

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: Ohio State Dental Board

Regulation/Package Title: 2015 – Chapter 11

Rule Number(s) 4715-11-01, 4715-11-02, 4715-11-02.1, 4715-11-03, 4715-11-03.1, 4715-11-03.2, 4715-11-04, 4715-11-04.1, 4715-11-04.2, 4715-11-04.3, 4715-11-04.4, 4715-11-05, 4715-11-06

Date: December 7, 2015

**Rule Type:**

- ✓ New
- ✓ Amended

- ✓ 5-Year Review
- Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

#### Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

#### No Change

- **4715-11-04.2 Education or training necessary to register as an expanded function dental auxiliary.:** This rule sets forth the minimum education, training and examination requirements to become registered as an expanded function dental auxiliary.

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- **4715-11-04.3 Examination of applicants.:** This rule sets forth the guidelines for examination for expanded function dental auxiliary.

#### Amended

- **4715-11-01 Dentists may supervise dental auxiliaries, basic qualified personnel, certified dental assistants, expanded function dental auxiliary.:** This rule sets forth the guidelines for categories of dental personnel and scope of duties permitted them under the supervision of the licensed dentist. 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 Basic qualified personnel; functions.:** This rule sets forth the scope of practice of basic qualified personnel under the supervision of a licensed dentist. Amendments to the rule were to add a specific duty/function.
- **4715-11-02.1 Monitoring of nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) minimal sedation; education, training, and examination required.:** This rule sets forth the minimum education, training, and examination requirements for the monitoring of nitrous oxide-oxygen (N<sub>2</sub>O-O<sub>2</sub>) by the dental assistant. Amendments to the rule were to reflect the appropriate date of training included in American Dental Association Commission on Dental Accreditation accredited dental assisting programs.
- **4715-11-03 Certified dental assistant; functions; education, training and supervision requirements.:** This rule sets forth the minimum certification requirements to be permitted to perform “pit and fissure sealants” and/or “coronal polishing” under the supervision of the licensed dentist. Amendments to the rule were for gender neutralization purposes.
- **4715-11-03.1 Coronal polishing certification.:** This rule sets forth the minimum certification, education, training, and examination requirements for a dental assistant to become certified to perform coronal polishing under the direct supervision of a licensed dentist. Amendments to the rule were for gender neutralization purposes.
- **4715-11-04 Expanded function dental auxiliaries; functions.:** This rule sets forth the guidelines for supervision and scope of practice for expanded function dental auxiliary under the licensed dentist. Amendments to the rule were made to further clarify “Advanced remedial intra-oral and extra-oral tasks and/or procedures...”.
- **4715-11-04.1 Application for registration as expanded function dental auxiliary; requirements; renewal; exemptions.:** This rule sets forth the minimum background, certification, education, training, continuing education, fee, and/or course requirements needed to apply for registration and renewal as an expanded function dental auxiliary. Amendments to the rule were made to further clarify background qualifications for

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applicants, and to require continuing education and current certification in basic life support in order to renew the registration.

- **4715-11-06 Non-delegable dental tasks and/or procedures.:** This rule sets forth the specific function in dentistry that are not to be delegated to any dental auxiliary by the licensed dentist. 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.

### **New**

- **4715-11-03.2 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.
- **4715-11-04.4 Expanded function dental auxiliary; practice when the dentist is not physically present.:** This rule sets forth the guidelines, certification, registration, 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.
- **4715-11-05 Non-dental licensed healthcare provider; supervision.:** This rule sets forth the supervision guidelines for non-dental licensed personnel in the delivery of dental care.

### **2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

O.R.C. 4715.03 Board organization – examinations.

O.R.C. 4715.39 Permitted duties.

O.R.C. 4715.62 Application to register as expanded function dental auxiliary.

O.R.C. 4715.66 Rules governing expanded function dental auxiliaries.

### **3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

The proposed amendments do not implement federal requirements were they being implemented to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program.

### **4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

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This question is non-applicable since the proposed amendments do not implement federal requirements.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The General Assembly determined that the profession of dentistry required regulation and established a Board to license individuals and enforce the law and rules governing the practice of dentistry in Ohio. These regulations allow the Board to carry out its statutory mission to ensure protection of the public.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Success will be measured by having a clear rule written in plain language, by licensee compliance with the rule, and when the Board receives minimal questions from the licensees regarding requirements of the rule.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The Board's Law and Rules Review Committee (Committee), holds open meetings throughout the rule review year. The Committee is comprised of fourteen (14) members including representatives of the Board, the Ohio Dental Association and the Ohio Dental Hygienists' Association. Additionally, the Board sends public notices and proposed Rule Review agendas to the Board mailing list, a listing of parties interested in all Board proceedings. The Committee met with the opportunity to discuss these rules in July, September, and December 2014, and March, May, June, July, September, and October 2015.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Discussion by the Committee and by the full Board resulted in the conclusion to expand the permissible duties of basic qualified personnel under the direct supervision of the licensed dentist, to reflect gender neutralization, and to incorporate requirements due to the enactment of H.B. 463.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Scientific data was not used to develop the rules as these rules are not data driven.

