

Sub. H. B. No. 679
As Reported by the House
Insurance Committee

_____ moved to amend as follows:

In line 1 of the title, after "3902.30" insert ", 4715.01, 4715.09" 1

In line 5 of the title, after "3721.60" insert ", 4715.44" 2

In line 10, after "3902.30" insert ", 4715.01, 4715.09" 3

In line 13, after "3721.60" insert ", 4715.44" 4

After line 136, insert: 5

"Sec. 4715.01. Any person shall be regarded as practicing 6
dentistry, who is a manager, proprietor, operator, or conductor 7
of a place for performing dental operations, or who teaches 8
clinical dentistry, or who performs, or advertises to perform, 9
dental operations of any kind, or who diagnoses or treats 10
diseases or lesions of human teeth or jaws, or associated 11
structures, or attempts to correct malpositions thereof, or who 12
takes impressions of the human teeth or jaws, or who constructs, 13
supplies, reproduces, or repairs any prosthetic denture, bridge, 14
artificial restoration, appliance, aligner, or other structure 15
to be used or worn as a substitute for natural teeth, except 16



upon the order or prescription of a licensed dentist and 17
constructed upon or by the use of casts or models made from an 18
impression taken by a licensed dentist, or who advertises, 19
offers, sells, or delivers any such substitute or the services 20
rendered in the construction, reproduction, supply, or repair 21
thereof to any person other than a licensed dentist, or who 22
places or adjusts such substitute in the oral cavity of another, 23
or uses the words "dentist," "dental surgeon," the letters 24
"D.D.S.," or other letters or title in connection with his the 25
person's name, which in any way represents him the person as 26
being engaged in the practice of dentistry. 27

Personal fitting by an individual of self-fabricated or 28
over-the-counter mouth guards does not constitute the practice 29
of dentistry. 30

"Manager, proprietor, operator, or conductor" as used in 31
this section includes any person: 32

(A) Who employs licensed operators; ~~(B)~~ 33

(B) Who places in the possession of licensed operators 34
dental offices or dental equipment necessary for the handling of 35
dental offices on the basis of a lease or any other agreement 36
for compensation or profit for the use of such office or 37
equipment, when such compensation is manifestly in excess of the 38
reasonable rental value of such premises and equipment; 39

(C) Who makes any other arrangements whereby he the person 40
derives profit, compensation, or advantage through retaining the 41
ownership or control of dental offices or necessary dental 42
equipment by making the same available in any manner for the use 43
of licensed operators; provided that this section does not apply 44
to bona fide sales of dental equipment secured by chattel 45

mortgage. 46

Whoever having a license to practice dentistry or dental 47
hygiene enters the employment of, or enters into any of the 48
arrangements described in this section with, an unlicensed 49
manager, proprietor, operator, or conductor, or who is 50
determined mentally incompetent by a court of competent 51
jurisdiction, or is committed by a court having jurisdiction for 52
treatment of mental illness, may have ~~his~~ the person's license 53
suspended or revoked by the state dental board. 54

Sec. 4715.09. (A) No person shall practice dentistry 55
without a current license from the state dental board. No person 56
shall practice dentistry while the person's license is under 57
suspension by the state dental board. 58

(B) (1) No dentist shall use the services of any person not 59
licensed to practice dentistry in this state, or the services of 60
any partnership, corporation, or association, to construct, 61
alter, repair, or duplicate any denture, plate, bridge, splint, 62
or orthodontic or prosthetic appliance, or orthodontic aligner 63
without first furnishing the unlicensed person, partnership, 64
corporation, or association with a written or digital work 65
authorization on forms prescribed by the state dental board. 66

The unlicensed person, partnership, corporation, or 67
association shall retain the original work authorization, and 68
the dentist shall retain a duplicate copy of the work 69
authorization, for two years from its date. Work authorizations 70
required by this section shall be open for inspection during the 71
two-year period by the state dental board, its authorized agent, 72
or the prosecuting attorney of a county or the director of law 73
of a municipal corporation wherein the work authorizations are 74
located. 75

(2) A dentist who uses the services described in division (B)(1) of this section shall evaluate and review the denture, plate, bridge, splint, orthodontic or prosthetic appliance, or orthodontic aligner constructed, altered, repaired, or duplicated.

(C) If the person, partnership, association, or corporation receiving a written or digital authorization from a licensed dentist engages another person, firm, or corporation, referred to in this division as "subcontractor," to perform some of the services relative to the work authorization, the person shall furnish a written or digital sub-work authorization with respect thereto on forms prescribed by the state dental board.

The subcontractor shall retain the sub-work authorization and the issuer thereof 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 in both cases.

