



Ohio State Dental Board  
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### NOTICE OF PUBLIC HEARING

The Ohio State Dental Board will hold a Public Hearing on Wednesday, July 27<sup>th</sup>, 2016 at 1:30 p.m. in the Vern Riffe Center for the Government and the Arts, 77 S. High St., 19<sup>th</sup> Floor, Room 1960, Columbus, Ohio for the purpose of adopting the following administrative rules.

<i>Rule Number</i>	<i>Rule Title</i>	<i>Synopsis of Proposed Rule</i>
<b>DEFINITIONS</b>		
4715-3-01 - Amended	Definitions.	Amendments set forth new and revised definitions under the categories: "Educational terms", "Miscellaneous terms", "Military personnel/veterans", and "Tasks and/or procedures" and to correct grammatical errors.
<b>DENTISTS</b>		
4715-5-01.1 - Amended	Requirements for initial licensure for dentists.	Amentments to the rule were made for gender neutralization.
4715-5-02 - Amended	Written work authorization.	Amendment to the rule is to clarify that the original work authorization must include the original signature of the prescribing dentist.
4715-5-08 - Amended	Denture identification.	Amendments to the rule further define "removable prosthesis".
<b>REVIEW OF OHIO AUTOMATED RX REPORTING SYSTEM</b>		
4715-6-01 - To be rescinded	Standards and procedures for review of Ohio Automated Rx Reporting System (OARRS).	To be rescinded and replaced by new rule 4715-6-01.
4715-6-01 - New	Standards and procedures for review of Ohio Automated Rx Reporting System (OARRS).	Rule sets forth the guidelines for accessing the Ohio Automated Rx Reporting System (OARRS) by licensed dentists in Ohio. The rule as proposed is to be amended by more than fifty percent and, therefore, the current rule is to be rescinded and the amended language adoptes as a new rule. The rule establishes the standards and procedures for a dentist's review of the OARRS. The amendments reflex the provisions of O.R.,C. 4715.032, effective April 1, 2015, and the state policy that dentists should utilize OARRS information when prescribing controlled substances. The rule incorporates the exceptions contained in O.R.C. 4715.032.
<b>CONTINUING EDUCATION</b>		
4715-8-02 - Amended	Sponsors of continuing education.	Amendments to the rule correct statutory references.
4715-8-03 - Amended	Standards for approval of biennial sponsors.	Amendments to the rule correct statutory and rule references.
4715-8-04 - Amended	Continuing education requirements for renewal or reinstatement.	Amendments to the rule correct statutory references and to correct numbering errors.

<b>DENTAL HYGIENISTS</b>		
4715-9-01 – Amended	Permissible practices of a dental hygienist.	Amendments to the rule were made to correct typographical errors and to include additional duties implemented by HB 463.
4715-9-03 – Amended	Requirements for licensure for dental hygienists.	Amendments to the rule were for gender neutralization purposes.
4715-9-04 – Amended	Dental hygiene teaching certificate.	Amendments to the rule were for gender neutralization purposes.
4715-9-05 – Amended	Practice when the dentist is not physically present.	Amendments to the rule were made to reduce practice hours, increase the time in which the patient was last examined by the license dentist, and to include additional duties implemented by the enactment of HB 463.
4715-9-06 – Amended	Dental hygienist participating in the oral health access supervision program (OHASP).	Amendments to the rule were made due to the enactment of HB 463.
<b>ORAL HEALTH ACCESS SUPERVISION PERMIT</b>		
4715-10-03 - Amended	Application for oral health access supervision program permit; dental hygienist.	Amendments to the rule were made due to the enactment of HB 463.
<b>QUALIFIED PERSONNEL</b>		
4715-11-01 - Amended	Dentists may supervise dental auxiliaries, basic qualified personnel, certified dental assistants, expanded function dental auxiliary.	Amendments to the rule were made to reflect gender neutralization and to further clarify "Advanced remedial intra-oral and extra-oral tasks and/or procedures".
4715-11-02 – Amended	Basic qualified personnel; functions.	Amendments to the rule were to add a specific duty/function.
4715-11-02.1 – Amended	Monitoring nitrous oxide-oxygen (N <sub>2</sub> O-O <sub>2</sub> ) minimal sedation; education, training and examination required.	Amendments to the rule were to reflect the appropriate date of training included in Commission on Dental Accreditation accredited dental assisting programs.
4715-11-03 – Amended	Certified dental assistant; functions; education, training and supervision requirements.	Amendments to the rule were for gender neutralization purposes.
4715-11-03.1 – Amended	Coronal polishing certification.	Amendments to the rule were for gender neutralization purposes.
4715-11-03.2 – New	Certified dental assistant; practice when the dentist is not physically present.	This rule sets forth the guidelines, certification, practice and course requirements and scope of practice for a certified dental assistant to practice when the dentist is not physically present at the location of services to be performed.
4715-11-04 – Amended	Expanded function dental auxiliaries; functions.	Amendments to the rule were made to clarify "Advanced remedial intra-oral and extra-oral tasks and/or procedures".
4715-11-04.1 – Amended	Application for registration as expanded function dental auxiliary; requirements; renewal; exemptions.	Amendments to the rule were made to further clarify background qualifications for applicants, and to require continuing education and current certification in basic life support in order to renew the registration.

<b>QUALIFIED PERSONNEL (CONTINUED)</b>		
4715-11-05 – New	Non-delegable dental tasks and/or procedures.	This rule sets forth the supervision guidelines for non-dental licensed personnel in the delivery of dental care.
4715-11-04.4 – New	Expanded function dental auxiliary; practice when the dentist is not physically present.	This rule sets forth the guidelines, certification, practice and course requirements and scope of practice for an expanded function dental auxiliary to practice when the dentist is not physically present at the location of services to be performed.
4715-11-06 – Amended	Non-delegable dental tasks and/or procedures.	Amendments to the rule were made to remove "Retraction of the gingival sulcus prior to the direct or indirect impression technique." as a non-delegable duty.
<b>DENTAL ASSISTANT RADIOGRAPHER</b>		
4715-12-01 – Amended	Permissible practices of a dental assistant radiographer; supervision required; certificate to be displayed.	Amendments to the rule allow for correction of the title of the certification and to implement changes made by the enactment of HB 463.
<b>MILITARY PERSONNEL/VETERANS</b>		
4715-14-01 – New	Processing applications from service members, veterans, or spouses of service members or veterans.	This rule sets forth the guidelines for expedited processing of applications for military and veteran personnel and/or their spouses.
4715-14-02 – New	Fee waivers available to service members, veterans, or spouses of service members or veterans.	This rule sets forth the guidelines for waiver of late fees for renewal of licensure, registration, and/or certification of military and veteran personnel and/or their spouses.
4715-14-03 – New	Military duty time extension and factors to be considered.	This rule sets forth the guidelines for extension of continuing education requirements for renewal of licensure, registration, and/or certification for military and veteran personnel and/or their spouses.
<b>ENFORCEMENT; HEARINGS</b>		
4715-15-01 – Amended	Enforcement.	Amendments to the rule were to correct typographical errors.
4715-15-02 – Amended	Representatives; appearances; communications; applicability.	Amendments to the rule were to correct typographical errors.
4715-15-16 - Amended	Reports and recommendations.	Amendments to the rule were to correct typographical errors and to incorporate requirements due to the enactment of HB 215 of the General Assembly.
<b>NOTICE OF MEETINGS</b>		
4715-17-01 – Amended	Notice of regular and special meetings of the Ohio state dental board.	Amendments to the rule were made to update the Board's contact and address information and to include the Board's e-mail address for the purposes of public notification.

<b>ACCESSING CONFIDENTIAL PERSONAL INFORMATION</b>		
4715-19-02 – Amended	Procedures for accessing personal information.	Amendments to the rule were to further clarify the Board's data privacy contact.
4715-19-04 - Amended	Confidential information.	An Amendment to the rule identifies Ohio Automated Rx Reporting System (OARRS) information obtained during an investigation by the Board to the list of confidential personal information.
<b>PATIENT AND PERSONAL PROTECTION</b>		
4715-20-03 – Amended	Disposal of sharps.	Amendments to the rule allow the Board the flexibility to set forth the disposal methods by policy.
<b>APPROVAL OF TREATMENT PROVIDERS AND CENTERS</b>		
4715-21-01 – Amended	Requirements for approval of treatment providers and treatment centers.	Amendments to the rule were made to correct statutory references and spelling errors.
<b>QUALITY INTERVENTION PROGRAM (QUIP)</b>		
4715-40-01 - Amended	Quality intervention program; Definitions.	Amendments to the rule were made to correct statutory reference.

Any person affected by the proposed rules may appear and be heard in person, through his/her attorney, or both; may present his/her position arguments, or contentions, orally or in writing; offer and examine witnesses; and present evidence tending to show that the amendments, if effectuated, will be unreasonable and unlawful.

A copy of the full text of said amended rules have been filed with the Secretary of State, Legislative Service Commission, and the Joint Committee on Agency Rule Review at least thirty days prior to the date set for the hearing and a copy of the amended rules are available in printed form at the office of the Ohio State Dental Board, 77 S. High St., 17<sup>th</sup> Floor, Columbus, Ohio 43215-6135.

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4715-3-01

**Definitions.**

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

**(A) Advertising terms**

- (1) "Invasion of privacy" - to encroach upon or violate a person's personal, intimate, and/or private space.
- (2) "Misrepresentation" - to represent falsely, wrongly, or misleadingly.
- (3) "Overreach" - to get the better of, especially by deceit or trickery; to outwit; to reach too far; to cheat others.
- (4) "Reasonably dignified" - possessing distinction, poise, honor, esteem.
- (5) "Reasonably restrained" - moderation in action or expression.
- (6) "Undue influence" - using power in an excessive or unreasonable way to produce effects, either, directly, indirectly, or through an intermediary.
- (7) "Unreasonable interference" - to unreasonably come between so as to impede, hinder or obstruct

**(B) Anesthesia/sedation terms**

- (1) "Administration" - providing, applying, or injecting a drug or other therapeutic agent for a patient of record, including providing a patient with a single dose of a controlled substance or other dangerous drug that is to be used incidental to, or contemporaneously with, a planned procedure, with the intent of being an integral and indicated action to properly initiate and complete the dental procedure within the standard of care in dentistry.
- (2) "Analgesia" - the diminution or elimination of pain.
- (3) "Anxiolysis" - the diminution or elimination of anxiety.
- (4) "Enteral/oral conscious sedation" - The use of a single drug administered orally or sublingually at one time on a given treatment day, or combination of drugs administered concomitantly orally or sublingually at one time on a given treatment day, in order to provide sedation or anxiolysis for dentistry. If the dosage is determined to be inadequate and an increased dosage is required to

sufficiently provide sedation or anxiolysis, the practitioner must reschedule the patient for a subsequent appointment on a different day. All enteral/oral sedatives shall be administered at the same time and only once during any given treatment day unless the administering dentist is permitted to provide intravenous conscious sedation or general anesthesia.

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

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

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

(7) "Continual" - repeated regularly and frequently in a steady succession.

(8) "Continuous" - prolonged without any interruption at any time.

(9) "Deep sedation" - an induced state of depressed consciousness, accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method, or combination thereof.

(10) "Enteral" - any technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa [i.e., oral, rectal, sublingual].

(11) "General anesthesia" - an induced state of unconsciousness accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic

or non-pharmacologic method, or combination thereof.

- (12) "Immediately available" - on site in the facility and available for immediate use.
- (13) "Inhalation" - a technique of administration in which a gaseous or volatile agent is introduced into the pulmonary tree and whose primary effect is due to absorption through the pulmonary bed.
- (14) "Local anesthesia" - the elimination of sensation, especially pain, in one part of the body by regional injection of a drug.
- (15) "Minimal sedation" - a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.
- (16) "Moderate sedation" - a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a ~~patient~~patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
- (17) "Parenteral" - a technique of administration in which the drug bypasses the gastrointestinal (GI) tract [i.e., intramuscular (IM), intravenous (IV), intranasal (IN), submucosal (SM), subcutaneous (SC), intraocular (IO)].
- (18) "Time-oriented anesthesia record" - documentation at appropriate intervals of drugs, doses and physiologic data obtained during patient monitoring.
- (19) "Topical anesthesia" - the elimination of sensation, especially pain, in one part of the body by skin or mucous membrane surface application of a drug.
- (20) "Transdermal/transmucosal" - a technique of administration in which the drug is administered by patch or iontophoresis.

(C) Dental personnel

- (1) "Licensed dentist" - a graduate of an accredited or a foreign dental school who

has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.10 of the Revised Code and the agency rules of this board, and holds a current license to practice dentistry in Ohio which is not suspended or revoked by board action.

- (2) "Unlicensed dentist" - a graduate of an accredited dental school who has not successfully passed all examinations or completed the application requirements for licensure in Ohio as set forth in section 4715.10 of the Revised Code and the agency rules of this board; or the holder of a license to practice dentistry in Ohio which has been suspended or revoked by board action.
- (3) "Graduates of unaccredited dental colleges located outside the United States" - a graduate of a dental school that is located outside the United States and is not accredited by the American dental association commission on dental accreditation.
- (4) "Dental student" - a student in good standing currently enrolled in an accredited dental school.
- (5) "Licensed dental hygienist" - a graduate of an accredited dental hygiene school or program who has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this board, and holds a current license to practice dental hygiene in Ohio which is not suspended or revoked by board action.
- (6) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene school or program who has not successfully passed all examinations or completed the application requirements for licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this board; or the holder of a license to practice dental hygiene in Ohio which has been suspended or revoked by board action.
- (7) "Certified dental assistant" - a dental assistant who maintains current certification by completion of the continuing education requirements upon successfully passing the certification examination of the dental assisting national board (DANB) or the Ohio commission on dental assistant certification (OCDAC).
- (8) "Basic qualified personnel" - basic qualified personnel are those persons who are adjudged by the licensed dentist to be capable and competent of

performing basic remediable intra-oral and extra-oral dental tasks and/or procedures under his direct supervision and full responsibility. These persons must be trained directly via an employer-dentist, via a planned sequence of instruction in an educational institution or via in-office training.

- (9) "Advanced qualified personnel" (hereinafter referred to as expanded function dental auxiliaries or EFDA's) - those persons who have passed the Ohio state dental board designated examination for expanded function dental auxiliaries who may perform advanced remediable intra-oral dental tasks and/or procedures under the direct supervision and full responsibility of a licensed dentist.

