

**Summary of House Bill 463 (130th General Assembly)
changes related to the practice of Registered Dental Hygienists
Effective Date 3/23/15**

Dental Hygienist Loan Repayment Program (ORC 3702.96, 3702.961-3702.967)

The bill creates the Dental Hygienist Loan Repayment Program. The program is to provide loan repayment on behalf of individuals who agree to provide dental hygiene services in areas designated as dental health resource shortage areas by the Director of Health. The Ohio Department of Health (ODH) is required to administer the Program in cooperation with the Dentist Loan Repayment Advisory Board. Under the Program, ODH may agree to repay all or part of the principal and interest of a government or other educational loan taken by an individual for tuition, educational expenses, and room and board. These expenses must have been incurred while the individual was enrolled in an accredited dental hygiene school. The Director is required to adopt rules in consultation with the Advisory Board to implement the Program.

Dental health resource shortage areas

The Director of Health must, by rule, establish priorities among the dental health resource shortage areas for use in recruiting dental hygienists to sites within particular areas under the Program. The Director is to consider

- (1) dental health status indicators of the target population in the area,
- (2) the presence of dental health care provider sites in the area with vacancies for dental hygienists,
- (3) the availability of an eligible candidate interested in being recruited to a particular site within an area, and
- (4) the distribution of dental health care provider sites in urban and rural regions.

The Director is to give the greatest priority to dental health resource shortage areas having a high ratio of population to dental hygienists. The Director is to establish, by rule, priorities for use in determining eligibility among applicants for participation in the Program. These priorities may include consideration of an applicant's background and career goals, the length of time the applicant is willing to provide dental hygiene services in a dental health care resource shortage area,

and the amount of the educational expenses for which reimbursement is being sought through the Program.

Requirements for application to the RDH Loan Repayment Program

To be eligible to apply to participate in the Program, an individual must not have an outstanding obligation for dental hygiene service to the federal government, a state, or any other entity at the time of participation and must either be enrolled in the final year of dental hygiene school or hold a valid license to practice dental hygiene in Ohio. The application must be submitted to the Director of Health on a form the Director is required to prescribe and must include all of the following information:

- (1) The applicant's name, address, and telephone number;
- (2) The name of the dental hygiene school the applicant attended or is attending and dates and verification of attendance;
- (3) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the Program;
- (4) If the applicant is a licensed dental hygienist, verification of the applicant's license to practice dental hygiene in Ohio and proof of good standing;
- (5) Verification of the applicant's United States citizenship or status as a legal alien.

The Director is required to approve an applicant for participation in the Program if the applicant is eligible for participation and needed in a dental health resource shortage area, funds are available in the Dental Hygienist Loan Repayment Fund, and the General Assembly has appropriated the funds for the Program. In making this determination, the Director is required to consult with the Ohio Dental Hygienists' Association

Contract with Director of Health

Once approved, the applicant may enter into a contract with the Director for participation in the Program. The dental hygienist's employer or other funding source may also be a party to the contract. The contract must contain all of the following obligations:

- (1) The individual agrees to provide dental hygiene services in the dental health resource shortage area for the agreed upon amount of time;

(2) ODH agrees to repay, so long as the individual provides the required dental hygiene services, all or part of the principal and interest of a government or other educational loan;

(3) The individual agrees to pay damages for failure to complete the agreed service obligation.

The contract must also include the following terms agreed upon by the parties:

(1) The site where the dental hygiene services are to be performed;

(2) The dental hygienist's required length of service, which must be at least two years;

(3) The number of weekly hours the dental hygienist will be engaged in part-time or full-time practice;

(4) The maximum amount that the Department will repay on behalf of the dental hygienist;

(5) The extent to which the dental hygienist's teaching activities will be counted toward the full-time or part-time practice hours. The bill defines part-time practice as working between 20 and 39 hours per week for at least 45 weeks per year and full-time practice as working at least 40 hours per week for at least 45 weeks per year. "Teaching activities" is defined as supervising dental hygiene students at the service site specified in the contract. The bill requires the Department to consult with the Ohio Dental Hygienists' Association before agreeing to the maximum amount of repayment in the contract. For those participants whose repayment includes funds from the Bureau of Clinician Recruitment and Service in the U.S. Department of Health and Human Services, the bill specifies that the amount of state funds used for the participant's repayment must match the amount of the federal funds.

Duties of the Dentist Loan Repayment Advisory Board

The Advisory Board is required to submit an annual report to the Governor and the General Assembly on or before March 1 describing the operations of the Program during the previous calendar year. The report must include information about all of the following:

- (1) The number of requests received by the Director that an area be designated a dental health resource shortage area;
- (2) The areas that have been designated as dental health resource shortage areas and the priorities assigned them;
- (3) The number of applicants for participation in the Program;
- (4) The number of dental hygienists assigned to dental health resource shortage areas and the payments made on behalf of those participants;
- (5) The dental health resource shortage areas that have not been matched with all of the dental hygienists they need;
- (6) The number of dental hygienists failing to complete their service obligations, the amount of damages owed, and the amount of damages collected.

