minimal increase in costs to adopt such rules.