Upon submitting proof of successful completion of acceptable training on a form prescribed by the board and signed by the chief administrative officer of the program at the accredited institution, the following applicants shall be admitted to the state board designated examination for expanded function dental auxiliary:

- (a) "Unlicensed dentist" - a graduate of an accredited dental school unless his license is under suspension or revocation by the board.
- (b) "Dental student" - a dental student in good standing and currently enrolled in an accredited institution, upon recommendation of the dean.
- (c) "Graduates of unaccredited dental colleges located outside the United States" - a graduate of a dental school located outside the United States that is not accredited by the American dental association commission on dental accreditation and after admission to an accredited educational institution or program.
- (d) "Certified dental assistant" - a certified dental assistant if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation. The curriculum must include clinical experience.
- (e) "Licensed dental hygienist" - a graduate of an accredited dental hygiene program if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation, unless her license is

under suspension or revocation. The curriculum must include clinical experience.

- (f) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene program if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation. The curriculum must include clinical experience.
- (10) "Dental auxiliaries" - dental auxiliaries are all persons, not licensed to practice dentistry in Ohio, who assist in the dental practice.
- (a) Subject to those more specific laws or rules regulating the functions of basic qualified personnel, expanded function dental auxiliaries and hygienists, a dental auxiliary may, under the personal supervision and full responsibility of a licensed dentist, assist in the concurrent performance of supportive procedures, and may assist with the administration of drugs, medications, and inhalation anesthetic agents, including nitrous oxide.
  - (b) Further, parenteral injections for the administration of drugs, including local anesthetic agents may not be delegated to dental auxiliaries unless they are appropriately licensed in the state of Ohio.
- (11) "Dental health care workers" - dental health care workers are all personnel utilized by a licensed dentist who assist in a dental practice and who may be exposed to body fluids such as blood or saliva.

(D) Disciplinary terms

- (1) "Revocation" - permanent loss of license to practice in Ohio with no ability to apply for licensure in this state in the future.
- (2) "Suspension" - loss of license to practice for a specific period of time (definite suspension) or until specific conditions are met (indefinite suspension). In the case of indefinite suspension, the board may specify a minimum period of time during which the licensee may not practice, in addition to other conditions for reinstatement of license.
- (3) "Restriction" - license to practice is restricted in some way (eg., licensee is

prohibited from practicing a certain specialty or procedure or prescribing, etc.) or is subject to terms and conditions specified by the board. The restriction can be permanent or temporary.

- (4) "Probation" - a specific type of restriction wherein the license to practice remains dependent upon compliance with terms and conditions specified by the board (eg., periodic appearances, drug logs, reports by treating practitioners, etc.). The probation period may be for a definite or indefinite period of time. In the case of indefinite probation, the board may establish a minimum probationary period, with provisions for termination of probation at the board's discretion thereafter.
- (5) "Censure/reprimand" - the licensee is formally and publicly reprimanded in writing.

(E) Educational terms

- (1) "Accreditation" - a procedure for recognizing or certifying that an educational institution or program meets prescribed standards that qualify its graduates for entitlement to take the state board designated examination.
- (2) "Accredited educational institution or program" - an educational institution or program accredited by one or more of the following:
  - (a) American dental association commission on dental accreditation; responsible for the accreditation of dental and dental-related education within the United States and Canada.
  - (b) Accreditation council for graduate medical education (ACGME); responsible for the accreditation of post-doctoral medical training programs within the United States.
  - (c) Joint commission on accreditation of healthcare organizations (JCAHO); responsible for the evaluation and accreditation of health care organizations and programs in the United States. An independent, not-for-profit accrediting organization which sets professionally based standards and evaluates the compliance of health care organizations.
- (3) "Accredited dental school" - a dental school accredited by the American dental association commission on dental accreditation.
- (4) "Accredited dental hygiene program" - a dental hygiene program accredited by

the American dental association commission on dental accreditation.

- (5) "Accredited dental assisting program" - a dental assisting program accredited by the American dental association commission on dental accreditation.

(6) Education:

(a) "Continuing education" means educational and scientific courses consisting of activities designed to review existing concepts and techniques, to convey information beyond the basic dental education and to update knowledge on advances in scientific, and clinical practice related subject matter, including evidence based dentistry wherein the objective is to improve the knowledge, skills and ability of the individual to provide the highest quality of service to the public and the profession.

(b) "Remedial education" means a prescribed educational intervention that is designed to restore an identified practice deficiency of a licensee to conformity with the accepted standards of the profession. Remediation includes, but is not limited to, successful demonstration by the licensee that the learned knowledge and skills have been incorporated into the licensee's practice.

(F) General terms

- (1) "Must/shall" - indicates an imperative need and/or duty; an essential or indispensable item; mandatory.
- (2) "Should" - indicates the recommended manner to obtain the standard; highly desirable.
- (3) "May" - indicates freedom, or liberty to follow a reasonable alternative.
- (4) "Immediately available" - on site in the facility and available for immediate use/review/inspection.
- (5) "All" - the whole extent or quantity of; every one of; the entire number of.

(G) Impairment

- (1) "Impairment" - means impairment of ability to practice under accepted standards of the profession because of physical or mental disability, or

dependence on alcohol or other drugs, or habitual or excessive use or abuse of alcohol, drugs or other substances. Impairment includes inability to practice in accordance with such standards, and inability to practice in accordance with such standards without appropriate treatment, monitoring and supervision.

- (2) "Inability to practice" - means impairment of ability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs.
- (3) "No longer drug or alcohol dependent" - means a demonstration of abstinence from alcohol, and from drugs or substances that may impair the ability to practice.
- (4) "Relapse" - means any use of, or obtaining for the purpose of using, alcohol or other drugs or substances that may impair the ability to practice, including a return to the pattern of impairment activities, by one previously diagnosed and treated for drug or alcohol abuse or dependence. This does not apply to substances obtained pursuant to the direction of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

#### (H) Infection control

- (1) "Appropriate disinfectant" - a diluted bleach solution, EPA-registered tuberculocides, sterilants, or products registered against HIV/HBV, provided the surfaces have not become contaminated with agents or volumes of or concentrations of agents for which higher level disinfection is recommended.
- (2) "Chemical sterilization process" - use of a sterilant cleared by the food and drug administration in a 510 (K) in accordance with the manufacturer's instructions.
- (3) "Immediate remedial action" - after the first positive spore test occurs, a second biological spore test must be performed according to manufacturer's guidelines. In the event a second positive biological spore test occurs, the device must be removed from service until repaired.
- (4) "Overgloving" - placing one disposable glove over another disposable glove between patients when the first glove is contaminated.

(I) Levels of knowledge

- (1) "Familiarity" - a simplified knowledge for the purpose of orientation and recognition of general principles.
- (2) "In-depth" - a through knowledge of concepts and theories for the purpose of critical analysis and the synthesis of more complete understanding (highest level of knowledge).

(J) Levels of skill

- (1) "Exposed" - the level of skill attained by observation of or participation in a particular activity.
- (2) "Competent" - displaying special skill or knowledge derived from training and experience.
- (3) "Proficient" - the level of skill attained when a particular activity is accomplished with repeated quality and a more efficient utilization of time (highest level of skill).

(K) Miscellaneous terms

(1) Construction

- (a) Where a pronoun of one gender appears in these rules, it shall be interpreted to mean or include the pronoun of the other gender where appropriate.

(2) "Casts" - any platform from which a restoration is constructed.

~~(2)~~(3) "Director of continuing education practicum" - the director of a continuing education practicum must be a dentist licensed to practice in the state of Ohio.

~~(3)~~(4) "Emergency" - a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

(5) "Final impression for digital capture" - the digital or analog image or compilation of images approved and submitted by the supervising dentist for the construction of casts which is captured by the digital scanning of any hard or soft tissue bearing area, whether intra-orally or extra-orally for the purpose

of fabricating a prosthesis.

- ~~(4)~~(6) "Final placement or removal of appliances" - the word "final" as used in paragraphs (B) and (C) of rule 4715-11-06 of the Administrative Code means the last step in the therapeutic process concerning the placement, replacement or removal of a removable appliance, or a fixed appliance directly attached to a tooth or teeth by cementation, direct bonding or other similar process, and the same applies to appliances utilized for the correction of malpositions of the teeth. The temporary placement of any appliance is not considered the final placement in the therapeutic process
- ~~(5)~~(7) "License" - a current valid license, certificate or permit issued pursuant to sections 4715.01 to 4715.99 of the Revised Code, which has not been revoked or suspended.
- ~~(6)~~(8) "Licensee" - the holder of a current valid license, certificate or permit issued pursuant to sections 4715.01 to 4715.99 of the Revised Code, which has not been revoked or suspended.
- ~~(7)~~(9) "Treatment day" - any portion of any day during which treatment is rendered to a patient constitutes a treatment day.

(L) Personal information system

- (1) "Access" as a noun means an opportunity to copy, view, or otherwise perceive whereas "access" as a verb means to copy, view, or otherwise perceive.
- (2) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.
- (3) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
- (4) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

- (5) "Employee of the board" means each employee of the dental board as well as each member of the dental board appointed to the board pursuant to section 4715.02 of the Revised Code.
- (6) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
- (7) "Individual" means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.
- (8) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.
- (9) "Person" means natural person.
- (10) "Personal information" has the same meaning as defined in division (E) of section 1347.05 of the Revised Code.
- (11) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems.
- (12) "Research" means a methodical investigation into a subject.
- (13) "Routine" means common place, regular, habitual, or ordinary.
- (14) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees that is maintained by the board for administrative and human resource purposes.
- (15) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.
- (16) "Upgrade" means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor

updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

(M) Military personnel/Veterans

(1) For the purposes of Chapters 4715-1 to 4715-40 of the Administrative Code, and except as otherwise provided, the following definitions shall apply:

- (a) "Active duty service members" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.
- (b) "Armed forces: means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.
- (c) "Applicant" means an individual who applies to the board for a license, permit, certificate, or registration or renewal, reinstatement or reactivation of a license, permit, certificate, or registration to practice as:
  - (i) A licensed dentist;
  - (ii) A licensed dentist with an anesthesia or conscious sedation permit;
  - (iii) A licensed dental hygienist;
  - (iv) A dental x-ray machine operator; or
  - (v) An expanded function dental auxiliary.
- (d) "Service member" means any person who is serving in the armed forces.
- (e) "Merchant marine" includes the United States army transport service and the United States naval transport service.
- (f) "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

~~(M)~~(N) Special needs program

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

~~(N)~~(O) Supervision

- (1) "Supervision" - acts are deemed to be under the supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility. Such acts shall be performed only after examination and diagnosis by said dentist and in accordance with said dentist's treatment plan for the procedure to be performed by the dental hygienist. This definition is subject to the exceptions noted in section 4715.22 of the Revised Code.
- (2) "Direct supervision" - acts are deemed to be under the direct supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility, and are checked and approved by the licensed dentist before the patient upon whom such act has been performed departs from the dental facility of said dentist.
- (3) "Personal supervision" - acts are deemed to be under the personal supervision of the licensed dentist when the dentist is personally operating on a patient and authorizes an auxiliary to aid treatment by concurrently performing supportive procedures.
- (4) "Under the direction of" - pursuant to division (A) of section 4715.16 of the Revised Code, acts are deemed to be under the direction of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and performed pursuant to his control and oversight. Acts are also deemed to be under the direction of a licensed dentist when performed in connection with residency programs approved by the American dental association commission on dental accreditation and operated in accordance with the guidelines for the supervision of residents as set forth in the accreditation standards.

(P) Tasks and/or procedures categories

- (1) "Basic remediable intra-oral and extra-oral dental tasks and/or procedures" - those dental tasks and/or procedures which do not create irreparable changes within the oral cavity and/or the contiguous structures and which are set forth in rule 4715-11-02 of the Administrative Code.
- (2) "Advanced remediable intra-oral dental tasks and /or procedures" - all tasks and/or procedures, with consideration of the soft tissue, involved in the art or placement of preventive or restorative materials limited to the following:
  - (a) Placement of sealants;
  - (b) Amalgam restorative materials; and
  - (c) Non-metallic restorative materials, including direct-bonded restorative materials.
- (3) "Irremediable tasks and/or procedures" - irremediable tasks and/or procedures are those which, when performed, may create irreparable changes within the oral cavity or contiguous structures. Further, parenteral injections for the administration of drugs, including local anesthetic agents, are considered to be irremediable tasks under agency 4715 of the Administrative Code.
- (4) "Surgery" means any procedure that involves cutting or otherwise infiltrating hard or soft human tissue, including but not limited to gingivae, bone and tooth structure, by mechanical means, including, laser surgery, therapeutic ionizing radiation, therapeutic ultrasound.

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Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

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07/06/06, 05/22/09, 10/05/10, 12/24/10

4715-5-01.1

**Requirements for initial licensure for dentists.**

(A) Applicants for licensure to practice dentistry as provided in sections 4715.10, 4715.11 and 4715.12 of the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:

- (1) ~~He is~~Be at least eighteen years of age; and
- (2) ~~He is~~Be of good moral character; and
- (3) ~~He is~~Be a graduate of an accredited dental college, or a graduate of an unaccredited dental college located outside the United States and meets the requirements set forth in rule 4715-18-01 of the Administrative Code; and
- (4) ~~He has~~Has successfully passed all parts of the examination given by the joint commission on national dental examinations; and
- (5) ~~He provides~~Provides evidence of successfully passing all components based on a conjunctive scoring method of one of the following regional board examinations: the North east regional board of dental examiners, inc. (NERB), the Central regional dental testing service, inc. (CRDTS), the Southern regional testing agency, inc. (SRTA), or the Western regional examining board (WREB); or
- (6) ~~He possesses~~Possesses a license in good standing from another state for five years and has actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application.
- (7) Have successfully completed a dental residency program accredited or approved by the Commission on dental accreditation and administered by an accredited dental college or hospital, as attested to by the director of the program on a form prescribed and provided by the board.

(B) Each applicant shall successfully pass a written jurisprudence examination approved by the state dental board on the statute and rules governing the practice of dentistry in the state of Ohio.

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4715-5-02

**Written work authorization.**

- (A) The Ohio state dental board hereby prescribes that the written work authorization required in division (B) of section 4715.09 of the Revised Code shall be on printed forms for both original and copy and shall contain the following:
- (1) The name and address of the entity or person to whom the written work authorization is directed, hereinafter referred to as "primary contractor".
  - (2) The patient's name and/or identifying number. In the event such identifying number is used, the name of the patient shall be written upon a copy of such written work authorization retained by the dentist.
  - (3) A description of the work to be done, with diagrams if applicable.
  - (4) A description of the type of the materials to be used.
  - (5) The actual date on which the authorization was written.
  - (6) The original signature in ink by the dentist issuing the said written work authorization, his state dental license number and his office address.
  - (7) A section to be completed by the primary contractor and returned to the issuing dentist that shall disclose all of the following information and certify that the information is accurate by including the signature of a responsible party of the primary contractor:
    - (a) A list of all materials in the composition of the final appliance;
    - (b) The location where the appliance was fabricated, including the name, address, phone number and FDA registration number, if applicable, of the person or entity performing the work;
    - (c) The location, including name, address, phone number and FDA registration number, if applicable, of any sub-contractors utilized to perform some or all of the services relative to the fabrication of the appliance;
    - (d) A description of all disinfection methods used in the fabrication of the appliance.
- (B) Upon request, the dentist shall provide each patient or authorized patient

representative with a duplicate copy of the section of the form described in paragraph (A)(7) of this rule.

