



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Zachary Russell, Ohio Dental Board

FROM: Joseph Baker, Regulatory Policy Advocate

DATE: August 9, 2021

RE: **CSI Review – Dental Hygienists (OAC 4715-9-01, 4715-9-01.1, 4715-9-01.2, 4715-9-02, 4715-9-03, 4715-9-04, 4715-9-05, 4715-9-06, and 4715-9-06.1)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

Analysis

This rule package contains nine no change rules being proposed by the Ohio Dental Board (Board) as part of the statutory five-year review process. The rule package was submitted to the CSI Office on July 15, 2021, and the public comment period was held open through July 27, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 15, 2021.

OAC 4715-9-01 outlines the scope of practice limitations and privileges for dental hygienists, such as permitting dental hygienists to remove deposits or accretions from the crowns and roots of teeth when working under the supervision of a dentist. OAC 4715-9-01.1 establishes educational and examination requirements for administering local anesthesia, such as basic-life support certification and passage of a local anesthesia examination. OAC 4715-9-01.2 requires dental hygienists seeking to administer nitrous oxide-oxygen to complete training requirements, including basic life support certification, didactic instruction and clinical experience in nitrous oxide-oxygen administration. OAC 4715-9-02 specifies that the Board will only allow individuals who have graduated from an

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accredited dental hygiene school or program to be admitted to examination for licensure. OAC 4715-9-03 establishes minimum requirements for licensure as a dental hygienist, including being at least 18 years of age, graduating from an accredited school, passing all parts of the examination provided by the Joint Commission on National Dental Examinations, and meeting various other requirements. OAC 4715-9-04 states that a dental hygiene teaching certificate application must be certified by the administrator of the dental school where the person is authorized to teach, include a signed statement from the individual regarding their knowledge of Ohio dental laws, and the certificate granted by the Board must be displayed in a conspicuous location at the institution.

OAC 4715-9-05 states that a dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present and establishes limitations and requirements for providing remotely supervised services. OAC 4715-9-06 permits dental hygienists to participate in an oral health access supervision program and establishes related limitations on this privilege. Lastly, OAC 4715-9-06.1 establishes course requirements for the practice of dental hygiene under an oral health access supervision program, such as specifying that the course include basic concepts that allow a hygienist to provide services to a patient when the supervising dentist is not present.

During early stakeholder outreach, the Board notified all parties registered to receive notification regarding rule changes that the rule would be considered at the June 9, 2021 Board meeting. No stakeholder comments were provided at that time or during the CSI public comment period. The business community affected by the rules includes dental hygienists applying for a license or an oral health access supervision permit, as well as those currently in possession of such a license or permit. The adverse impacts to business include the costs of licensure and training to become licensed as well as the administrative effort necessary to complete an application and document compliance. The Board notes that the cost of licensure for dental hygiene is \$184 in even years and \$120 in odd years, while the renewal fee is \$144. The cost of an oral health access supervision permit is \$25 both for initial and renewal permits. The Board states that the adverse impact created by the rules is necessary to ensure that only competent and safe practitioners are permitted to practice dentistry in Ohio and to establish necessary regulations for the licensure of dental hygienists.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.