



**H.B. 156**

125th General Assembly  
(As Introduced)

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**BILL SUMMARY**

- Increases the membership of the State Dental Board to 14 members (from 7).
- Revises the licensing process for dentists.
- Revises the scope of practice for dental hygienists and dental assistants.
- Provides civil immunity to a volunteer health professional who does routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.
- Creates the Dentist Loan Repayment Program and the Dental Health Resource Shortage Area Fund.

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## CONTENT AND OPERATION

### State Dental Board

#### Membership

(sec. 4715.02; Sections 6 and 7)

The State Dental Board has seven members: five dentists, one dental hygienist, and one member of the public. The bill increases the Board's membership to fourteen members. Under the bill, nine members must be graduates of a reputable dental college, U.S. citizens, and have been in the legal practice of dentistry in the state for at least five years preceding their appointment. Three members must be graduates of a reputable school of dental hygiene, U.S. citizens, and have been in the legal practice of dental hygiene in the state for at least five years preceding their appointment. Two members must be members of the public at large not associated with or financially interested in the practice of dentistry.

The bill requires that, of the nine Board members who are dentists, not more than two members serving on the Board at any time may be individuals who are recognized, under rules adopted by the Board, as specialists. Of the three members who are dental hygienists, not more than one may be an individual employed as a full-time teacher of dental hygiene students. The bill also requires representation of the various geographical areas of the state to be considered in making appointments for members who are dentists and dental hygienists. The bill prohibits Board members from acting in any capacity on behalf of any of the following: the Central Regional Dental Testing Service, Inc., Northeast Regional Board of Dental Examiners, Inc., Southern Regional Testing Agency, Inc., and Western Regional Examining Board.

The seven members added to the Board under the bill must be appointed by the Governor by not later than 90 days after the bill's effective date, and their terms must commence on the ninetieth day after the bill's effective date. Of the four dentists, two are to hold office until 2006, and two until 2007. Thereafter,

members who are dentists will serve three-year terms. Of the two members who are dental hygienists, one is to hold office until 2006 and the other until 2007. Thereafter, members who are dental hygienists will serve three-year terms. The new public member is to hold office until 2007; thereafter, public members will serve five-year terms.

Each Board member in office on the bill's effective date is to continue to serve for the duration of the term for which the member was appointed. If a member who is a dentist or dental hygienist is reappointed or the member's successor takes office, the reappointed member or successor is to serve a three-year term. If a public member is reappointed or the member's successor takes office, the reappointed member or successor is to serve a five-year term.

### **Dentistry licensure**

#### **Jurisprudence examinations**

(sec. 4715.03)

Under current law, the Board must examine, or cause to be examined, eligible applicants for a license to practice dentistry. The bill requires the Board to administer a written jurisprudence examination to dentistry license applicants. This examination is to cover only the statutes and administrative rules governing the practice of dentistry in Ohio.

#### **Application process**

(secs. 4715.10, 4715.11, 4715.12, and 4715.16)

The bill revises the licensure application procedures for a license to practice dentistry. Under the bill, each person seeking a license to practice dentistry must file a written application with the secretary of the State Dental Board. The application must be on a form prescribed by the Board and verified by oath. Each applicant must furnish proof of meeting the following requirements:

- (1) Be at least 18 years of age;
- (2) Be of good moral character;

(3) Be a graduate of an accredited dental college or of a dental college located outside the United States that meets the standards adopted by the Dental Board in rules;<sup>1</sup>

(4) Have passed parts I and II of the examination given by the National Board of Dental Examiners;

(5) Have passed a written jurisprudence examination administered by the Dental Board;

(6) Pay the appropriate fees;

(7) Meet one of the following requirements:

(a) Have taken an examination administered by any of the following regional testing agencies and received a passing score as established by that agency: the Central Regional Dental Testing Service, Inc., Northeast Regional Board of Dental Examiners, Inc., the Southern Regional Dental Testing Service, Inc., and the Western Regional Examining Board;

(b) Have taken an examination administered by the State Dental Board and received a passing score as established by the Board;

(c) Have taken an examination administered by any other state and received a passing score as established by that state;

(d) Possess a license in good standing from another state and have 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.

Applicants who graduated from an unaccredited dental college located outside of the United States must meet both of the following additional requirements:

(1) Have taken a basic science and laboratory examination consistent with rules adopted by the Dental Board and received a passing score as established by the Board;

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<sup>1</sup> The bill defines "accredited dental college" as "a dental college accredited by the Commission on Dental Accreditation or a dental college that had educational standards recognized by the Commission on Dental Accreditation and is approved by the State Dental Board. (R.C. 4715.10(A).)"