- (C) The dentist shall retain a copy of the written work authorization for two years from its date as a part of the patient record.
- (D) The primary contractor shall retain the original work authorization for two years from its date. Copies of work authorization forms shall be open for inspection by the Ohio state dental board and its investigators.
- (E) If the primary contractor receiving a written work authorization from a licensed dentist engages another unlicensed person, partnership, association, or corporation (herein referred to as "sub-contractor") to perform some of the services relative to such work authorization, as provided for in division (C) of section 4715.09 of the Revised Code, he or it shall notify the issuing dentist in advance of the fabrication of the appliance of the name and location of the subcontractor and shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board.

The sub-contractor shall retain the sub-work authorization and the primary contractor shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years. Copies of work authorization forms shall be open for inspection by the Ohio state dental board and its investigators.

- (F) The foregoing does not prohibit the inclusion of additional information on the written work authorization when the same is necessary or desirable.
- (G) "Unlicensed person, partnership, association or corporation" as used in this rule, includes, but is not limited to, dental laboratory or dental laboratory technician.
- (H) "Appliance" as used in this rule, includes, but is not limited to, any denture, plate, bridge, splint, crown, veneer, or orthodontic or prosthetic dental device.

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Certification

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Date

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4715-5-08

**Denture Removable prosthesis identification.**

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

- (A) After the effective date of this rule, every removable prosthesis fabricated by a dentist, or fabricated pursuant to his or her work authorization form, shall be marked with the name and/or social security number of the patient for whom the denture is intended. The markings shall be made prior to final seating and shall be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the dentist, entity or person fabricating the prosthesis.
- (B) Any removable prosthesis which has not been marked in accordance with paragraph (A) of this rule at the time of fabrication, shall be so marked at the time of any subsequent rebasing or duplication.
- (C) For the purposes of this rule removable prosthesis means a manufactured device that replaces one or more teeth and may be removed by the patient.

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4715-6-01

**Standards and procedures for review of Ohio Automated Rx Reporting System (OARRS).**(A) Definitions: for the purposes of this rule:

- (1) "Delegate" means an authorized representative who is registered with the Ohio board of pharmacy to obtain an OARRS report on behalf of a dentist;
- (2) "OARRS" means the "Ohio Automated Rx Reporting System" drug database established and maintained pursuant to section 4729.75 of the Revised Code.
- (3) "OARRS report" means a report of information related to a specified patient generated by the drug database established and maintained pursuant to section 4729.75 of the Revised Code.
- (4) "Personally furnish" means the distribution of drugs by a prescriber to the prescriber's patients for use outside the prescriber's practice setting. Personally furnish does not include the administration of a drug, as set forth in 4715-3-01(B)(1) of the Administrative Code.
- (5) "Reported drugs" means all the drugs listed in rule 4729-37-02 of the Administrative Code that are required to be reported to the drug database established and maintained pursuant to section 4729.75 of the Revised Code, including controlled substances in schedules II, III, IV, and V.

(B) Standards of care: the accepted and prevailing minimal standards of care require that when prescribing or personally furnishing a reported drug, a dentist shall take into account all of the following:

- (1) The potential for abuse of the reported drug;
- (2) The possibility that use of the reported drug may lead to dependence;
- (3) The possibility the patient will obtain the reported drug for a nontherapeutic use or distribute it to other persons; and
- (4) The potential existence of an illicit market for the reported drug.
- (5) In considering whether a prescription for or the personally furnishing of a reported drug is appropriate for the patient, the dentist shall use sound clinical judgment and obtain and review an OARRS report consistent with the provisions of this rule.

(C) OARRS Review: a dentist shall obtain and review an OARRS report to help determine if it is appropriate to prescribe or personally furnish an opioid analgesic, benzodiazepine, or reported drug to a patient as provided in this paragraph and paragraph (F) of this rule:

- (1) A dentist shall obtain and review an OARRS report before prescribing or personally furnishing an opiate analgesic or benzodiazepine to a patient, unless an exception listed in paragraph (G) of this rule is applicable.
- (2) A dentist shall obtain and review an OARRS report when a patient's course of treatment with a reported drug other than an opioid analgesic or benzodiazepine has lasted more than ninety days, unless an exception listed in paragraph (G) of this rule is applicable.
- (3) A dentist shall obtain and review an OARRS report when any of the following red flags pertain to the patient:
  - (a) Selling prescription drugs;
  - (b) Forging or altering a prescription;
  - (c) Stealing or borrowing reported drugs;
  - (d) Increasing the dosage of reported drugs in amounts that exceed the prescribed amount;
  - (e) Suffering an overdose, intentional or unintentional;
  - (f) Having a drug screen result that is inconsistent with the treatment plan or
  - (g) Having been arrested, convicted, or received diversion or intervention in lieu of conviction for a drug related offense while under the dentist's care;
  - (h) Receiving reported drugs from multiple prescribers, without clinical basis;
  - (i) Traveling with a group of other patients to the dentist's office where all or most of the patients request controlled substance prescriptions;
  - (j) Traveling an extended distance or from out of state to the dentist's office;
  - (k) Having a family member, friend, law enforcement officer, or health care professional express concern related to the patient's use of illegal or reported drugs;
  - (l) A known history of chemical abuse or dependency;
  - (m) Appearing impaired or overly sedated during an office visit or exam;
  - (n) Requesting reported drugs by street name, color, or identifying marks;

(o) Frequently requesting early refills of reported drugs;

(p) Frequently losing prescriptions for reported drugs;

(q) A history of illegal drug use;

(r) Sharing reported drugs with another person; or

(s) Recurring visits to non-coordinated sites of care, such as emergency departments, urgent care facilities, or walk-in clinics to obtain reported drugs.

(D) Patient care documentation: a dentist who decides to utilize an opioid analgesic, benzodiazepine, or other reported drug in any of the circumstances within paragraphs (C)(2) and (C)(3) of this rule, shall take the following steps prior to issuing a prescription for or personally furnishing the opioid analgesic, benzodiazepine, or other reported drug:

(1) Review and document in the patient record the reasons why the dentist believes or has reason to believe that the patient may be abusing or diverting drugs;

(2) Review and document in the patient's record the patient's progress toward treatment objectives over the course of treatment;

(3) Review and document in the patient record the functional status of the patient, including activities for daily living, adverse effects, analgesia, and aberrant behavior over the course of treatment;

(4) Consider using a patient treatment agreement including more frequent and periodic reviews of OARRS reports and that may also include more frequent office visits, different treatment options, drug screens, use of one pharmacy, use of one provider for the prescription or personally furnishing of reported drugs, and consequences for non-compliance with the terms of the agreement. The patient treatment agreement shall be maintained as part of the patient record; and

(5) Consider consulting with or referring the patient to a substance abuse specialist.

(E) Follow-up OARRS Reports; Frequency:

(1) For a patient whose treatment with an opioid analgesic or benzodiazepine lasts more than ninety days, a dentist shall obtain and review an OARRS report for the patient at least every ninety days during the course of treatment, unless an exception listed in paragraph (G) is applicable.

(2) For a patient who is treated with a reported drug other than an opioid analgesic

or benzodiazepine for a period lasting more than ninety days, the dentist shall obtain and review an OARRS report for the patient at least annually following the initial OARRS report obtained and reviewed pursuant to paragraph (C)(2) of this rule until the course of treatment utilizing the reported drug has ended, unless an exception in paragraph (G) is applicable.

(F) OARRS Reports; Time Periods; Adjoining States: for the purposes of paragraphs (C), (D), and (E) of this rule, when a dentist or their delegate requests an OARRS report in compliance with this rule, a dentist shall review and document receipt of the OARRS report in the patient record, as follows:

- (1) Initial reports requested shall cover at least the twelve months immediately preceding the date of the request;
- (2) Subsequent reports requested shall, at a minimum, cover the period from the date of the last report to present;
- (3) If the dentist practices primarily in a county of this state that adjoins another state, the dentist or their delegate shall also request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county; and
- (4) If an OARRS report regarding the patient is not available, the dentist shall document in the patient's record the reason that the report is not available and any efforts made in follow-up to obtain the requested information.

(G) Exceptions: a dentist shall not be required to review and assess an OARRS report when prescribing or personally furnishing an opioid analgesic, benzodiazepine, or other reported drug under the following circumstances, unless the dentist believes or has reason to believe that a patient may be abusing or diverting reported drugs:

- (1) The reported drug is prescribed or personally furnished to a hospice patient in a hospice care program as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill;
- (2) The reported drug is prescribed for administration in a hospital, nursing home, or residential care facility;
- (3) The reported drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days;
- (4) The reported drug is prescribed or personally furnished for the treatment of cancer or another condition associated with cancer; and
- (5) The reported drug is prescribed or personally furnished to treat acute pain resulting from a surgical or other invasive procedure or a delivery.

Replaces: 4715-6

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Date

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## TO BE RESCINDED

4715-6-01                    **Standards and procedures for review of Ohio automated Rx reporting system (OARRS).**

(A) For purposes of this rule and division (A)(13) of section 4715.30 and section 4715.302 of the Revised Code:

- (1) "OARRS" means Ohio automated prescription reporting system;
- (2) "OARRS report" means a report of information related to a specific patient generated by the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.
- (3) "Personally furnishing" does not include the administration of a drug.
- (4) "Reported drugs" includes the following:
  - (a) All controlled substances in scheduled II, III, IV, and V; and
  - (b) All dangerous drug products containing carisoprodol or tramadol.
- (5) "Diversion" includes but is not limited to the following:
  - (a) Selling drugs;
  - (b) Borrowing drugs;
  - (c) Sharing drugs.
- (6) "Protracted basis" means for a period in excess of twelve continuous weeks, and for no more than twenty four weeks over a period of one year.

(B) If a dentist knows or has reason to believe that a patient may be abusing or diverting drugs, the dentist shall use sound clinical judgment in determining whether or not a reported drug should be prescribed or personally furnished to the patient under the circumstances. To assist in this determination, the dentist shall consider whether to access OARRS and document receipt and assessment of the information received if the patient exhibits signs of drug abuse or diversion. These signs may include, but are not limited to, the following:

- (1) Engaging in or has a history of drug related criminal activity;

- (2) Is receiving reported drugs from multiple prescribers;
  - (3) Has family members, friends, law enforcement officers, or health care professionals express concern related to the patient's use of illegal or reported drug;
  - (4) Has a known history of chemical abuse or dependency;
  - (5) Is requesting reported drugs by street name, color, or identifying marks;
  - (6) Frequently requesting early refills of reported drugs;
  - (7) Frequently losing prescriptions for reported drugs.
- (C) Following review of OARRS report information, the dentist shall document receipt of the information in the patient's record.
- (D) A dentist licensed under this chapter who prescribes or personally furnishes reported drugs to treat a patient on a protracted basis shall, at a minimum, document receipt and assessment of an OARRS report in the following circumstances:
- (1) Once the dentist has reason to believe that treatment will be required on a protracted basis;
  - (2) At least once annually thereafter.
- (F) In requesting OARRS reports according to this rule:
- (1) Reports requested should cover a time period of at least one year;
  - (2) In the event an OARRS report is not immediately available prior to writing a prescription for, or personally furnishing, a reported drug, the dentist shall document in the patient record why the OARRS report was not available.
- (F) Paragraph (D) of this rule does not apply to a hospice patient in a hospice care program as those terms are defined in section 3712.01 of the Revised Code.

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4715-8-02

**Sponsors of continuing education.**

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

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

- approved by the board as sponsors for the current biennium. Sponsor approval shall be based upon the criteria identified in rule 4715-8-03 of the Administrative Code. Approval as a biennial sponsor automatically expires at the end of the biennium, and approval must be obtained for each successive biennial licensing period.
- (C) The board retains the right and authority, upon notification, to audit, monitor, or request evidence demonstrating adherence to Chapter 4715 of the Revised Code, for courses given by any sponsor. The board may rescind biennial sponsor status if the sponsor has disseminated any false or misleading information in connection with the continuing education program, or if the sponsor has failed to conform to sections 4715.141 and 4715.25 of the Revised Code, or rules 4715-8-01, 4715-8-02 and 4715-8-03 of the Administrative Code.
- (D) Continuing education sponsors submitting an application must meet the following eligibility criteria;
- (1) A CE sponsor must ensure that all courses that are to be considered for Ohio licensure renewal have a sound scientific basis, proven efficacy to ensure public safety and must comply with the guidelines set forth in sections 4715.141 and 4715.25 of the Revised Code and all rules of the board.
  - (2) Sponsorship approval extends only to the CE sponsor; approval does not necessarily extend to individual courses, programs, lecturer(s) and instructor(s).
  - (3) A CE sponsor must document that it is targeting its activities to a great extent to dentists/dental hygienists/dental assistant radiographers by providing dental oriented topics within the scope of the profession.
- (E) All biennial sponsors of continuing education shall ensure that all publicity criteria abide by the following:
- (1) Publication must be informative and not misleading. It must include at a minimum the following:
    - (a) The name of the sponsor, as well as any organization or agencies providing financial support, must be clearly stated;
    - (b) Course title;
    - (c) Description of course content;

- (d) The educational objectives;
  - (e) A description of teaching methods used;
  - (f) Costs and contact person;
  - (g) Course instructor(s) and their qualifications;
  - (h) Location, date and time;
  - (i) Specifics as to the sponsors board sponsorship status; and
  - (j) Number of credit hours each course provides towards fulfillment of CE obligation.
- (2) Sponsors shall ensure that providers must avoid misleading statements regarding the nature of the activity or the benefits to be derived from participation.
- (F) The requirements outlined in paragraphs (E)(1)(a) to (E)(1)(j) of this rule do not apply to board approved study clubs.

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4715-8-03

**Standards for approval of biennial sponsors.**

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

(A) Make application by completion of an application form provided by the board, including a fee of one hundred thirty-five dollars for the biennium, to be prorated at a rate of thirty-seven dollars and seventy-five cents per half year, based on the time the application is submitted.

(B) Submit evidence to the board demonstrating adherence to the following standards:

(1) Participant objectives shall state the expected outcomes for the participant and be used as a basis for determining content and learning experiences. Explicit written educational objectives identifying the expected learner outcomes must be developed for each activity. The program planner must be ultimately responsible for ensuring that appropriate objectives are developed for each activity. The educational objectives may however, be prepared by the instructor, course director or program planner.