(D) No unlicensed person, partnership, association, or corporation shall perform any service described in division (B) of this section without a written or digital work authorization from a licensed dentist. Provided, that if a written or digital work authorization is demanded from a licensed dentist who fails or refuses to furnish it for any reason, the unlicensed person, partnership, association, or corporation shall not, in such event, be subject to the enforcement provisions of section 4715.05 or the penal provisions of section 4715.99 of the Revised Code.

(E) No dentist shall employ or use conscious sedation unless the dentist possesses a valid permit issued by the state dental board authorizing the dentist to do so.

(F) No dentist shall employ or use general anesthesia 106
unless the dentist possesses a valid permit issued by the state 107
dental board authorizing the dentist to do so. 108

(G) Division (A) of this section does not apply to a 109
person who meets both of the following conditions: 110

(1) The person holds a license in good standing to 111
practice dentistry issued by another state. 112

(2) The person is practicing as a volunteer without 113
remuneration during a charitable event that lasts not more than 114
seven days. 115

When a person meets the conditions of this division, the 116
person shall be deemed to hold, for the course of the charitable 117
event, a license to practice dentistry from the state dental 118
board and shall be subject to the provisions of this chapter 119
authorizing the board to take disciplinary action against a 120
license holder. Not less than seven calendar days before the 121
first day of the charitable event, the person or the event's 122
organizer shall notify the board of the person's intent to 123
engage in the practice of dentistry at the event. During the 124
course of the charitable event, the person's scope of practice 125
is limited to the procedures that a dentist licensed under this 126
chapter is authorized to perform unless the person's scope of 127
practice in the other state is more restrictive than in this 128
state. If the latter is the case, the person's scope of practice 129
is limited to the procedures that a dentist in the other state 130
may perform. 131

(H) No dentist shall practice dentistry unless a bona fide 132
dentist-patient relationship is established in person or through 133
teledentistry. A bona fide dentist-patient relationship exists 134

if all of the following are the case: 135

(1) The dentist has obtained or caused to be obtained a health and dental history of the patient; 136
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(2) The dentist has performed or caused to be performed an appropriate examination of the patient, either physically, through use of instrumentation and diagnostic equipment through which digital scans, photographs, images, and dental records are able to be transmitted electronically, or through use of face-to-face interactive two-way real-time communications services or store-and-forward technologies; 138
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(3) The dentist provided information to the patient about the services to be performed; 145
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(4) The dentist initiates additional diagnostic tests or referrals as needed. 147
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In cases in which a dentist is providing teledentistry, the examination required by this division shall not be required if a dentist licensed under this chapter has examined the patient within the six months prior to the initiation of teledentistry and the patient's dental records of such examination have been reviewed by the dentist providing teledentistry. 149
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(I) No dentist, including a dentist who provides teledentistry services, shall require a patient to sign an agreement that limits the patient's ability to file a complaint with the state dental board. 156
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Sec. 4715.44. (A) As used in this section, unless the context requires a different meaning: 160
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(1) "Digital scan" means digital technology that creates a 162

computer-generated replica of the hard and soft tissues of the 163
oral cavity using enhanced digital photography. 164

(2) "Digital scan technician" means a person who has 165
completed a training program approved by the state dental board 166
to take digital scans of intraoral and extraoral hard and soft 167
tissues for use in teledentistry and is registered with the 168
state dental board. 169

(3) "Store-and-forward technologies" means the 170
technologies that allow for the electronic transmission of 171
dental and health information, including images, radiographs, 172
photographs, documents, and health histories, through a secure 173
communication system. 174

(4) "Teledentistry" means the delivery of dentistry 175
between a patient and a dentist who holds a license issued under 176
this chapter through the use of telehealth systems and 177
electronic technologies or media, including interactive, two-way 178
audio or video. 179

(B)(1) No person other than a dentist, dental hygienist, 180
expanded function dental auxiliary, digital scan technician, or 181
qualified personnel under the direction of a dentist licensed 182
under this chapter shall obtain dental scans for use in the 183
practice of dentistry. 184

(2) A digital scan technician who obtains dental scans for 185
use in the practice of teledentistry shall work under the 186
direction of a dentist licensed under this chapter who is both 187
of the following: 188

(a) Accessible and available for communication and 189
consultation with the digital scan technician at all times 190
during the patient interaction in real time upon request; 191