- 10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

No alternative regulations were considered by the agency since it was determined that the rule provides specific clarity required by ORC 4715.53.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

The Board did not see an application for the rule to be performance-based.

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The five-year rule review process is conducted with a focus on eliminating obsolete, unnecessary, and redundant rules and avoiding duplication. In addition, meetings with interested parties help to ensure that these rules do not duplicate any existing Ohio regulation.

- 13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the**  
The Board will continue to use its website and social media links to educate and update licensees on its rules. Board employees provide informational presentations to stakeholder organizations and groups of dental personnel in an effort to keep the dental profession apprised of current regulations. Stakeholder organizations also ensure that rules, particularly amended rules, are provided to their members through communications and CE opportunities. Staff training is conducted for rule changes to ensure that regulations are applied consistently.

**Adverse Impact to Business**

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**

All categories of dental assistant personnel and the dental practices of their supervising dentist.

- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

Dental assistants are required to have specific certification, education, training, and examination to perform functions under the supervision of the licensed dentist within their specific scope of practice. Violations of Chapter 4715-11, OAC, Qualified personnel, may result in disciplinary sanctions against the dental assistant and/or

licensed supervising dentist (where applicable), which may include continuing education, restriction, suspension, or revocation of certification/registration for the dental assistant and licensure of the supervising dentist.

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

The cost of licensure and application is established by statute. The adverse impact to dental assistants is in the time and money in pursuit of additional education, training, and/or examination and application leading to certification or registration to perform specific functions under the supervision of the licensed dentist. Additionally, the cost of adverse impact of the rules are in any disciplinary sanctions taken against the certification and/or registration holder and the supervising dental licensee due to substandard care. More specifically a result in lost time/earnings, suspension of certification/registration/license, cost/lost time for educational remediation, or loss of practice due to revocation of license to practice could occur.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

ORC 4715.39, 4715.62, and 4715.66, require the Ohio State Dental Board to regulate education, examination, training, eligibility and application criteria for certification, registration and regulation of dental assistant auxiliary in order to fulfill its statutory mission of protection of the public.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

This rule does not provide any exemption or alternative means of compliance for small businesses. All licensed dental personnel under ORC 4715 must have a license or certificate to provide services in Ohio. The law does not differentiate on the size of the business and therefore, this rule applies to all licensed, certified, or registered providers.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

ORC 4715 does not allow for the implementation of fines or penalties. Therefore, this is not applicable.

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**18. What resources are available to assist small businesses with compliance of the regulation?**

Resources available to assist small businesses/stakeholders with compliance are online access to the Ohio Revised and Administrative Codes. Additionally, Board staff regularly respond to inquiries from interested parties.

## QUALIFIED PERSONNEL

### 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 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.

#### (A) Basic qualified personnel

- (1) A licensed dentist may, in accordance with board rules, assign under ~~his~~ the dentists 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 dentists direct supervision and full responsibility, no more than one basic qualified personnel appropriately trained as set forth in paragraph ~~(A)(38)~~ (A)(39) 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 dentists 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)(39) of rule 4715-11-02 of the Administrative Code.

#### (B) Certified dental assistant

- (1) A licensed dentist may, in accordance with board rules, assign under ~~his~~ the dentists 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 dentists direct supervision and full responsibility, no more than one certified dental assistant appropriately trained as set forth in paragraph ~~(A)(38)~~ (A)(39) 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 dentists 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 dentists 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)(39) of rule 4715-11-02 of the Administrative Code.

(C) Expanded function dental auxiliary

- (1) A licensed dentist may, in accordance with board rules, assign under ~~his~~the dentists 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 dentists direct supervision and full responsibility, no more than one expanded function dental auxiliary appropriately trained as set forth in paragraph ~~(A)(38)~~ (A)(39) 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 dentists 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 dentists 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)~~ of rule 4715-11-02 of the Administrative Code.

**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.
  - ~~(19)~~(21) Preliminary selection and sizing of stainless steel crowns.
  - ~~(20)~~(22) Preliminary selection and sizing of orthodontic bands and arch wires.
  - ~~(21)~~(23) Checking for and removal of loose orthodontic bands and loose brackets.
  - ~~(22)~~(24) Intra-oral bite registrations for diagnostic model articulation, restorations, and appliances.
  - ~~(23)~~(25) Irrigation and drying of canals during endodontic procedures.
  - ~~(24)~~(26) Placement of medication in the pulp chamber(s) of teeth with non-vital pulp or instrumented root canals.