(2) Curriculum offerings shall reflect appropriate didactic and clinical training for the subject matter. The teaching methods shall be appropriate to achieve the stated objective of the course and the time allotted is sufficient for the participants to meet the stated objectives. When a course includes clinical dental hygiene or dental assistant radiographer practice on patients, an Ohio licensed dentist shall provide supervision.

(3) Continuing education sponsors must ensure that providers/instructors chosen to teach courses are qualified by education and/or experience to provide instruction in the relevant subject matter.

(4) Facilities and equipment shall be specifically designed for instruction in each subject offered.

(5) Award partial credit for participants failing to complete the total number of hours for which a specific offering planned, if appropriate, in view of the subject matter and the instruction method of the course.

(C) Designate a person who assumes responsibility for each continuing education offering. The contact person shall:

(1) Completely file all information necessary for provider approval.

(2) Ensure that continuing education offerings that are to receive hours of credit

acceptable towards Ohio licensure renewal comply with sections 4715.141 and 4715.25 of the Revised Code, and all rules of the board.

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

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03, 4715.141, 119.03  
Rule Amplifies: 4715.141, 4715.16, 4715.25, 4715.58  
Prior Effective Dates: 08/11/89, 04/27/98, 04/05/01, 04/04/02

4715-8-04

**Continuing education requirements for renewal or reinstatement.**

- (A) Each applicant for biennial license registration or license reinstatement shall certify that the applicant has completed the requisite hours of continuing dental education (hereinafter "CE") since the start of the registration period. This certification shall be evidence of completion of the CE requirement as set forth in sections 4715.141, 4715.25, and ~~4715.58~~4715.53 of the Revised Code, provided that:
- (1) The board may annually select applications for biennial license registration or license reinstatement for verification that all CE requirements have been met. Licensees whose applications are selected shall submit additional documentation of compliance with CE requirements as the board may require, within thirty days.
  - (2) Applicants shall keep detailed records of CE hours taken. Records of all CE undertaken shall be retained by the applicant for the period of at least four years after the completion of the CE activity, and shall be kept available for agents of the board for review. At a minimum, the following information must be retained:
    - (a) Description of the CE activity;
    - (b) The location of the CE activity;
    - (c) The dates of attendance
    - (d) The hours of each CE activity; and
    - (e) A certificate or letter of completion issued by the presenter of the CE activity, if available, or any other available documentation of the completion of the CE activity, acceptable to the board. Which shall include at a minimum the following:
      - (i) Name(s) of the sponsor and instructor(s);
      - (ii) Course title; and
      - (iii) Number of credit hours of continuing education acceptable towards Ohio licensure renewal.
      - (iv) It is the licensees responsibility to ensure that courses taken fulfill

the requirements set forth in sections 4715.141, 4715.25 and ~~4715.58~~4715.53 of the Revised Code and ~~sections~~rules 4715-8-01 to 4715-8-04 of the Administrative Code.

(B) Failure

- ~~(C) Failure~~ to maintain adequate records of CE activity rebuts the presumption established in paragraph (A) of this rule that the CE requirements have been completed.
- ~~(D) Nothing in this rule shall limit the board's authority to investigate and take action pursuant Chapter 4715. of the Revised Code.~~
- (C) Nothing in this rule shall limit the board's authority to investigate and take action pursuant Chapter 4715. of the Revised Code.

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4715-9-01

**Permissible practices of a dental hygienist.**

(A) The dental hygienist may perform the following tasks and/or procedures under the direct supervision of a licensed dentist if the dental hygienist has completed the requirements set forth in sections 4715.23, 4715.39, and 4715.231 of the Revised Code and board rules. The dental hygienist must have completed a basic life-support training course certified by the American heart association, the American red cross or the American safety and health institute and remain current at all times when performing the following tasks and/or procedures:

- (1) Administration of intraoral block and infiltration local anesthesia - Upon completion of the requirements set forth in sections 4715.23 and 4715.231 of the Revised Code and rule 4715-9-01.1 of the Administrative Code, a licensed dental hygienist may administer intraoral block and infiltration local anesthesia.
- (2) Administration (initiate, adjust, monitor, and terminate) of nitrous oxide-oxygen ( $N_2O-O_2$ ) minimal sedation - Upon completion of the requirements set forth in section 4715.23 of the Revised Code and rule 4715-9-01.2 of the Administrative Code, a licensed dental hygienist may administer  $N_2O-O_2$  minimal sedation while providing treatment if the following requirements are met:
  - (a) The supervising dentist has evaluated the patient and prescribed the use of  $N_2O-O_2$  minimal sedation.
  - (b) The supervising dentist must approve the use of  $N_2O-O_2$  minimal sedation immediately prior to each instance of administration.
  - (c) The dental hygienist shall not administer  $N_2O-O_2$  minimal sedation to more than one patient at a time.
  - (d) The dental hygienist shall physically remain with the patient at all times.
  - (e) The supervising dentist approves the discharge of the patient.
- (3) Monitoring nitrous oxide-oxygen ( $N_2O-O_2$ ) minimal sedation - Upon completion of the requirements set forth in sections 4715.23 and 4715.39 of the Revised Code and rule 4715-9-01.3 of the Administrative Code, a licensed dental hygienist may monitor  $N_2O-O_2$  minimal sedation while providing treatment if the following requirements are met:
  - (a) A satisfactory initiation phase has been administered by the dentist.

- (b) The dental hygienist shall not monitor more than one patient at a time.
- (c) The dental hygienist shall physically remain with the patient at all times.
- (d) The dental hygienist must document the supervising dentist's approval for discharge of the patient.
- (e) The dental hygienist, who is qualified to only monitor N<sub>2</sub>O-O<sub>2</sub> minimal sedation, shall not under any circumstances administer, adjust, or terminate N<sub>2</sub>O-O<sub>2</sub> minimal sedation.

The completion of all requirements for paragraphs (A)(1) to (A)(3) of this rule shall be documented on a form supplied by the board, with all supporting information attached. This form shall be maintained in the facility(s) where the dental hygienist is working.

- (B) The dental hygienist may perform the following tasks and/or procedures which may be delegated only to a licensed dental hygienist under the supervision of a licensed dentist:
  - (1) Removal of calcareous deposits or accretions from the crowns and roots of teeth.
  - (2) Periodontal scaling, root planing, and soft tissue curettage.
  - (3) Sulcular placement of prescribed materials.
  - (4) Bleaching of teeth (excluding procedures that utilize light amplification by stimulated emission of radiation (LASER) technologies).
- (C) The dental hygienist may also perform the following tasks and/or procedures under the supervision of a licensed dentist:
  - (1) Polishing of the clinical crown(s) of teeth, including restorations.
  - (2) Pit and fissure sealants.
  - (3) Standard, diagnostic, radiologic procedures for the purpose of contributing to the provision of dental services.

- (D) In performing advanced remediable restorative intra-oral dental tasks and/or procedures, the licensed dental hygienist is subject to sections 4715.61 to 4715.66 of the Revised Code and agency level rules regulating expanded function dental auxiliaries.
- (E) In performing basic remediable intra-oral and extra-oral dental tasks and/or procedures, the licensed dental hygienist is subject to those rules regulating basic qualified personnel. However, dental hygienists may engage in the following duties when the dentist is not physically present, subject to the limitations outlined in divisions (C) and (D) of section 4715.22 of the Revised Code, which must be adhered to when performing these duties:
- (1) Aspiration and retraction, excluding placement of gingival retraction materials.
  - (2) Intra-oral instrument transfer.
  - (3) Preliminary charting of missing and filled teeth.
  - (4) Elastomeric impressions for diagnostic models and models to be used for opposing models in the construction of appliances and restorations.
  - (5) Taking impressions for the construction of custom athletic mouth protectors/mouthguards, and trays for application of medicaments.
  - (6) Application of disclosing solutions.
  - (7) Caries susceptibility testing.
  - (8) Demonstration of oral hygiene procedures, including, but not limited to, use of toothbrushes and dental floss.
  - (9) Application of topical anesthetics.
  - (10) Fluoride application.
  - (11) Application of fluoride varnish.
  - ~~(11)~~(12) Topical applications of desensitizing agents to teeth.
  - ~~(12)~~(13) Application and removal of periodontal dressings.

~~(13)~~(14) Intra-oral bite registrations for diagnostic model articulation.

(15) Recementation of temporary crowns or the recementation of crowns with temporary cement.

~~(14)~~(16) All supportive services necessary to the maintenance of a hygienic practice environment, including, but not limited to, all sterilizing procedures.

~~(15)~~(17) All supportive services or procedures necessary to protect the physical well-being of the patient during routine treatment procedures and during periods of emergencies, including, but not limited to:

- (a) Physical positioning of the patient;
- (b) Monitoring of vital signs;
- (c) Assistance during administration of life-support activities; and
- (d) Any other non-invasive procedures deemed necessary by the supervising dentist to maintain the health and safety of the patient.

~~(16)~~(18) All non-invasive supportive services and procedures necessary to the gathering and maintaining of accurate and complete medical and dental history of the patient, including but not limited to:

- (a) Taking photographs;
- (b) Recording patient treatment;
- (c) Measurement of blood pressure and body temperature; and
- (d) Other common tests deemed necessary by the supervising dentist.

~~(17)~~(19) All extra-oral supportive laboratory procedures, including, but not limited to:

- (a) Repair, construction and finishing of metallic and plastic prosthetic devices; and

(b) Compilation of radiographic data for interpretation by the dentist, i.e., tracings, etc.

~~(18)~~(20) The preparation of impression materials.

~~(19)~~(21) All patient education services, including, but not limited to:

(a) Progress reports;

(b) Consultations (oral or written);

(c) Oral hygiene instructions;

(d) Use of intra-oral hygiene devices;

(e) Normal nutrition information as it relates to dental health;

(f) Behavioral modification;

(g) Self adjustment of orthodontic appliances; ~~and~~

(h) "General nonmedical nutrition information" which is defined as nutrition information for the purpose of maintaining good oral health, including but not limited to:

(i) Principles of good nutrition and food preparation;

(ii) Food to be included in the normal daily diet;

(iii) Essential nutrients needed by the body;

(iv) Recommended amounts of the essential nutrients;

(v) Actions of nutrients on the body;

(vi) Effects of deficiencies of excesses of nutrients;or

(vii) Food and supplements that are good sources of essential nutrients.

~~(h)~~(i) All other post-operative and post-insertion instructions, as deemed appropriate by the supervising dentist.

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Certification

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04-05-99, 06-17-99, 05-15-03, 06-21-04, 10-09-06

4715-9-03

**Requirements for licensure for dental hygienists.**

(A) Applicants for licensure to practice dental hygiene as provided in section 4715.21 of the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:

- (1) ~~He is~~Be at least eighteen years of age; and
- (2) ~~He is~~Be of good moral character; and
- (3) ~~He is~~Be a graduate of an accredited school of dental hygiene; and
- (4) ~~He has~~Have successfully passed all parts of the examination given by the joint commission on national dental examinations; and
- (5) ~~He provides~~Provides evidence of successfully passing all components based on a conjunctive scoring method of one of the following regional board examinations: the north east regional board of dental examiners, inc. (NERB), the central regional dental testing service, inc. (CRDTS), the southern regional testing agency, inc. (SRTA), or the western regional examining board (WREB).

(B) Applicants for licensure to practice dental hygiene as provided in section 4715.27 of the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:

- (1) ~~He is~~Be at least eighteen years of age; and
- (2) ~~He is~~Be of good moral character; and
- (3) ~~He is~~Be a graduate of an accredited school of dental hygiene; and
- (4) ~~He has~~Has successfully passed all parts of the examination given by the joint commission on national dental examinations; and
- (5) ~~He holds~~Holds a license in good standing from another state and has actively engaged in the legal and reputable practice of dental hygiene in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application; and
- (6) ~~He proves~~Proves to the satisfaction of the board ~~that he intends~~the intention to

practice dental hygiene in this state.

- (C) Each applicant for licensure to practice dental hygiene shall successfully pass a jurisprudence examination approved by the state dental board on the statute and rules governing the practice of dental hygiene in the state of Ohio.

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Certification

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Date

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Rule Amplifies: 4715.21, 4715.27  
Prior Effective Dates: 5/15/03

4715-9-04

**Dental hygiene teaching certificate.**

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

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Certification

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Rule Amplifies: 4715.27  
Prior Effective Dates: 9/1/04, 4/5/99

4715-9-05

**Practice when the dentist is not physically present.**

(A) A dental hygienist may provide, for not more than fifteen consecutive business days, ~~or no more than three consecutive weeks~~, dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if all of the following requirements are met:

(1) The dental hygienist has at least ~~two years~~ one year and a minimum of ~~three thousand~~ one thousand five hundred hours of experience in the practice of dental hygiene. This experience shall be documented on a form supplied by the board, with any necessary supporting information attached, and the form shall be maintained in the facility(s) where the dental hygienist is working.

(2) The dental hygienist has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. This board approved course shall be taken through a permanent sponsor, shall be at least four hours in duration, and shall include, at a minimum, the following topics:

(a) Medical history;

(b) Recognition of common medical emergency situations;

(c) Office emergency protocols;

(d) Basic airway management;

(e) Prevention of emergency situations during dental appointments; and

(f) Recognition of symptoms, first aid treatment and possible outcomes for patients who exhibit bleeding injuries, cardiovascular disease, insulin reaction, diabetic coma, shock, syncope, epileptic seizures and allergic reactions.

Completion of this course shall be documented on a form supplied by the board, with all necessary supporting information attached, and the form shall be maintained in the facility(s) where the dental hygienist is working.

(3) The dental hygienist must have completed a basic life-support training course certified by the American heart association, American red cross, or the American safety and health institute, and remain current at all times while treating patients when the dentist is not physically present. This must be

verified on a form supplied by the board, with all necessary supporting information attached, and the form shall be maintained in the facility(s) where the dental hygienist is working.