(2) Have had sufficient clinical training in an accredited institution to reasonably assure a level of competency equal to that of graduates of accredited dental colleges, as determined by the Board.

The bill requires the Dental Board to establish, by rule, standards for unaccredited dental colleges located outside the United States that reasonably assure a level of education and training equal to that provided by accredited dental colleges. The bill also requires the Board to adopt rules governing the basic sciences and laboratory examination given to graduates of unaccredited dental colleges located outside the United States.

### **Fees**

(secs. 4715.13, 4715.14, and 4715.16)

Currently, the fee for a license to practice dentistry in Ohio is \$190 if issued in an odd-numbered year and \$317 if issued in an even-numbered year. Under the bill, for a license issued in an odd-numbered year, the fee is \$200. For a license issued in an even-numbered year, it is \$337. The bill requires that \$20 of each fee for a license issued in an odd-numbered year, and \$10 of each fee for a license issued in an even-numbered year be paid to the Dentist Loan Repayment Fund.

Current law requires all individuals licensed to practice dentistry in Ohio to register biennially with the Dental Board on or before January 1 of each even-numbered year. Currently, this registration fee is \$220. The bill increases the registration fee to \$240. The bill also requires that \$20 of each biennial registration fee be paid to the Dentist Loan Repayment Fund.

### **Dental hygienists--scope of practice**

(sec. 4715.23)

The bill adds a provision specifying that a dental hygienist, under the supervision of a licensed dentist, may remove dental cement from the crowns and roots of teeth.

### **Dental assistants--scope of practice**

(sec. 4715.39)

Under current law, the Dental Board may adopt rules to permit dental assistants to polish the clinical crowns of teeth. The bill authorizes dental assistants to polish the clinical crowns of teeth "to remove soft deposits that build up over time on the crowns of teeth" after the dentist has evaluated the patient and the dentist, or a dental hygienist, has removed any calculus detected on the teeth.

Currently, the Board may issue a certificate to polish crowns of teeth to a dental assistant who has completed a training program accredited by the Commission on Dental Accreditation or an equivalent training program approved by the Board. The bill requires the Board to adopt rules to establish standards for approval of crown-polishing training programs.

Current law specifies that dental assistants are not authorized to perform the duties of a dental hygienist. The bill specifies that dental assistants must not remove dental cement, calcarious deposits, or accretions on the crowns and roots of teeth other than as authorized pursuant to the bill.

### **Immunity of health care professionals**

(sec. 2305.234)

The bill makes changes to the law governing the immunity from civil liability of health care professionals who provide services as volunteers in nonprofit shelters or health facilities to persons who are indigent or uninsured. Current law provides that immunity is not available to a volunteer health professional who performs an operation, unless the operation is necessary to preserve the life of a person in a medical emergency. The bill provides that an "operation" does not include routine dental restorative procedures, scaling of teeth, or extractions of teeth that are not impacted.

### **Dentist Loan Repayment Program**

(secs. 3702.85, 3702.86, 3702.87, 3702.88, 3702.89, 3702.90, and 3702.91)

The bill creates the Dentist Loan Repayment Program to provide loan repayment on behalf of individuals who agree to provide dental services in areas designated by the Director of Health as dental health resource shortage areas. Under the Program, the Board of Regents, pursuant to a contractual agreement, may agree to pay all or part of the principal and interest of a government or other education loan taken by an individual to fund the following expenses, if incurred while the individual was enrolled in an accredited dental college:

- (1) Tuition;
- (2) Other education expenses, such as fees, books, and laboratory expenses that are for purposes and in amount determined reasonable by the Director of Health;
- (3) Room and board, in an amount determined reasonable by the Director of Health.

### Administration

The bill requires the Department of Health, with the Board of Regents and Dentist Loan Repayment Program Advisory Board, to administer the Dentist Loan Repayment Program and to adopt rules, as necessary, to implement and administer the Program.

### Dental health resource shortage areas

The bill requires the Director of Health to designate by rule dental health resource shortage areas of the state. A "dental health resource shortage area," as defined by the bill, is an area of the state that experiences special dental health problems and dentist practice patterns that limit access to dental care. The designations may apply to a geographic area, one or more facilities within a particular area, or a population group within a particular area of the state.