<u>(b) Responsible for ensuring that the digital scan</u>	192
<u>technician has completed a program of training approved by the</u>	193
<u>board for such purpose.</u>	194
<u>(3) All protocols and procedures for the performance of</u>	195
<u>digital scans by digital scan technicians and evidence that a</u>	196
<u>digital scan technician has complied with the training</u>	197
<u>requirements of the board shall be made available to the board</u>	198
<u>upon request.</u>	199
<u>(C) (1) No person shall deliver dental services through</u>	200
<u>teledentistry unless the person holds a license to practice</u>	201
<u>dentistry issued under this chapter and has established written</u>	202
<u>or electronic protocols for the practice of teledentistry that</u>	203
<u>include all of the following:</u>	204
<u>(a) Methods to ensure that patients are fully informed</u>	205
<u>about services provided through the use of teledentistry,</u>	206
<u>including obtaining informed consent;</u>	207
<u>(b) Safeguards to ensure compliance with all state and</u>	208
<u>federal laws and regulations related to the privacy of health</u>	209
<u>information;</u>	210
<u>(c) Documentation of all dental services provided to a</u>	211
<u>patient through teledentistry, including the full name, address,</u>	212
<u>telephone number, and license number of the dentist providing</u>	213
<u>the dental services;</u>	214
<u>(d) Procedures for providing in-person services or for the</u>	215
<u>referral of patients requiring dental services that cannot be</u>	216
<u>provided by teledentistry to another dentist licensed to</u>	217
<u>practice dentistry under this chapter who actually practices</u>	218
<u>dentistry in an area of the state the patient can readily</u>	219
<u>access;</u>	220

<u>(e) Provisions for the use of appropriate encryption when</u>	221
<u>transmitting patient health information via teledentistry;</u>	222
<u>(f) Any other provisions required by the board.</u>	223
<u>(2) A dentist who delivers dental services using</u>	224
<u>teledentistry shall, upon request of the patient, provide health</u>	225
<u>records to the patient or a dentist of record in a timely manner</u>	226
<u>in accordance with any applicable federal or state laws or</u>	227
<u>regulations. All patients receiving dental services through</u>	228
<u>teledentistry shall have the right to speak or communicate with</u>	229
<u>the dentist providing such services upon request.</u>	230
<u>(3) Dental services delivered through use of teledentistry</u>	231
<u>shall be consistent with the standard of care, including when</u>	232
<u>the standard of care requires the use of diagnostic testing or</u>	233
<u>the performance of a physical examination, and comply with the</u>	234
<u>requirements of this chapter and rules of the board.</u>	235
<u>(4) In cases in which teledentistry is provided to a</u>	236
<u>patient who has a dentist of record but has not had a dental</u>	237
<u>examination in the six months prior to the initiation of</u>	238
<u>teledentistry, the dentist providing teledentistry shall</u>	239
<u>recommend that the patient schedule a dental examination. If a</u>	240
<u>patient to whom teledentistry is provided does not have a</u>	241
<u>dentist of record, the dentist shall provide or cause to be</u>	242
<u>provided to the patient options for referrals for obtaining a</u>	243
<u>dental examination.</u>	244
<u>(D) (1) When delivering services through teledentistry, a</u>	245
<u>dentist may employ instrumentation and diagnostic equipment,</u>	246
<u>including store-and-forward technology, digital scans,</u>	247
<u>photographs, images, electronic records, and face-to-face</u>	248
<u>interactive two-way real-time communications services.</u>	249

(2) Any dentist licensed under this chapter who provides services via teledentistry shall establish written policy and procedures describing how the dentist will ensure that any dental hygienist, expanded function dental auxiliary, digital scan technician, or qualified person assisting patients in the receipt or delivery of telehealth services is fully trained in using equipment necessary for such services.

(3) Nothing in this section eliminates or modifies any other provision of the Revised Code that requires a dental hygienist, expanded function dental auxiliary, certified dental assistant, or qualified personnel to be supervised by a dentist.

(E) The state dental board shall adopt rules providing for the registration of digital scan technicians. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

In line 432, after "3902.30" insert ", 4715.01, 4715.09"

After line 440, insert:

"Section 4. Section 4715.09 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 541 and S.B. 259 of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

The motion was _____ agreed to.

<u>SYNOPSIS</u>	275
Teledentistry	276
R.C. 4715.01, 4715.09, and 4715.44	277
Makes changes to the law governing teledentistry,	278
including by authorizing the taking of digital scans of patient	279
oral cavities.	280
Recognizes digital scan technicians and authorizes them to	281
take digital scans of patient oral cavities.	282
Authorizes the use of digital work authorizations when	283
using another to construct or repair a dental appliance in	284
addition to written work authorizations as under current law.	285
Adds references to orthodontic aligners to the law	286
governing the practice of dentistry.	287
Requires a dentist to establish a bona fide dentist-	288
patient relationship and prohibits a dentist from requiring a	289
patient to sign an agreement limiting the patient's ability to	290
file a complaint with the State Dental Board.	291