- (4) The dental hygienist complies with written protocols for emergencies the supervising dentist establishes.
  - (5) The supervising dentist has evaluated the dental hygienist's skills and has made a determination that the dental hygienist is competent to treat patients without the dentist being physically present. This determination shall be documented on a form supplied by the board, and the form shall be maintained at the facility(s) where the dental hygienist is working.
  - (6) The supervising dentist examined the patient not more than ~~seven months~~ one year prior to the date the dental hygienist provides the dental hygiene services to the patient.
  - (7) The dental hygienist complies with written protocols or written standing orders that the supervising dentist establishes, including an updated medical history.
  - (8) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date the dental hygienist provides dental hygiene services to the patient, unless there has been a medically significant change in the patient's medical history since the last appointment, and, except when the dental hygiene services are provided in a health care facility, the supervising dentist determines that the patient is in a medically stable condition.
  - (9) If the dental hygiene services are provided in a health care facility, a doctor of medicine and surgery or osteopathic medicine and surgery who holds a current certificate issued under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code is present in the health care facility when the services are provided.
  - (10) In advance of the appointment for dental hygiene services, the patient is notified that the supervising dentist will be absent from the location and that the dental hygienist cannot diagnose the patient's dental health care status. This notification must be documented in the patient record.
- (B) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if the services are provided as part of a dental hygiene program that is

approved by the state dental board and all of the following requirements are met:

- (1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized and approved by the state dental board.
- (2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated.
- (3) ~~The services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan for the procedures to be performed by the dental hygienist.~~
  - (a) Except as provided in division (B)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan.
  - (b) The requirement in division (B)(3)(a) of this section does not apply when the only service to be provided by the dental hygienist is the placement of pit and fissure sealants.
- (C) A dental hygienist may apply fluoride varnish, apply desensitizing agents, and discuss general nonmedical nutrition information for the purpose of maintaining good oral health when the supervising dentist is not physically present at the location where the services are provided, regardless of whether the dentist has examined the patient, if the dental hygienist is employed by, or under contract with, the supervising dentist or another person or government entity specified in paragraph (B).
- ~~(D)~~(D) The supervising dentist shall have no more than three dental hygienists treating patients when the dentist is not physically present.
- ~~(D)~~(E) No person shall do either of the following:
  - (1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist.
  - (2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.

~~(E)~~(F) The following procedures may not be performed by a dental hygienist when the supervising dentist is not physically present:

- (1) Administration of intraoral block and infiltration local anesthesia
- (2) Administration (initiate, adjust, monitor, and terminate) of nitrous oxide-oxygen ( $N_2O-O_2$ ) minimal sedation
- (3) Monitoring of nitrous oxide-oxygen ( $N_2O-O_2$ ) minimal sedation
- (4) Procedures while the patient is anesthetized.
- (5) Definitive subgingival curettage.
- (6) Definitive root planing.
- (7) Sulcular placement of prescribed materials.
- (8) Shade selection for fabrication of appliances or restorations.
- (9) Pulp testing.
- (10) Suture removal.
- (11) Placement of a rubber dam over preplaced clamp, and removal of clamp and rubber dam.
- (12) Application of cavity varnish.
- (13) Placement and removal of surgical dressings.
- (14) Bleaching of teeth.
- (15) The following orthodontic procedures:
  - (a) Preliminary selection and sizing of orthodontic bands and arch wires.
  - (b) Checking for and removal of loose orthodontic bands and loose brackets.

(c) Placement and removal of orthodontic arch wires, auxiliary arch wires, and ligation of same to orthodontic bands and/or brackets.

(d) Placement and removal of orthodontic separators and ties.

(16) The following endodontic procedures:

(a) Irrigation and drying of canals during endodontic procedures.

(b) Placement of medication in the pulp chamber(s) of teeth with non-vital pulp or instrumented root canals.

(17) The following restorative procedures:

(a) Impression, fabrication, cementation and removal of any provisional restorations.

(b) Preliminary selection and sizing of stainless steel crowns.

(c) Polymerization of light-activated restorative or bonding materials.

(18) The preparation of materials, drugs and medications for use in dental procedures, including, but not limited to:

(a) Palliative materials.

(b) Restorative materials.

(19) All non-invasive supportive services normally utilized in conjunction with the treatment by the dentist of fascia pain or TMJ syndrome.

(20) Intra-oral bite registrations for restorations and appliances.

(21) Preparing the teeth for restorations or for the bonding of orthodontic brackets by treating the supragingival coronal surfaces of the teeth to be bonded with a conditioning or etching agent and by the placement of a bonding agent adhesive.

(22) Impressions for removable or fixed orthodontic appliances.

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Certification

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4715-9-06

**Dental hygienist participating in the oral health access supervision program (OHASP).**

- (A) A dental hygienist may participate in an oral health access supervision program and provide dental hygiene services if all of the following requirements have been met:
- (1) The dental hygienist, and authorizing dentist, ~~and facility,~~ comply with all requirements outlined in sections 4715.36 to 4715.375 of the Revised Code.
  - (2) A dental hygienist may provide dental hygiene services as defined in division (F) of section 4715.36 of the Revised Code when participating in the oral health access supervision program (OHASP).
  - (3) A dental hygienist may perform those duties outlined in ~~paragraph~~ paragraphs (C) and (E) of rule 4715-9-01 of the Administrative Code when participating in the OHASP.
  - (4) A dental hygienist may not perform those duties outlined in paragraph ~~(E)~~ (F) of rule 4715-9-05 of the Administrative Code when participating in the OHASP.
- (B) ~~The dental hygiene services must be provided within thirty days of the~~ in accordance with the dentist's written protocol after the authorizing dentist's review and evaluation of the patient's medical and dental records, unless there are medically significant changes in the patient's medical history since the review. If a medically significant change has occurred, no dental hygiene services shall be provided under this section until the authorizing dentist completes another review and evaluation of the patient's medical and dental history. The authorizing dentist may complete the subsequent review and evaluation of the patient's medical and dental history by telephone, facsimile, electronic mail, video, or any other means of communication.
- (C) ~~Notification to the patient and operator of the facility where dental hygiene services are to be provided that no dentist will be present, as required in division (A)(5) of section 4715.365 of the Revised Code, shall be made prior to providing dental hygiene services. Prior to receiving dental hygiene services, the patient and the operator of the facility where the dental hygiene services are to be provided are notified that no dentist will be present at the location and that the dental hygienist is prohibited from doing either of the following:~~
- (1) Diagnosing the patient's oral health care status;
  - (2) Providing dental hygiene services to the same patient on a subsequent occasion until the patient has received a clinical evaluation performed by a dentist, except if the patient requires multiple visits to complete one or more procedures that could not be completed during the visit in which the dental

hygiene services were commenced. If the patient requires multiple visits to complete the one or more procedures that could not be completed during the visit in which dental hygiene services were commenced, the one or more procedures shall be completed not later than eight weeks after the visit in which the dental hygiene services were commenced.

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Rule Amplifies: 4715.363, 4715.365, 4715.366  
Prior Effective Dates: 03/25/2011

4715-10-03

**Application for oral health access supervision program permit;  
dental hygienist.**

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

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Prior Effective Dates: 9/17/11

4715-11-01

**Dentists may supervise dental auxiliaries, basic qualified personnel, certified dental assistants, expanded function dental auxiliary.**

(A) Dental auxiliaries

- (1) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentist's personal supervision and full responsibility, the concurrent performance of supportive procedures, to include assisting with the administration of drugs, medications, and inhalation anesthetic agents, including nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation.
- (2) A licensed dentist shall not delegate parenteral injections for the administration of drugs, including local anesthetic agents, to dental auxiliaries unless they are appropriately licensed in the state of Ohio.

(B) Basic qualified personnel

- (1) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentist's direct supervision and full responsibility, basic remediable intra-oral and extra-oral tasks and/or procedures to basic qualified personnel.
- (2) A licensed dentist may utilize, under ~~his~~the dentist's direct supervision and full responsibility, no more than one basic qualified personnel appropriately trained as set forth in paragraph ~~(A)(38)~~(A)(40) of rule 4715-11-02 of the Administrative Code in the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists appropriately trained as set forth in paragraph (A)(2) of rule 4715-9-01 of the Administrative Code who may be employed to perform the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
- (3) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentist's personal supervision and full responsibility, the concurrent performance of supportive procedures, to include assisting with the administration of drugs, medications, and inhalation anesthetic agents, including N<sub>2</sub>O-O<sub>2</sub> minimal sedation to basic qualified personnel.
- (4) A licensed dentist must maintain in ~~his~~the office a record of the training received by dental assistants who wish to perform the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation as set forth in paragraph ~~(A)(38)~~(A)(40) of rule 4715-11-02 of the Administrative Code.

(C) Certified dental assistant

- (1) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentist's direct supervision and full responsibility, basic remediable intra-oral and extra-oral tasks and/or procedures to currently certified dental assistants.
  - (2) A licensed dentist may utilize, under ~~his~~the dentist's direct supervision and full responsibility, no more than one certified dental assistant appropriately trained as set forth in paragraph ~~(A)(38)~~(A)(40) of rule 4715-11-02 of the Administrative Code in the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists appropriately trained as set forth in paragraph (A)(2) of rule 4715-9-01 of the Administrative Code who may be employed to perform the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
  - (3) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentist's direct supervision and full responsibility, the following dental tasks and procedures in addition to those basic remediable intra-oral and extra-oral dental tasks and/or procedures defined in rule 4715-11-02 of the Administrative Code to appropriately trained certified dental assistants pursuant to rule 4715-11-03 of the Administrative Code:
    - (a) Application of pit and fissure sealants; and
    - (b) Coronal polishing activities.
  - (4) A licensed dentist may utilize, under ~~his~~the dentist's direct supervision and full responsibility, no more than two certified dental assistants appropriately trained as set forth in rule 4715-11-03.1 of the Administrative Code to perform coronal polishing activities, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists who may be employed to perform the duties of a licensed dental hygienist as defined in sections 4715.22 and 4715.23 of the Revised Code.
  - (5) A licensed dentist must maintain in ~~his~~the office a record of the training received by certified dental assistants who wish to perform the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation as set forth in paragraph ~~(A)(38)~~(A)(40) of rule 4715-11-02 of the Administrative Code.
- (D) Expanded function dental auxiliary
- (1) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentist's direct supervision and full responsibility, basic remediable intra-oral and extra-oral tasks and/or procedures to currently registered expanded

function dental auxiliary.

- (2) A licensed dentist may utilize, under ~~his~~the dentist's direct supervision and full responsibility, no more than one expanded function dental auxiliary appropriately trained as set forth in paragraph ~~(A)(38)~~(A)(40) of rule 4715-11-02 of the Administrative Code in the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation, at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists appropriately trained as set forth in paragraph (A)(2) of rule 4715-9-01 of the Administrative Code who may be employed to perform the administration of N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
- (3) A licensed dentist may utilize, under ~~his~~the dentist's direct supervision, no more than two expanded function dental auxiliaries at any given time. This restriction is independent of the limitation on the number of licensed dental hygienists who may be employed to perform the duties of a licensed dental hygienist as defined in sections 4715.22 and 4715.23 of the Revised Code.
- (4) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentist's direct supervision and full responsibility the following dental tasks and/or procedures in addition to those basic remediable intra-oral and extra-oral dental tasks and/or procedures defined in rule 4715-11-02 of the Administrative Code to registered expanded function dental auxiliaries:
  - (a) Advanced remediable intra-oral and extra-oral tasks and/or procedures, with consideration of the soft tissues, involved in the art or placement of preventative or restorative materials limited to the following:
    - (i) Application of pit and fissure sealants;
    - (ii) Amalgam restorative materials; and
    - (iii) Non-metallic restorative materials, including direct-bonded restorative materials.
- (5) A licensed dentist must maintain in ~~his~~the office a current record of the training received by expanded function dental auxiliaries who wish to perform the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation as set forth in paragraph ~~(A)(38)~~(A)(40) of rule 4715-11-02 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03, 4715.39, 4715.66, 119.03  
Rule Amplifies: 4715.39, 4715.64  
Prior Effective Dates: 12/24/2010

4715-11-02

**Basic qualified personnel; functions.**

- (A) Basic qualified personnel must be trained directly via an employer/dentist, via in-office training, and/or via a planned sequence of instruction in an educational institution.
- (B) Under the direct supervision of the licensed dentist, the basic qualified personnel may perform basic remediable intra-oral and extra-oral tasks and/or procedures including the following, but do not include any advanced remediable intra-oral tasks and/or procedures as defined in rule 4715-11-04 of the Administrative Code.
- (1) Aspiration and retraction, ~~excluding placement of gingival retraction materials.~~
  - (2) Intra-oral instrument transfer.
  - (3) Preliminary charting of missing and filled teeth.
  - (4) Elastomeric impressions for diagnostic models and models to be used for opposing models in the construction of appliances and restorations.
  - (5) Taking impressions for the construction of custom athletic mouth protectors/mouthguards, and trays for application of medicaments.
  - (6) Application of disclosing solutions.
  - (7) Caries susceptibility and detection.
  - (8) Periodontal susceptibility and detection (excluding procedures that enter the gingival sulcus: eg. periodontal probing paper points).
  - (9) Demonstration of oral hygiene procedures, including, but not limited to, use of toothbrushes and dental floss.
  - (10) Shade selection for fabrication of appliances or restorations.
  - (11) Application of topical anesthetics.
  - (12) Pulp testing.
  - (13) Fluoride application.

- (14) Topical applications of desensitizing agents to teeth.
- (15) Application and removal of periodontal dressings.
- (16) Suture removal.
- (17) Placement of rubber dam over preplaced clamp, and removal of clamp and rubber dam.
- (18) Application of cavity varnish.
- (19) Impression, fabrication, cementation and removal of provisional restorations, not to include palliative or sedative restorations.
- (20) Retraction of the gingival tissue prior to the final impression which is performed by the licensed, supervising dentist.
- ~~(20)~~(21) Preliminary selection and sizing of stainless steel crowns.
- ~~(21)~~(22) Preliminary selection and sizing of orthodontic bands and arch wires.
- ~~(22)~~(23) Checking for and removal of loose orthodontic bands and loose brackets.
- ~~(23)~~(24) Intra-oral bite registrations for diagnostic model articulation, restorations, and appliances.
- ~~(24)~~(25) Irrigation and drying of canals during endodontic procedures.
- ~~(25)~~(26) Placement of medication in the pulp chamber(s) of teeth with non-vital pulp or instrumented root canals.
- ~~(26)~~(27) Placement and removal of surgical dressings.
- ~~(27)~~(28) Placement and removal of orthodontic arch wires, auxiliary arch wires, and ligation of same to orthodontic bands and/or brackets.
- ~~(28)~~(29) Placement and removal of orthodontic separators and ties.
- ~~(29)~~(30) Polymerization of light-activated restorative or bonding materials.

~~(30)~~(31) All supportive services necessary to the maintenance of a hygienic practice environment, including, but not limited to, all sterilizing procedures.

~~(31)~~(32) All supportive services or procedures necessary to protect the physical well-being of the patient during routine treatment procedures and during periods of emergencies, including, but not limited to:

- (a) Physical positioning of the patient;
- (b) Monitoring of vital signs;
- (c) Assistance during administration of life-support activities; and
- (d) Any other non-invasive procedures deemed necessary by the supervising dentist to maintain the health and safety of the patient.