The Director of Health must also establish, by rule, priorities among dental health resource shortage areas for use in recruiting dentists to sites within particular areas under the Program. In establishing these priorities, the Director must consider the following aspects of each shortage area:

- (1) The ratio of dentists to population;
- (2) The distance a resident of the area must travel to reach dentists outside the area;
- (3) Dental health status indicators of the target population in the area;
- (4) Presence of dental health care provider sites in the area with vacancies for dentists;
- (5) Availability of an eligible candidate interested in being recruited to a particular site within an area;
- (6) The distribution of dental health care provider sites in urban and rural regions.

The bill requires the Director to give highest priority to dental health resource shortage areas that have the highest ratios of population to dentists.

The Director must also establish, by rule, priorities for use in determining eligibility among applicants for participation in the Dentist Loan Repayment Program. These priorities may include consideration of an applicant's background and career goals, the length of time for which the applicant is willing to provide

dental services in a shortage area, and the amount of educational expenses for which the applicant is seeking reimbursement through the Program.

**Eligibility standards**

An individual who has not received National Health Service Corps tuition or student loan repayment assistance and meets one of the following requirements may apply for participation in the Dentist Loan Repayment Program:

- (1) The applicant is a dental student enrolled in the final year of dental college;
- (2) The applicant is a dental resident in the final year of residency;
- (3) The applicant has been engaged in the practice of dentistry in this state for not more than three years prior to submitting the application.

Applications must be submitted to the Director of Health on a form prescribed by the Director and must include the following information:

- (1) The applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number;
- (2) The dental college the applicant is attending or attended, dates of attendance, and verification of attendance;
- (3) If the applicant is a dental resident, the facility or institution at which the dental residency is being performed;
- (4) A summary and verification of the educational expenses for which the applicant seeks a reimbursement under the Program;
- (5) If the applicant is a dentist, verification of the applicant's authorization by the State Dental Board to practice dentistry and proof of good standing;
- (6) Verification of the applicant's United States citizenship or status as a legal alien.

If funds are available in the Dentist Loan Repayment Fund and the General Assembly has appropriated funds for the Program, and the Director of Health finds, in accordance with the dental health resource shortage area priorities established under the bill, that an applicant is eligible for participation and is needed in a dental health resource shortage area, the Director must approve the applicant for participation in the Program.

On approving an application, the Director must notify and enter into discussions with the applicant. The object of these discussions is to facilitate recruitment of the applicant to a site within a dental health resource shortage area at which the applicant is needed. The bill permits the Director to pay the costs incurred by the applicant and the applicant's spouse for travel, meals, and lodging in making one visit to one dental health resource shortage area. The Director may also refer an applicant to the Ohio Dental Association for assistance in being recruited to a site within a dental health resource shortage area at which the applicant will agree to be placed. Under the bill, if the Director and applicant agree on the applicant's placement at a particular site within a dental health resource shortage area, the applicant must sign and deliver to the Director a letter of intent agreeing to that placement.

### Contracts

The bill provides that an individual who has signed a letter of intent agreeing to placement at a site within a dental health resource shortage area may enter into a contract with the Director of Health and the Board of Regents for participation in the Dentist Loan Repayment Program. A lending institution may also be a party to the contract.

The bill requires Dentist Loan Repayment Program contracts to include the following obligations:

(1) The individual agrees to provide dental services in the dental health resource shortage area identified in the letter of intent for at least one year;

(2) When providing dental services in the shortage area, the individual agrees to do all of the following:

(a) Provide dental health services for a minimum of 40 hours per week;

(b) Provide dental services without regard to a patient's ability to pay;

(c) Meet the conditions prescribed by the Medicaid program and enter into a contract to provide dental services to Medicaid recipients;

(3) The Board of Regents agrees, so long as the individual performs the service obligation agreed to under the contract, to repay all or part of the principal and interest of a government or other educational loan taken by the individual for up to, but not exceeding \$20,000 per year of service.

(4) The individual agrees to pay the Board the following as damages if the individual fails to complete the agreed-upon service obligation:

(a) If the failure occurs during the first two years of the service obligation, three times the total amount the Board has agreed to repay under the Program contract;

(b) If the failure occurs after the first two years of the service obligation, three times the amount the Board is still obligated to repay under the Program contract.

The contract may include any other terms agreed on by the parties, including an assignment to the Board of Regents of the individual's duty to pay the principal and interest of a government or other educational loan taken by the individual. If the Board assumes the individual's duty to pay a loan, the contract must set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule.