- (25)(27) Placement and removal of surgical dressings.
- (26)(28) Placement and removal of orthodontic arch wires, auxiliary arch wires, and ligation of same to orthodontic bands and/or brackets.
- (27)(29) Placement and removal of orthodontic separators and ties.
- (28)(30) Polymerization of light-activated restorative or bonding materials.
- (29)(31) All supportive services necessary to the maintenance of a hygienic practice environment, including, but not limited to, all sterilizing procedures.
- (30)(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.
- (31)(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.
- (32)(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.
- (33)(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.
- (34)(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.

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

(36)(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.

(37)(39) Impressions for removable or fixed orthodontic appliances.

(38)(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.

**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 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.

**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 dentists 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 dentists 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.

#### **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.

**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 in 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 information 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;
    - (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 dental assistant to provide services in a public school or in connection with other programs the government entity administers.
- (C) A certified dental assistant 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) The educational requirement in paragraph (B)(1)(a) of rule 4715-11-03 has been satisfied.
  - (2) All of the conditions specified in paragraph (B) of this rule have been satisfied.
  - (3) The dental assistant 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.
  - (4) A supervising dentist for the program described in division (C)(3) 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.
  - (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.

**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.

**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 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) An unlicensed 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)~~ A renewal fee of twenty dollars.

(3) 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 training course certified by the American red cross, the American heart association, or the American safety and health institute.

(3)(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. 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 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.

#### **4715-11-04.2 EDUCATION OR TRAINING NECESSARY TO REGISTER AS AN EXPANDED FUNCTION DENTAL AUXILIARY.**

(A) In order to register with the board as an expanded function dental auxiliary, an individual must complete an educational program that meets all of the following requirements:

- (1) The program is offered by 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.
- (2) The program must include a minimum of one hundred eighty hours of coursework, of which one hundred hours are preclinical and didactic, and eighty hours are clinical, and includes training in all of the following areas:
  - (a) Nomenclature
  - (b) Caries classification
  - (c) Oral anatomy
  - (d) Dental morphology
  - (e) Periodontium
  - (f) Histology
  - (g) Basics of occlusion
  - (h) Ergonomics
  - (i) Instrumentation
  - (j) Pulp protection
  - (k) Dental materials

- (l) Posterior amalgam and non-metallic restorations
  - (m) Matrix and wedge techniques
  - (n) Temporization
  - (o) Amalgam placement and carving
  - (p) Polishing amalgams
  - (q) Non-metallic restorative material placement
  - (r) Non-metallic restorative material finishing and polishing utilizing both low and high speed handpieces
  - (s) Pit and fissure sealant placement
  - (t) Rubber dam clamp placement and removal
  - (u) Rubber dam placement and removal
- (3) A dentist licensed under section 4715.10 of the Revised Code or a dentist holding a limited teaching license under section 4715.16 of the Revised Code is physically present in the facility when clinical procedures associated with the education or training of expanded function dental auxiliary are performed on patients.
- (B) An unlicensed dentist who does not have a dental license under suspension or revocation by the board and who seeks to register with the board as an expanded function dental auxiliary shall fulfill the requirements of paragraph (A) of this rule upon submission of proof of graduation from an accredited dental college as specified in section 4715.10 of the Revised Code.
- (C) A dental student seeking to register with the board as an expanded function dental auxiliary shall fulfill the requirements of paragraph (A) of this rule upon submission to the board proof that the dental student is currently enrolled in an accredited dental college and is considered by the dean of the college to have completed sufficient clinical training as set forth in paragraph (A) of this rule, and be in good standing as a dental student.
- (D) A graduate of an unaccredited dental college located outside the United States seeking to register with the board as an expanded function dental auxiliary shall fulfill the requirements of paragraph (A) of this rule upon submission of proof that the individual has completed sufficient clinical training at an accredited dental college as evidenced by a letter signed by the dean of the college to have completed sufficient clinical training as set forth in paragraph (A) of this rule.

#### **4715-11-04.3 EXAMINATION OF APPLICANTS.**

- (A) Each individual seeking to register with the board as an expanded function dental auxiliary must successfully pass the examination administered by the commission on dental testing in Ohio or an examination accepted by the board as an examination of competency to practice as an expanded function dental auxiliary.
- (B) An examination may be accepted by the board only if the entity that administers the examination requires an individual to be one of the following as a condition of admission to the examination:
- (1) An unlicensed dentist who has graduated from an accredited dental college, as specified in section 4715.10 of the Revised Code, and does not have a dental license under suspension or revocation by the board;
  - (2) A dental student who is enrolled in an accredited dental college, as specified in section 4715.10 of the Revised Code, and is considered by the dean of the college to be in good standing as a dental student;
  - (3) A graduate of an unaccredited dental college located outside the United States;

- (4) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification;
- (5) A dental hygienist licensed under this chapter whose license is in good standing; or
- (6) An unlicensed 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.

**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, or no more than three consecutive weeks, 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, unless there has been a medically significant change in the patient's medical history since the last appointment, and, except when the services are provided in a health care facility, 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) A 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.

- (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.

#### **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 rules of the Administrative Code.