~~(32)~~(33) All non-invasive supportive services and procedures necessary to the gathering and maintaining of accurate and complete medical and dental history of the patient, including, but not limited to:

- (a) Taking photographs;
- (b) Recording patient treatment;
- (c) Measurement of blood pressure and body temperature; and
- (d) Other common tests deemed necessary by the supervising dentist.

~~(33)~~(34) All extra-oral supportive laboratory procedures, including, but not limited to:

- (a) Repair, construction and finishing of metallic and plastic prosthetic devices; and
- (b) Compilation of radiographic data for interpretation by the dentist, i.e., tracings, etc.

~~(34)~~(35) The preparation of materials, drugs and medications for use in dental procedures, including, but not limited to:

- (a) Palliative materials;
- (b) Impression materials; and
- (c) Restorative materials.

~~(35)~~(36) All patient education services, including, but not limited to:

- (a) Progress reports;
- (b) Consultations (oral or written);
- (c) Oral hygiene instructions;
- (d) Use of intra-oral hygiene devices;
- (e) Normal nutrition information as it relates to dental health;
- (f) Behavioral modification;
- (g) Self adjustment of orthodontic appliances; and
- (h) All other post-operative and post-insertion instructions, as deemed appropriate by the supervising dentist.

~~(36)~~(37) All non-invasive supportive services normally utilized in conjunction with the treatment by the dentist of fascia pain or TMJ syndrome.

~~(37)~~(38) Preparing the teeth for restorations or for the bonding of orthodontic brackets by treating the supragingival coronal surfaces of the teeth to be bonded with a conditioning or etching agent and by the placement of a bonding agent adhesive.

~~(38)~~(39) Impressions for removable or fixed orthodontic appliances.

~~(39)~~(40) Nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation monitoring - A dental assistant may monitor N<sub>2</sub>O-O<sub>2</sub> minimal sedation as defined in rule 4715-3-01 of the Administrative Code if all of the following requirements are met:

- (a) The dental assistant must be at least eighteen years of age.
- (b) The dental assistant has at least two years and three thousand hours of experience in the practice of dental assisting.
- (c) The dental assistant has completed a basic life-support training course certified by the American heart association, the American red cross, or the American safety and health institute, and remains current at all times when monitoring N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
- (d) The dental assistant has successfully completed a six-hour course in N<sub>2</sub>O-O<sub>2</sub> minimal sedation monitoring as defined in rule 4715-11-02.1 of the Administrative Code. A certificate, documenting successful completion of the course, must be provided to the dental assistant by the permanent sponsor within ten days. This original certificate or a copy must be maintained in the office(s) wherein the dental assistant is employed. The course must be taken through a permanent sponsor.
- (e) Under no circumstances may the dental assistant administer, adjust, or terminate N<sub>2</sub>O-O<sub>2</sub> minimal sedation.
- (f) The dental assistant shall not monitor more than one patient at a time.
- (g) The dental assistant shall physically remain with the patient at all times.
- (h) The supervising dentist approves discharge of the patient.
- (i) Nothing in this rule shall be construed to allow the dental assistant to administer N<sub>2</sub>O-O<sub>2</sub> minimal sedation.

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

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Rule Amplifies: 4715.39  
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5-22-09, 12-24-10

4715-11-02.1      **Monitoring nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation; education, training and examination required.**

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

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

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

- (13) Occupational exposure
  - (14) Successful completion of a written examination, provided by the board-approved permanent sponsor.
- (B) A dental auxiliary shall be exempt from the six-hour course and the examination requirements provided in paragraph (A) of this rule for either of the following:
- (1) The dental auxiliary holds a current license, certificate, permit, registration, or other credential issued by another state for the monitoring of N<sub>2</sub>O-O<sub>2</sub> minimal sedation if the training received is substantially equivalent, as determined by the board, to the required hours, content and examination requirements of the course described in paragraph (A) of this rule.
  - (2) The dental auxiliary ~~was~~ graduated on or after January 1, ~~2010~~2015 from ~~an American dental association commission~~ Commission on dental accreditation approved program and has completed the equivalent training within the curriculum.

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

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Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

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Rule Amplifies: 4715.39  
Prior Effective Dates: 12/24/10

4715-11-03

**Certified dental assistant; functions; education, training and supervision requirements.**

- (A) A licensed dentist may assign to certified dental assistants under ~~his~~the dentist's direct supervision and full responsibility those basic remediable intra-oral dental tasks and/or procedures as defined in rule 4715-11-02 of the Administrative Code.
- (B) A licensed dentist may assign to currently certified dental assistants under ~~his~~the dentist's direct supervision and full responsibility the following dental tasks and/or procedures in addition to those basic remediable intra-oral dental tasks and/or procedures as defined in rule 4715-11-02 of the Administrative Code:
- (1) "Pit and fissure sealants" - The certified dental assistant may apply pit and fissure sealants if all the following requirements are met:
- (a) The dental assistant has successfully completed a course in the application of sealants consisting of at least two hours of didactic instruction and six hours of clinical instruction through a program provided by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board; and
  - (b) The dentist evaluates the patient and designates the teeth and surfaces that will benefit from the application of sealant on the day the application is to be performed; and
  - (c) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants; and
  - (d) The dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed.
- (2) "Coronal polishing" - The certified dental assistant may perform polishing of the enamel and restorations on the anatomical crowns of human teeth by utilizing only a combination of a polishing agent, a slow speed hand piece, a prophy angle and a rubber cup, if all the following requirements are met:
- (a) The dental assistant receives a certificate from the board authorizing the assistant to engage in coronal polishing activities pursuant to completion of the education, training, assessment and examination requirements set forth in division (B) of section 4715.39 of the Revised Code and rule 4715-11-03.1 of the Administrative Code; and

- (b) The polishing is performed only after the supervising dentist has evaluated the patient and any calculus detected on the teeth to be polished has been removed by a dentist or dental hygienist; and
- (c) The dentist supervising the assistant supervises not more than two dental assistants engaging in polishing activities at any given time.

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

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Certification

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Date

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Rule Amplifies: 4715.39  
Prior Effective Dates: 09-28-04, 11-13-06

4715-11-03.1      **Coronal polishing certification.**

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

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

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

- (B) Approved training program - training in the polishing of the clinical crowns of teeth through an approved program accredited by the American dental association commission on dental accreditation or equivalent board-approved training through a college or university accredited by the higher learning commission of the North central association of colleges and schools. The college or university must have a classroom and a (pre)clinical facility with the proper armamentarium and equipment to support the educational objectives.

- (1) The board-approved training program must include a minimum of seven hours of coursework of which three are didactic and four are (pre)clinical. The

training shall include courses in:

- (a) Basic dental anatomy; and
  - (b) Infection control; and
  - (c) Coronal polishing which consists of didactic, preclinical, and clinical instruction; and
  - (d) A clinical skills assessment that includes successful completion of a standardized examination.
- (2) The faculty who participate in a coronal polishing course shall be full or part-time. Faculty must be competent educators with educational methodology, professional training, and have experience in coronal polishing. The participating faculty must be associated with an educational institution who is accredited by the American dental association commission on dental accreditation. There shall be a supervising dentist or dental hygienist faculty present for all (pre)clinical portions of the course. This person will be responsible for the learning experiences. Only course faculty will be responsible for final evaluation of students.
- (3) This course shall include an evaluation component, mechanism, or procedure which assesses competence in coronal polishing. Minimal competency level shall be at seventy-five percent and must be demonstrated by the student prior to sitting for the standardized examination. The skills assessment must be on a clinical patient and disclosing solution must be utilized as an evaluation tool.
- (4) An applicant shall not be permitted to take the standardized examination until the instructor certifies that the applicant has successfully completed all components of the training program and that the applicant is deemed capable of safely performing coronal polishing. The board reserves the right to make an independent determination on the issue of completion.
- (5) The board retains the right and authority, upon notification, to audit, monitor, or request evidence demonstrating adherence to Chapter 4715. of the Revised Code for training programs approved by board action. The board may rescind approval status if the career college or school has disseminated any false or misleading information in connection with the training program, or if the career college or school has failed to conform to Chapter 4715. of the Revised Code or agency 4715 of the Administrative Code.

- (C) Standardized testing - A board-approved examination to be administered by the dental assisting national board, the Ohio commission on dental assistant certification, or the educational institution in which the applicant has obtained successful completion of an approved training program.
- (1) The examination shall be conducted within sixty days after the conclusion of the training program and shall be governed in format, content and subject matter by the testing agency and/or educational institution.
  - (2) The minimum passing score for the standardized testing is seventy-five per cent.
  - (3) An applicant must submit the examination fee established by the testing entity each time the applicant takes the examination.
  - (4) An applicant who fails to successfully complete the examination after the third attempt must retake the training program.
  - (5) An applicant must file a new application for each examination to be taken and submit a new examination fee as provided for in paragraph (C)(3) of this rule.
- (D) The board shall issue a certificate to perform coronal polishing to currently certified dental assistants who, within one year immediately preceding the date of application, have completed the requirements set forth in paragraphs (A)(2) and (A)(3) of this rule.
- (E) A certified dental assistant shall be exempt from the approved training program and standardized testing requirements provided in paragraphs (A)(2) and (A)(3) of this rule if ~~he~~the dental assistant holds a current license, certificate, or other credential issued by another state that the board determines uses standards that are at least equal to those established by agency 4715 of the Administrative Code.

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Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

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4715-11-03.2

**Certified dental assistant; practice when the dentist is not physically present.**

(A) Subject to the requirements set forth in paragraph (B) of this rule, the certified dental assistant may provide all of the following services to a patient when the supervising dentist is not physically present at the location where the services are provided:

- (1) Recementation of temporary crowns or recementation of crowns with temporary cement;
- (2) Application of fluoride varnish;
- (3) Application of disclosing solutions;
- (4) Application of desensitizing agents;
- (5) Caries susceptibility testing;
- (6) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss; and
- (7) Pit and fissure sealants if the educational requirement of paragraph (B)(1)(a) and the observation requirement in paragraph (B)(1)(c) of rule 4715-11-03 have been satisfied.

(B) A currently certified dental assistant may provide the dental assistant services in paragraph (A) of this rule for not more than fifteen consecutive business days, to a patient when the supervising dentist is not physically present at the location at which the services are provided if all of the following requirements are met:

- (1) The certified dental assistant has at least two years and a minimum of three thousand hours of experience practicing as a dental assistant. This experience shall be documented on a form supplied by the board, with any necessary supporting documentation attached, and the form shall be maintained in the facility(s) where the certified dental assistant is working.
- (2) The certified dental assistant has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. This board approved course shall be taken through a permanent sponsor, shall be at least four hours in duration, and shall include, at a minimum, the following topics:
  - (a) Medical history;
  - (b) Recognition of common medical emergency situations;
  - (c) Office emergency protocols;

(d) Basic airway management;

(e) Prevention of emergency situations during dental appointments; and

(f) Recognition of symptoms, first aid treatment and possible outcomes for patients who exhibit bleeding injuries, cardiovascular disease, insulin reaction, diabetic coma, shock, syncope, epileptic seizures and allergic reactions.

Completion of this course shall be documented on a form supplied by the board, with all necessary supporting information attached, and the form shall be maintained in the facility(s) where the certified dental assistant is working.

(3) The supervising dentist has evaluated the certified dental assistant's skills and has made a determination that the certified dental assistant is competent to treat patients without the dentist being physically present. This determination shall be documented on a form supplied by the board, and the form shall be maintained at the facility(s) where the certified dental assistant is working.

(4) The supervising dentist examined the patient not more than one year prior to the date the certified dental assistant provides the dental assisting services to the patient.

(5) The supervising dentist has established written protocols or written standing orders for the dental assistant to follow during and in the absence of an emergency.

(6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date the certified dental assistant provides dental assisting services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.

(7) In advance of the appointment for dental assistant services, the patient is notified that the supervising dentist will be absent from the location and that the certified dental assistant cannot diagnose the patient's dental health care status. This notification must be documented in the patient record.

(8) The dental assistant is employed by, or under contract with, one of the following:

(a) The supervising dentist;

(b) A dentist licensed under this chapter who is one of the following:

(i) The employer of the supervising dentist;



means of electronic communication.

(5) The application of pit and fissure sealants is limited to erupted permanent posterior teeth without suspicion of dentinal cavitation.

(6) If the patient is a minor, a parent, guardian, or other person responsible for the patient has been notified that a dentist will not be present at the location and that the dental assistant is not trained to diagnose or treat other serious dental concerns that could exist.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:  
Statutory Authority:  
Rule Amplifies:

119.03  
4715.03, 4715.39, 4715.62, 4715.66, 119.03  
4715.03, 4715.39, 4715.62, 4715.66

4715-11-04

**Expanded function dental auxiliaries; functions.**

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

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Certification

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4715-11-04.1

**Application for registration as expanded function dental auxiliary; requirements; renewal; exemptions.**

(A) Each individual seeking to practice as an expanded function dental auxiliary shall register with the board in accordance with section 4715.62 of the Revised Code. An applicant for registration shall file with the secretary of the board a written application for registration, under oath, on a form the board shall prescribe and provide. An applicant shall include with the completed application all of the following:

(1) An application fee of twenty dollars;

(2) Proof that the applicant is one of the following:

(a) An unlicensed dentist who has graduated from an accredited dental college, as specified in 4715.10 of the Revised Code, and does not have a dental license under suspension or revocation by the board;

(b) A dental student who is enrolled in an accredited dental college, as specified in section 4715.10 of the Revised Code, and as is considered by the dean of the college to be in good standing as a dental student;

(c) A graduate of an unaccredited dental college located outside the United States;

(d) A dental assistant who is certified by the Dental assisting national board or the Ohio commission on dental assistant certification;

(e) A dental hygienist licensed under this chapter whose license is in good standing; or

(f) A dental hygienist who has graduated from an accredited dental hygiene program, as specified in section 4715.21 of the Revised Code, and does not have a dental hygiene license under suspension or revocation by the board.

~~(2)~~(3) Proof satisfactory to the board that the applicant has successfully completed, at an educational institution accredited by the American dental association commission on dental accreditation or the higher learning commission of the north central association of colleges and schools, the education or training specified in rule 4715-11-04.2 of the Administrative Code. Proof of completion of the education or training may be evidenced by a diploma or certificate of graduation or completion that has been signed by an appropriate official of the accrediting institution that provided education or training;

~~(3)~~(4) Proof satisfactory to the board that the applicant has passed an examination

that meets the standards established in rule 4715-11-04.3 of the Administrative Code;

~~(4)~~(5) Proof that the applicant holds current certification to perform basic life-support procedures, evidenced by documentation showing the successful completion of a basic life-support training course certified by the American red cross, the American heart association, or the American safety and health institute.