The bill increases the biennial registration fee for dental hygienists to \$115 from \$105. Ten dollars of each biennial registration fee is to be paid to the Dental Hygienist Loan Repayment Fund.

RDH Practice Act changes

Number of RDHs under DDS supervision

House Bill 463 increases the number of dental hygienists who may practice under the supervision of the same dentist to **four** dental hygienists. Continuing law requires a dental hygienist to practice under the supervision and full responsibility of a licensed dentist, and current law prohibits more than three dental hygienists from practicing under the supervision of the same dentist.

Practicing when a DDS is not present

House Bill 463 also revises laws governing the practice of a dental hygienist when the supervising dentist is not physically present. Continuing law generally prohibits a dental hygienist from providing dental hygiene services unless the supervising dentist is physically present. An exception permits a dental hygienist to provide, for no more than 15 consecutive business days, dental hygiene services when the supervising dentist is not physically present if certain conditions are satisfied.

Under current law, one such condition is that the supervising dentist must have examined the patient within the preceding seven months. **The bill increases that time period from seven months to one year.**

The bill also decreases the amount of experience to one year and a minimum of 1,500 hours (from two years and 3,000 hours) that a dental hygienist must have in order to provide dental hygiene services when the supervising dentist is not physically present pursuant to this exception.

RDH Duties

House Bill 463 prohibits the Board from identifying the re-cementation of temporary crowns or the re-cementation of crowns with temporary cement as a procedure that a dental hygienist may perform when practicing in the absence of the supervising dentist.

The bill creates an additional exception to the general rule that a dental hygienist may not provide dental hygiene services unless the supervising dentist is physically present. **House Bill 463 permits a dental hygienist to 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,** if the dental hygienist is employed by, or under contract with, the supervising dentist or other persons associated with the supervising dentist, or a government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers. **A dental hygienist may provide these services regardless of whether a dentist has examined the patient.**

"General nonmedical nutrition information" is defined in the bill as

- information on the principles of good nutrition and food preparation,
- food to be included in the normal daily diet,
- the essential nutrients needed by the body,
- recommended amounts of the essential nutrients,
- the actions of nutrients on the body,
- the effects of deficiencies or excesses of nutrients, and
- food and supplements that are good sources of essential nutrients.

Oral Health Access Supervision Program (OHASP)

The bill **decreases the amount of required experience** to one year and a minimum of 1,500 hours (from two years and 3,000 hours) that a dental hygienist must have in order to obtain a permit to participate in OHASP.

Refinements include:

- The bill also specifies that payment for the permit may be made by personal check or credit card.
- Current law requires the State Dental Board to publish an online directory containing the names and contact information of the dentists and dental hygienists who hold valid OHASP permits.
- The bill requires the Board to include in the directory the electronic mail addresses of those dentists and dental hygienists.
- After dental hygiene services are provided, House Bill 463 requires the dental hygienist to direct the patient to **any dentist** and requires the appointment to be scheduled not later than **6 months after the completion**. Current law provides that the dentist to whom the patient is directed must be the same dentist who authorized the performance of the dental hygiene services, and the dental hygienist must make every attempt to schedule the patient's appointment not later than 90 days after the completion of the dental hygiene services.

Sealants

In House Bill 59 in 2013, ODHA sought a change in the law to allow an RDH to apply sealants to students in a school-based sealant program prior to an exam by a dentist. The law was changed in 2013. Under House Bill 463, ODHA sought a change in law to allow dental sealants to be applied in office settings without prior dental exam and under general supervision. **This change was not made in House Bill 463**. However, as noted above **fluoride varnish may be applied to a patient in the office, without supervision and prior to a dentist's exam**. House Bill 463 permits EFDAs and CDAs to apply sealants in a school-based sealant program without a prior dental exam and without a dentist physically present at the location. Additionally, EFDAs and CDAs will now be permitted to apply sealants in an office setting for up to 15 consecutive business days when a dentist is not present, but only when certain conditions have been met, including being seen by a dentist.

Temporary volunteer's certificate

Under the bill dentists and dental hygienists not licensed in Ohio may obtain a temporary volunteer's certificate to provide dental services in Ohio on a voluntary basis. The certificate is to be valid for seven days and may be renewed. The bill permits the Board to charge no more than \$25 for issuing or renewing the certificate.

Other changes

House Bill 463 makes a number of changes to the supervision levels and scopes of practice of expanded function dental assistants, certified dental assistants and dental x-ray machine operators. If you are interested in those changes, you are encouraged to review these revisions in ORC 4715.64, 4715.39 and 4715.56, respectively.