



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments*

Lisa Musielewicz

Sub. H.B. 215

128th General Assembly
(S. Health, Human Services and Aging)

STATE DENTAL BOARD PROCESSES AND RULES

Investigations and disciplinary proceedings

Discovery

Modifies the extent to which investigative materials the Dental Board collects during an investigation are subject to discovery.

Requires the Board, before providing copies of investigative items to an individual notified of a right to a hearing who requests the copies, to redact any personal identifying information about the complainant (as opposed to an individual whose current or future employment within the dental profession could be adversely affected by disclosure of the information).

Permits the Board to charge the individual who requests copies of investigative materials a reasonable fee (as opposed to no fee).

Requires the Board to provide to the individual who requests copies of investigative materials such materials in a timely manner.

Consideration of prior complaints

Removes a provision that prohibits the Dental Board from considering or raising, during a hearing, *any disciplinary action* the Board took on a prior occasion with respect to a person if the charges in the subsequent action relate to events or circumstances that occurred in the same time period and are of the same nature as the charges in the prior action.

Instead, prohibits the Board from considering or raising, during a hearing, *the circumstances of, or the fact that, the Board has received one or more complaints* about the

* This synopsis does not address amendments that may have been adopted on the Senate Floor.

person unless the one or more complaints (1) are the subject of the hearing, or (2) resulted in the Board taking a form of disciplinary action it is authorized to take against the person on a prior occasion.

Subpoenas

Permits the Dental Board's secretary (as opposed to its executive director) to determine whether an individual who is the subject of a subpoena the Board issues must comply with the subpoena immediately, rather than within three days.

Supervisory investigative panel

Excludes the period of time beginning when the Dental Board moves for an order compelling the production of persons or records and ending when either of the following occurs from being counted toward the timeframes in which the bill requires the supervisory investigative panel to make its recommendation regarding a case to the full Board: (1) the court renders a decision to issue the order, or (2) the court renders a decision to issue the order and the person subject to the order produces the persons or records.

Hearing examiners

Reduces from five to three the number of hearing examiners the Dental Board must appoint, and reduces the length of terms the initial hearing examiners may serve.

Quality Intervention Program

Increases from 30 to 180 the number of days the Board may require a licensee to participate in its Quality Intervention Program.

Notification for failure to renew a license

With respect to the notice that the Dental Board must send to a dentist who fails to renew a license in a timely manner, requires that the notice be sent by certified mail.

Modifies the content the notice is required to have to reflect the reduced grace period a dentist has under the bill for renewing an expired license (see "**Grace period for renewing an expired license**," below).

Grace period for renewing an expired license

Eliminates a provision that permits a dental hygienist to renew an expired license within a grace period.

Reduces the grace period (from five months to three) in which a dentist may renew an expired license, and increases as follows the penalty fees associated with late renewal or reinstatement of a license suspended for failure to timely renew: (1) late renewal fee (from \$81 to \$100), and (2) reinstatement fee (from \$100 to \$300).

Notification for failure to submit continuing education requirements

Consistent with the reduced grace period in which a dentist may renew an expired license, modifies the content of the notice the Dental Board is required to send to a dentist who fails to submit evidence of completing sufficient continuing education hours to the Board.

CONTINUING EDUCATION – DENTAL HYGIENISTS

Due to the enactment of the same provision in Sub. H.B. 190 of the 128th General Assembly, removes a provision that increases from 12 to 24 the number of continuing education hours a dental hygienist must complete during a two-year renewal cycle.

Clarifies that a dental hygienist is subject to the recently enacted increase in the number of continuing education hours when preparing during 2010-2011 for the license renewal that occurs in 2012.

ADMINISTRATIVE ADJUDICATIONS – NOTICES OF APPEAL

Modifies the extent to which the bill's changes to current law governing notices of appeal in administrative adjudications are to be applied retrospectively (i.e., not earlier than May 7, 2009, which was the date the Ohio Supreme Court released its opinion in a case related to the changes made by the bill).

AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

Reauthorizes certain persons to obtain an audiologist license without holding a doctor of audiology degree.

Establishes a process whereby an audiologist or speech-language pathologist may seek inactive classification of the person's license.

MEDICAID – NURSING FACILITY CLAIMS FOR MEDICARE COST-SHARING EXPENSES

Provides that a nursing facility provider is not required to bill Medicaid for the Medicare cost-sharing expenses of a resident of the facility who is eligible to have Medicaid pay for a part of the expenses if the provider determines that the facility would not receive a Medicaid payment for any part of the expenses.

Specifies that, in such a situation, the claim for the expenses is to be considered to have been adjudicated at no payment.

H0215-128.docx/ss

05/27/10