Under the bill, by not later than January 31 of each year, the Board must mail to each Dentist Loan Repayment Program participant a statement showing the amount of principal and interest repaid by the Board in the preceding year pursuant to the participant's Program contract. The bill permits the statement to be sent by ordinary mail, with any address correction and forwarding requesting in the manner prescribed by the United States Postal Service.

### **Dentist Loan Repayment Program Advisory Board**

(secs. 3702.92, 3702.93, and 3702.94)

#### **Duties**

The bill creates the Dentist Loan Repayment Program Advisory Board to determine the amounts that will be paid as loan repayments on behalf of Program participants. The Board must select a chairperson from among its members. The Board must meet at least once a year, and the chairperson can call special meetings as needed, or at the request of six members. Six members constitute a quorum to transact and vote on all business coming before the Board. Board members serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the discharge of their duties.

Annually, on or before March 1, the Board must submit a report to the General Assembly describing the operations of the Dentist Loan Repayment Program during the previous calendar year. The report must include the following information:

(1) The number of requests received by the Director of Health that a particular area be designated as a dental health resource shortage area;

(2) The areas that have been designated as dental health resource shortage areas and the priorities that have been assigned to them;

(3) The number of applicants for participation in the Dentist Loan Repayment Program;

(4) The number of dentists assigned to dental health resource shortage areas and the payments made on behalf of those dentists under the Dentist Loan Repayment Program;

(5) The dental health resource shortage areas that have not been matched with all of the dentists they need;

(6) The number of dentists failing to complete their service obligations, the amount of damages owed, and the amount of damages collected.

### **Membership**

The Dentist Loan Repayment Program Advisory Board is to have the following members:

(1) One member of the House of Representatives, appointed by the Speaker of the House;

(2) One member of the Senate, appointed by the President of the Senate;

(3) A representative of the Board of Regents, appointed by the Chancellor;

(4) The Director of Health or an employee of the Department designated by the Director;

(5) Three representatives of the dental profession, appointed by the Governor from persons nominated by the Ohio Dental Association.

The Governor must appoint the representatives not later than 90 days after the bill's effective date. The bill requires the terms of all members of the Advisory Board to commence not later than 91 days after the bill's effective date. Of the initial appointments made by the Governor, two members are to serve a one-year term, and the other member a two-year term. The member initially appointed by the Speaker of the House is to serve a one-year term, and the member initially appointed by the Senate President is to serve a two-year term. Thereafter, all terms of office are two years.

No person may be appointed to the Board for more than two consecutive terms. Each member holds office from the date of appointment until the end of the

term for which the member was appointed, except that a member of the General Assembly ceases to be a Board member on ceasing to be a member of the General Assembly. The Governor, Speaker, or Senate President may remove a member for whom the Governor, Speaker, or President was the appointing authority for misfeasance, malfeasance, or willful neglect of duty.

Board vacancies must be filled in the same manner as the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of the preceding member's term must hold office for the remainder of that term. A member must continue in office subsequent to the expiration of the member's term until a successor takes office or until 60 days have elapsed, whichever occurs first.

The bill also requires the Department of Health to provide the Board with staff assistance at the Board's request.

### **Repayments**

(sec. 3702.93)

Under the bill, no repayments may exceed \$20,000 in any year, except that if a repayment results in an increase in a participant's federal, state, or local income tax liability, the Board of Regents, at the participant's request and with the approval of the Department of Health, may reimburse the participant for the increased tax liability, regardless of the amount of the repayment in that year. Total repayment on behalf of a participant may not exceed \$80,000 over the time of participation in the Program.

### **Funding**

(secs. 3702.85 and 3702.95)

The bill creates the Dental Health Resource Shortage Area Fund and the Dentist Loan Repayment Program Fund. Under the bill, the Director of Health and the Board of Regents may accept gifts of money from any source for the implementation and administration of the Dentist Loan Repayment Program. The Director of Health must deposit all gifts accepted into the Dental Health Resource Shortage Area Fund, and the Board of Regents must deposit all gifts accepted into the Dentist Loan Repayment Fund. The Board of Regents must also deposit into the Dentist Loan Repayment Fund any damages paid to the Board pursuant to an incomplete Dentist Loan Repayment Program contract. The Dental Health Resource Shortage Area Fund and the Dentist Loan Repayment Fund must be used toward the implementation of the Dentist Loan Repayment Program and the designation of health resource shortage areas.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	4-3-03	p. 326

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