(B) Registration as an expanded function dental auxiliary expires on the thirty-first day of December of the year following the year in which the registration occurs. An individual may renew a registration for subsequent two-year periods in accordance with the standard renewal procedures established under Chapter 4745. of the Revised Code by submitting ~~both~~all of the following to the secretary of the state dental board each time the individual seeks to renew a registration:

(1) A renewal fee of twenty dollars;

~~(1)~~(2) A completed application for renewal, under oath, on a form the board shall prescribe and provide; ~~and~~

~~(2)~~(3) A renewal fee of twenty dollars. Proof that the registrant holds current certification to perform basic life-support procedures, evidenced by documentation showing the successful completion of a basic life-support traing course certified by the American red cross, the American heart association, or the American safety and health institute; and

(4) Proof that in the two years immediately preceding the registration period the registrant has successfully completed twelve hours of continuing education as defined in paragraph (E)(6)(a) of rule 4715-3-01 or maintains current licensure as a dental hygienist in the state of Ohio or maintains current certification through the Ohio commission on dental assistant certification or the Dental assisting national board. Acceptable continuing education must be taken through a board-approved or board-accepted provider of continuing education as defined in rule 4715-8-02. The board may excuse an expanded function dental auxiliary, as a group or as individuals, from all or any part of the continuing education requirement because of an unusual circumstance, emergency, or special hardship.

(C) Paragraph (A) of this rule does not apply to any of the following:

(1) A dentist licensed under this chapter;

- (2) A dental student who engages in any activities performed by expanded function dental auxiliaries as an integral part of a program of study leading to receipt of a license to practice as a dentist under this chapter;
- (3) An expanded function dental auxiliary student when the student participates in an educational or training activity of an accredited education institution or a training program that does both of the following:
  - (a) Provides the education or training necessary to practice as an expanded function dental auxiliary; and
  - (b) Ensures that a dentist licensed under this chapter, or a dentist who holds a limited teaching license issued under this chapter, is physically present in the facility where the expanded function dental auxiliary performs clinical dental procedures on patients.

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.66, 119.03  
Rule Amplifies: 4715.39, 4715.61, 4715.62, 4715.63  
Prior Effective Dates: 10-09-06, 04-02-10

4715-11-04.4

**Expanded function dental auxiliary; practice when the dentist is not physically present.**

(A) Subject to the requirements set forth in paragraph (B) of this rule, an expanded function dental auxiliary may provide all of the following services to a patient when the supervising dentist is not physically present at the location where the services are provided:

- (1) Application of pit and fissure sealants;
- (2) Recementation of temporary crowns or recementation of crowns with temporary cement;
- (3) Application of topical fluoride;
- (4) Application of fluoride varnish;
- (5) Application of disclosing solutions;
- (6) Application of desensitizing agents;
- (7) Caries susceptibility testing; and
- (8) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss.

(B) An expanded function dental auxiliary may provide the services in paragraph (A) of this rule for not more than fifteen consecutive business days to a patient when the supervising dentist is not physically present at the location at which the services are provided if all of the following requirements are met:

- (1) The expanded function dental auxiliary has at least two years and a minimum of three thousand hours of experience practicing as an expanded function dental auxiliary. This experience shall be documented on a form supplied by the board, with any necessary supporting information attached, and the form shall be maintained in the facility(s) where the expanded function dental auxiliary is working.
- (2) The expanded function dental auxiliary has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. This board approved course shall be taken through a permanent sponsor, shall be at least four hours in duration, and shall include, at a minimum, the following topics:
  - (a) Medical history;
  - (b) Recognition of common medical emergency situations;

- (c) Office emergency protocols;
- (d) Basic airway management;
- (e) Prevention of emergency situations during dental appointments; and
- (f) Recognition of symptoms, first aid treatment and possible outcomes for patients who exhibit bleeding injuries, cardiovascular disease, insulin reaction, diabetic coma, shock, syncope, epileptic seizures and allergic reactions.

Completion of this course shall be documented on a form supplied by the board, with all necessary supporting information attached, and the form shall be maintained in the facility(s) where the expanded function dental auxiliary is working

- (3) The supervising dentist has evaluated the expanded function dental auxiliary's skills and has made a determination that the expanded function dental auxiliary is competent to treat patients without the dentist being physically present. This determination shall be documented on a form supplied by the board, and the form shall be maintained at the facility(s) where the expanded function dental auxiliary is working.
- (4) The supervising dentist examined the patient not more than one year prior to the date the expanded function dental auxiliary provides the services to the patient.
- (5) The supervising dentist has established written protocols or written standing orders for the expanded function dental auxiliary to follow during and in the absence of an emergency.
- (6) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date the expanded function dental auxiliary provides services to the patient and the supervising dentist determines that the patient is in a medically stable condition.
- (7) In advance of the appointment for dental services, the patient is notified that the supervising dentist will be absent from the location and that the expanded function dental auxiliary cannot diagnose the patient's dental health care status. This notification must be documented in the patient record.
- (8) The expanded function dental auxiliary is employed by, or under contract with, one of the following:
  - (a) The supervising dentist;

(b) A dentist licensed under this chapter who is one of the following:

(i) The employer of the supervising dentist;

(ii) A shareholder in a professional association formed under Chapter 1785. of the Revised Code of which the supervising dentist is a shareholder;

(iii) A member or manager of a limited liability company formed under Chapter 1705. of the Revised Code of which the supervising dentist is a member or manager;

(iv) A shareholder in a corporation formed under division (B) of section 1701.03 of the Revised Code of which the supervising dentist is a shareholder;

(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee.

(c) A government entity that employs the expanded function dental auxiliary to provide services in a public school or in connection with other programs the government entity administers.

(C) An expanded function dental auxiliary may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:

(1) All of the conditions specified in paragraph (B) of this rule have been satisfied, except for paragraphs (B)(4) and (B)(6).

(2) The expanded function dental auxiliary is providing the service as part of a program operated through any of the following: a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.

(3) A supervising dentist for the program described in division (C)(2) of this section meets both of the following conditions:

(a) Is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated;

(b) Is available for consultation by telephone, videoconferencing, or other means of electronic communication.

(4) The application of pit and fissure sealants is limited to erupted permanent posterior teeth without suspicion of dentinal cavitation.

If the patient is a minor, a parent, guardian, or other person responsible for the patient has been notified that a dentist will not be present at the location and that the expanded function dental auxiliary is not trained to diagnose or treat other serious dental concerns that could exist.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03, 4715.39, 4715.62, 4715.66, 119.03  
Rule Amplifies: 4715.03, 4715.39, 4715.62, 4715.66

4715-11-05

**Non-dental licensed healthcare provider; supervision.**

(A) A licensed dentist may assign to non-dental healthcare providers under the dentists direct supervision and full responsibility those functions within the scope of their individual non-dental license when said functions are within the scope of dental practice and part of the delivery of dental care.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03, 4715.39, 4715.62, 4715.66, 119.03  
Rule Amplifies: 4715.03, 4715.39, 4715.62, 4715.66

4715-11-06

**Non-delegable dental tasks and/or procedures.**

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

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

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03, 4715.39, 119.093  
Rule Amplifies: 4715.39  
Prior Effective Dates: 03/05/2009 , 03/01/2014

4715-12-01

**Permissible practices of a dental ~~assistant radiographer~~ x-ray machine operator; supervision required; certificate to be displayed.**

- (A) A dental ~~assistant radiographer~~ x-ray machine operator may perform standard, diagnostic, radiologic procedures for the purpose of contributing to the provision of dental care to a dental patient.
- (B) ~~Except as provided in paragraph (C) of this rule a~~ A dental ~~assistant radiographer~~ x-ray machine operator may perform radiologic procedures only under the direct supervision of the supervising dentist.
- (C) A dental x-ray machine operator may perform radiologic procedures for a patient when the supervising dentist is not physically present at the location where the radiologic procedures are performed if the supervising dentist examined the patient not more than one year prior to the date the dental x-ray machine operator performs the radiologic procedures and the supervising dentist has ordered the radiologic procedures.
- ~~(C)~~(D) The original or copy of the certificate and/or renewal receipt card shall be displayed in a conspicuous place in the office wherein the dental assistant radiographer is employed and be made immediately available upon the request of an agent of the board.

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.39, 4715.53  
Rule Amplifies: 4715.53, 4715.56  
Prior Effective Dates: 3-3-95, 4-4-02, 10-9-06

4715-14-01

**Processing applications from service members, veterans, or spouses of service members or veterans.**

(A) The board shall include questions on all applications for licensure, permit, certification, or registration, or renewal of licensure, permit, certification, or registration that inquire as to whether the applicant is:

(1) A service member;

(2) A veteran; or

(3) The spouse or surviving spouse of a service member or veteran.

(B) If the applicant responds affirmatively to any of the questions discussed in paragraph (A) of this rule, the board shall:

(1) Route the application to a board staff member who is responsible for monitoring the application and communicating with the applicant regarding the status of the application, including informing the applicant of any documentation needed for the board to process the application;

(2) Expedite the processing of the application, even if the application was received later in time than other applications that are pending processing;

(3) Provide information to applicants if the applicant or their spouse will be imminently deployed, regarding available fee and continuing education waivers;

(4) Request that the applicant submit documentation to the board demonstrating that the applicant is a service member, veteran, or spouse or surviving spouse of a service member or veteran; and

(5) Track, on an annual basis, the total number of applications submitted by service members, veterans, or spouses or surviving spouses of service members or veterans, and the average number of business days expended by the board to process applications.

(C) For purposes of paragraph (B)(4) of this rule, acceptable forms of documentation include:

(1) A copy of a document issued by the armed forces showing the applicant is a service member or veteran, or that the applicant's spouse was a service member or veteran; and

(2) If the applicant is a spouse or surviving spouse of a service member or veteran, a copy of a document showing that the applicant and the service member or veteran are spouses according to the law of any state or country.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5903.03, 5903.04, 5903.10, 5903, 12, 5903.121,  
119.03  
Rule Amplifies: 5903.03, 5903.04, 5903.10, 5903, 12, 5903.121,  
119.03

4715-14-02

**Fee waivers available to service members, veterans, or spouses of services members or veterans.**

(A) A licensed dentist, who submits a renewal application on April first or later, or whose license lapsed, due to the licensee's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (C)(3) of section 4715.14 of the Revised Code, and the reinstatement fee required by division (C)(5) of section 4715.14 of the Revised Code, if the following are met:

- (1) The licensee presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions;
- (2) The licensee is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
- (3) The licensee meets the requirements for license or certificate renewal required by sections 4715.14 and 4715.141 of the Revised Code.

(B) A licensed dentist, who submits a renewal application on April first or later, or whose license lapsed, due to the licensee's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (C)(3) of section 4715.14 of the Revised Code, and the reinstatement fee required by division (C)(5) of section 4715.14 of the Revised Code, if the following are met:

- (1) The license holder presents the board with satisfactory evidence that the licensee did not renew their license because their spouse's military service caused them to be absent from the state of Ohio;
- (2) The license holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee's spouse was honorably discharged or separated under honorable conditions; and
- (3) The license holder meets the requirements for license renewal required by sections 4715.14 and 4715.141 of the Revised Code.

(C) A licensed dental hygienist, who submits a renewal application on January first or later, or whose license lapsed, due to the holder's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (B) of section 4715.24 of the Revised Code, and the reinstatement fee required by division (A) of section 4715.24 of the Revised Code, if the following are met:

- (1) The license holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the

license holder was honorably discharged or separated under honorable conditions;

(2) The license holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and

(3) The license holder meets the requirements for license renewal required by sections 4715.24, 4715.25, and 4715.251 of the Revised Code.

(D) A licensed dental hygienist, who submits a renewal application on January first or later, or whose license lapsed, due to the licensee's spouse's service in the armed forces, shall be eligible for renewal and reinstatement without payment of the late application fee required by division (B) of section 4715.24 of the Revised Code, and the reinstatement fee required by division (B) of section 4715.24 of the Revised Code, if the following are met:

(1) The license holder presents the board with satisfactory evidence that the licensee did not renew their license because their spouse's military service caused them to be absent from the state of Ohio;

(2) The license holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee's spouse was honorably discharged or separated under honorable conditions; and

(3) The license holder meets the requirements for license renewal required by sections 4715.24, 4715.25, and 4715.251 of the Revised Code.

(E) A dental x-ray machine operator, who submits a renewal application on January first or later, or whose certificate expired, due to the holder's service in the armed forces, shall be eligible for renewal if the following are met:

(1) The certificate holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the certificate holder was honorably discharged or separated under honorable conditions;

(2) The certificate holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and

(3) The certificate holder meets the requirements for certificate renewal required by section 4715.53 of the Revised Code.

(F) A dental x-ray machine operator, who submits a renewal application on January first or later, or whose certificate lapsed, due to the holder's spouse's service in the armed forces, shall be eligible for renewal if the following are met:

- (1) The certificate holder presents the board with satisfactory evidence that the certificate holder did not renew their certificate because their spouse's military service caused them to be absent from the state of Ohio;
  - (2) The certificate holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the certificate holder's spouse was honorably discharged or separated under honorable conditions; and
  - (3) The certificate holder meets the requirements for certificate renewal required by section 4715.53 of the Revised Code.
- (G) A registered expanded function dental auxiliary, who submits a renewal application on January first or later, or whose registration lapsed, due to the holder's service in the armed forces, shall be eligible for renewal if the following are met:
- (1) The registration holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the registration holder was honorably discharged or separated under honorable conditions;
  - (2) The registration holder is not suffering a mental or physical impairment that may affect the individual's ability to provide safe care; and
  - (3) The registration holder meets the requirements for registration renewal required by section 4715.63 of the Revised Code.
- (H) A registered expanded function dental auxiliary, who submits a renewal application on January first or later, or whose registration lapsed, due to the holder's spouse's service in the armed forces, shall be eligible for renewal if the following are met:
- (1) The registration holder presents the board with satisfactory evidence that the registration holder did not renew their registration because their spouse's military service caused them to be absent from the state of Ohio;
  - (2) The registration holder presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the registration holder's spouse was honorably discharged or separated under honorable conditions; and
  - (3) The registration holder meets the requirements for registration renewal required by section 4715.63 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	5903.03, 5903.04, 5903.10, 5903, 12, 5903.121, 119.03
Rule Amplifies:	5903.03, 5903.04, 5903.10, 5903, 12, 5903.121, 119.03

4715-14-03

**Military duty time extension and factors to be considered.**

- (A) Upon receipt of an application from a licensed dentist, dental hygienist, dental x-ray machine operator, or expanded function dental auxiliary registration holder that is accompanied by proper documentation certifying that the individual has been called to active duty during a current or prior reporting period, and certifying the length of that active duty, the individual shall receive an extension of the current continuing education reporting period equal to the total number of months spent in active duty during the current reporting period. For purposes of this rule, any portion of a month served on active duty shall be considered one full month.
- (B) In determining whether the requirements of this chapter are met, the board shall consider relevant education, training, or service completed by a licensee, permit, certificate or registration holder as a member of the armed forces.

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Rule Amplifies:	5903.03, 5903.04, 5903.10, 5903, 12, 5903.121, 119.03

4715-15-01            **Enforcement.**

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

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03, 119.03  
Rule Amplifies: 4715.03(D), 4715.30, Chapter 119  
Prior Effective Dates: 8-1-74, 11-10-00

4715-15-02

**Representatives; appearances; communications; applicability.**

- (A) As used in Chapter ~~4715-15~~4715, of the Administrative Code, "respondent" shall be defined as the person who is requesting or has requested a hearing as provided in Chapter 119. of the Revised Code.
- (B) The respondent may represent himself or may be represented by an attorney admitted to the practice of law in Ohio. If the respondent does represent himself, he shall be deemed the representative of record for purposes of Chapter ~~4715-15~~4715, of the Administrative Code.
- (C) The respondent is not required to personally appear at any hearing unless he has been subpoenaed, to appear by a party of record. The respondent can authorize his representative to represent him in all facets of a hearing before the board unless he has been subpoenaed to appear by a party of record.
- (D) The respondent or his representative may present his position, arguments, or contentions in writing rather than personally appearing at any hearing provided the respondent has not been subpoenaed.
- (E) The representative of record for the respondent shall enter his appearance in writing.
- (F) The representative of record from the office of the attorney general shall enter his appearance in writing.
- (G) One who has entered an appearance as representative remains the representative of record unless and until a written withdrawal is filed with the state dental board.
- (H) Except as otherwise provided under Chapter 119. of the Revised Code, communications from the board or its attorney hearing examiner shall be sent to the representative of record.
- (I) The members of the dental board shall base their decisions on any matter subject to hearing only on the evidence of record. No information acquired by a member of the dental board in any way other than by review of the evidence of record shall be considered by such member in that member's decision on a matter subject to hearing. The receipt of information about a matter subject to hearing outside the evidence of record shall not disqualify the member from participating in the decision on that matter unless the member excuses himself or herself from participation in the decision on the ground that he or she cannot restrict his or her decision on the matter only to the evidence of record.
- (J) Except as otherwise provided under this chapter or by statute, no attorney hearing

examiner or member of the state dental board shall initiate or consider ex parte communications concerning a pending or impending adjudicatory proceeding. Nothing contained herein, however, shall preclude the attorney hearing examiner from nonsubstantive ex parte communications on procedural matters and matters affecting the efficient conduct of adjudicatory hearings.

- (K) The attorney hearing examiner and members of the state dental board shall disclose on the record the source and substance of any ex parte or attempted ex parte communications. That disclosure shall be made at the earliest possible opportunity, but at least prior to deliberation on a pending or impending adjudicatory proceeding.
- (L) Except as otherwise provided under this chapter or by statute, a rule promulgated under this chapter shall apply only to those administrative proceedings for which the notice of opportunity for hearing was mailed to respondent, or his representative, on or after the effective date of the particular rule.
- (M) Any provision of the rules in this chapter which references the attorney hearing examiner shall apply to the board in those instances in which the administrative hearing is conducted before the board, rather than an attorney hearing officer, unless such rule by its nature is clearly inapplicable.
- (N) If any provision of the rules in this chapter is held or if the application of any provision of the rules in this chapter to any person or circumstance is held invalid, the invalidity does not affect any other provision of the rules in this chapter, or the application of any other provision of the rules in this chapter, that can be given effect without the invalid provision or application, and, to this end, the provisions of the rules in this chapter are hereby declared severable.

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03  
Rule Amplifies: 4715.03(D), 4715.30, Chapter 119  
Prior Effective Dates: 11-10-00, 4-7-05

4715-15-16

**Reports and recommendations.**

- (A) Within ~~sixty~~thirty days following the close of an adjudication hearing conducted pursuant to Chapter 119. of the Revised Code, the attorney hearing examiner shall submit a written report setting forth proposed findings of fact and conclusions of law and a recommendation of the action to be taken by the board. Any requests by the attorney hearing examiner to extend the time to file the report must be submitted within ~~forty-five~~twenty-five days of the close of the hearing record. Such request shall be ruled upon by the secretary of the board or in the absence of the secretary, by the board executive director. The hearing shall not be considered closed until such time as the record is complete, as determined by the attorney hearing examiner.
- (B) A copy of such written report shall be issued to each representative of record. The copy issued to the respondent's representative of record shall be accompanied by notice of the date the report and recommendation is to be considered by the board.
- (C) Either representative of record may, within ten days of his receipt of the attorney hearing examiner's report and recommendation, file written objections to the report and recommendation. Only those objections filed in a timely manner shall be considered by the board before approving, modifying, or disapproving the attorney hearing examiner's recommendation unless otherwise determined by the board.
- (D) Upon written request, the board may grant extensions of the time within which to file objections to the report and recommendations. In the event that the board is not in session, the secretary of the board may grant such extensions.
- (E) The board shall consider the attorney hearing examiner's report and recommendation and any objections thereto at its next regularly scheduled meeting after the time for filing objections has passed. At that time, the board may order additional testimony to be taken or permit the introduction of further documentary evidence, or act upon the report and recommendation. For purposes of taking such additional testimony or documentary evidence, the board may remand to the attorney hearing examiner.
- (F) Any motion to reopen the hearing record for purposes of introducing newly discovered material evidence that with reasonable diligence could not have been discovered and produced at the hearing shall be filed in the manner provided in rules 4715-15-08 and 4715-15-09 of the Administrative Code. Such motion to reopen shall be filed not later than ten days prior to the scheduled consideration by the board of the attorney hearing examiner's report and recommendation and any objections thereto. If such motion is filed prior to the issuance of the attorney hearing examiner's report and recommendation, the attorney hearing examiner shall rule on the motion. If such motion is filed subsequent to the issuance of the attorney hearing examiner's report and recommendation, the board shall rule upon the motion.

- (G) Without leave of the board, the respondent or any representative of record shall not be permitted to address the board at the time of consideration of the attorney hearing examiner's report and recommendation. Any request for such leave shall be filed by motion no less than five days prior to the date the report and recommendation is to be considered by the board and shall be served upon the representative of record.
  
- (H) If a request to address the board is granted, the opposing representative may also address the board.

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Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Promulgated Under: 119.03  
Statutory Authority: 4715.03, 119.03  
Rule Amplifies: 4715.03(D), 4715.30, Chapter 119  
Prior Effective Dates: 11-10-00; 4-7-05

4715-17-01

**Notice of regular and special meetings of the Ohio state dental board.**

- (A) A notice of regular and special meetings of the Ohio state dental board which will include the time, place and purpose of such meeting may be obtained by written request, from the executive director of the "Ohio State Dental Board, 77 South High Street, ~~18th~~17th floor, Columbus, Ohio 43215-6135," or by telephoning (614) 466-2580, or by e-mailing the request to [dental.board@den.ohio.gov](mailto:dental.board@den.ohio.gov).
- (B) Any person may obtain reasonable advance written notification of meetings of the board by requesting to be placed on a general subscription mailing list by paying an annual subscription mailing fee of fourteen dollars. A check for this amount made payable to the treasurer, state of Ohio, should be sent to the "Ohio State Dental Board, 77 South High Street, ~~18th~~17th floor, Columbus, Ohio 43215-6135." This subscription will be valid for one year from the date of receipt of such fee by the ~~executive secretary of the~~ Ohio state dental board, or notification may be received by providing the ~~executive secretary~~board with a self-addressed stamped envelope suitable for such purpose. Any person may obtain reasonable advance written notification of meetings of the board by requesting to be placed on an e-mail notification list at no cost by providing the executive secretary with an e-mail address suitable for such purposes.
- (C) The ~~executive director~~board shall maintain a list of news media which have requested notification, and such media shall be given at least twenty-four hours advance notice of each special meeting of the board, except in the event of an emergency requiring immediate official action. In the event of an emergency, the executive director, on behalf of the members of the board calling the meeting, shall immediately notify the news media that have requested notification of the time, place and purpose of the meeting.

Effective:

Five Year Review (FYR) Dates: 06/24/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4715.03, 119.03  
Rule Amplifies: 4715.03  
Prior Effective Dates: 2-1-77, 4-4-02, 4-7-05

4715-19-02

**Procedures for accessing personal information.**

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

accessed and the date(s) of the invalid access, and may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

- (D) The board executive director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.
- (E) The board executive director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

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Rule Amplifies: 1347.15  
Prior Effective Dates: 10/5/10

4715-19-04

**Confidential information.**

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

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

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ACTION: Original

DATE: 06/24/2016 3:10 PM

4715-20-03

**Disposal of sharps.**

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

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Certification

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Date

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Statutory Authority: 4715.03, 119.03  
Rule Amplifies: 4715.03, 4715.30  
Prior Effective Dates: 11/1/1987, 4/7/2000

4715-21-01                    **Requirements for approval of treatment providers and treatment centers.**

- (A) The Ohio state dental board shall approve and designate qualified licensed practitioners as treatment providers and facilities as treatment centers for board licensees and/or permit holders with substance abuse problems.
- (B) Any qualified licensed practitioner desiring to be approved as a treatment provider or facility desiring to be approved as a treatment center shall apply to the Ohio state dental board on an application provided by the board.
- (C) The Ohio state dental board shall approve outpatient and inpatient facilities and subsequent post treatment services which meet the following criteria, unless the board determines that the facility is not providing substance abuse services acceptable to the board:
- (1) The facility has provided adequate evidence that it is capable of making an initial inpatient examination to determine the type of treatment required for board licensees and/or permit holders with substance abuse problems; and,
  - (2) The facility is fully accredited by the "Joint Commission on Accreditation of Healthcare Organizations" (JCAHO), or the "American Osteopathic Association" (AOA), in the area of substance abuse services.
- (D) The Ohio state dental board shall approve qualified licensed practitioners as treatment providers who hold clinical privileges in the area of substance abuse services at a facility which meets the criteria specified in paragraphs (C)(1) and (C)(2) of this rule. The qualified licensed practitioner shall provide evidence acceptable to the Ohio state dental board that any staff utilized in treatment shall be under the supervision of the qualified licensed practitioner.
- (E) An approved treatment provider shall:
- (1) Report to the Ohio state dental board the name of any board licensee and/or permit holder suffering or showing evidence of suffering inability to practice under accepted standards as described in division ~~(A)(8)~~(A)(10) of section 4715.30 of the Revised Code who fails to comply within one week with a referral for examination;
  - (2) Report to the board the name of any impaired board licensee and/or permit holder who fails to enter treatment within forty-eight hours following the provider's determination that treatment is needed;

- (3) Require every board licensee and/or permit holder who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;
  - (4) Require a board licensee and/or permit holder to suspend practice on entering any required inpatient treatment;
  - (5) Report to the board any failure by an impaired board licensee and/or permit holder to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;
  - (6) Report to the board the resumption of practice of any impaired board licensee and/or permit holder before the treatment provider has made a clear determination that the individual is capable of practicing according to accepted standards of the profession;
  - (7) Require a board licensee and/or permit holder who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers; and,
  - (8) Report to the board any board licensee and/or permit holder who suffers a relapse at any time during or following aftercare.
- (F) "Relapse" means a return to the pattern of impairment activities which affect the practitioner.
- (G) The Ohio state dental board may withdraw the approval of any qualified licensed practitioner as a treatment provider or facility as a treatment center, if the board determines that the qualified licensed ~~practitioner~~ practitioner or facility does not meet the requirements of either paragraph (C)(1) or (C)(2) of this rule, or is not providing substance abuse services acceptable to the board.
- (H) Each approved treatment provider or center shall immediately notify the Ohio state dental board of any of the following:
- (1) Change in ownership of the facility;
  - (2) Loss of accreditation by the JCAHO or AOA, or any probationary status of such accreditation; or,

(3) Change in location of the facility.

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

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

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Date

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Rule Amplifies: 4715.301  
Prior Effective Dates: 2-5-93, 4-5-99

4715-40-01            **Quality intervention program; Definitions.**

As used in this chapter:

- (A) "Licensee" or "License holder" is an individual holding a current valid license issued by the board to practice as a dentist, dental hygienist, or dental assistant radiographer in accordance with sections 4715.09 to ~~4715.58~~4715.66 of the Revised Code.
- (B) "Educational provider" is one designated by the board to provide evaluation, education, and/or remediation pursuant to section 4715.031 of the Revised Code and is one of the following:
- (1) An entity or organization that has been approved by the Ohio state dental board in accordance with rules 4715-8-02 and 4715-8-03 of the Administrative Code; and/or
  - (2) An educational institution or program that is both acceptable to the board and accredited by an accrediting agency recognized by the United States office of education; and/or
  - (3) A hospital accredited by the joint commission on accreditation of healthcare organizations (JCAHO); and/or
  - (4) A college or university with an accredited school of dentistry or dental hygiene program and/or community college with approved dental hygiene programs, when the educational program is held under the auspices of the school of dentistry or dental hygiene, or dental hygiene program; and/or
  - (5) A state board or agency that regulates health care providers when education and/or remediation approved or accepted by the board or agency contains content that has been prescribed by the Ohio state dental board for a participant in the quality intervention program.
- (C) "Participant" is a licensee undergoing education and/or remediation in the quality intervention program.
- (D) "Participatory agreement" is a confidential, voluntary, written contract executed by a licensee and the quality intervention program (QUIP) which includes, but is not limited to, the following:
- (1) Stipulation of the licensee's identified practice deficiency; and

- (2) Consent of the licensee to participate in the education and/or remediation process required by the board; and
  - (3) Consent by the licensee that allows the release to QUIP of all information pertaining to the licensee's education and/or remediation process; and
  - (4) A provision whereby the failure to complete the program shall result in commencement of disciplinary proceedings against the licensee by the board under section 4715.03 of the Revised Code.
- (E) "Quality intervention program" or "QUIP" is the program authorized by section 4715.031 of the Revised Code that allows the board to toll disciplinary action against a licensee who has a practice deficiency that has been identified by the board through an initial investigation conducted under division (D) of section 4715.03 of the Revised Code.
- (F) "Practice deficiency" is a practice activity that fails to conform to the accepted standards for the profession.
- (G) "Remediation" is a prescribed educational intervention that is designed to restore an identified practice deficiency of a licensee to conformity with the accepted standards of the profession. Remediation includes, but is not limited to, successful demonstration by the licensee that the learned knowledge and skills have been incorporated into the licensee's practice.

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