

L_131_0603-1

131st General Assembly
Regular Session
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. B. No.

A BILL

To amend sections 4715.09 and 4715.99 and to enact 1
sections 4715.091, 4715.092, 4715.093, 4715.094, 2
and 4715.095 of the Revised Code to require 3
registration of dental laboratories that are not 4
owned or operated by dentists. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4715.09 and 4715.99 be amended 6
and sections 4715.091, 4715.092, 4715.093, 4715.094, and 7
4715.095 of the Revised Code be enacted to read as follows: 8

Sec. 4715.09. (A) No person shall practice dentistry 9
without a current license from the state dental board. No person 10
shall practice dentistry while the person's license is under 11
suspension by the state dental board. 12

(B) ~~No~~ (1) Except as provided in division (B) (2) of this 13
section, no dentist shall use the services of any person not 14
licensed to practice dentistry in this state, or the services of 15
any partnership, corporation, or association, to construct, 16
alter, repair, or duplicate any denture, plate, bridge, splint, 17



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~~or orthodontic or prosthetic dental appliance, without first~~ 18
~~furnishing the unlicensed person, partnership, corporation, or~~ 19
~~association unless both of the following requirements are met:~~ 20

(a) The services are provided by a dental laboratory 21
registered under section 4715.092 of the Revised Code. 22

(b) The dentist furnishes the dental laboratory with a 23
written work authorization that complies with section 4715.091 24
of the Revised Code, is on forms a form prescribed by the state 25
dental board, and includes the dental laboratory's registration 26
number. 27

~~The unlicensed person, partnership, corporation, or~~ 28
~~association shall retain the original work authorization, and~~ 29
~~the dentist shall retain a duplicate copy of the work~~ 30
~~authorization, for two years from its date. Work authorizations~~ 31
~~required by this section shall be open for inspection during the~~ 32
~~two year period by the state dental board, its authorized agent,~~ 33
~~or the prosecuting attorney of a county or the director of law~~ 34
~~of a municipal corporation wherein the work authorizations are~~ 35
~~located.~~ 36

(2) Division (B)(1) of this section does not apply to a 37
dental laboratory owned and operated by a dentist licensed under 38
this chapter so long as the dental laboratory constructs, 39
alters, repairs, or duplicates dental appliances solely for the 40
dentist's own patients. 41

~~(C) If the person, partnership, association, or~~ 42
~~corporation receiving a written authorization from a licensed~~ 43
~~dentist engages another person, firm, or corporation, referred~~ 44
~~to in this division as "subcontractor," to perform some of the~~ 45
~~services relative to the work authorization, he or it shall~~ 46

~~furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board.~~ 47
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~~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.~~ 49
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~~(D) No unlicensed~~ (1) Subject to divisions (C) (2) and (3) of this section, no person, that is not either licensed to practice dentistry in this state or a partnership, association, or corporation owned and operated by a dentist licensed under this chapter shall perform any service described in division (B) of this section without unless the person is a dental laboratory registered under section 4715.092 of the Revised Code and obtains a written work authorization from a licensed dentist or written sub-work authorization from a registered dental laboratory. Provided, that if 54
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(2) If a written work authorization is demanded from a licensed dentist who or a sub-work authorization is demanded from a registered dental laboratory, and the dentist or laboratory fails or refuses to furnish it for any reason, the unlicensed person, partnership, association, or corporation a registered dental laboratory may perform the services described in division (B) of this section for which the work or sub-work authorization was demanded and 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. 64
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(3) Division (C) (1) of this section does not apply to a student performing duties that are part of a supervised course of study in an educational program that meets any of the 74
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accreditation standards specified in this chapter. 77

~~(E)~~ (D) No person shall operate a dental laboratory that is 78
not either registered under this chapter or owned and operated 79
by a dentist licensed under this chapter. 80

(E) No dentist shall employ or use conscious intravenous 81
sedation unless the dentist possesses a valid permit issued by 82
the state dental board authorizing ~~him~~ the dentist to do so. 83

(F) As used in this section and sections 4715.091 to 84
4715.095 of the Revised Code: 85

(1) "Dental laboratory" means a facility where dental 86
appliances are constructed, altered, repaired, or duplicated. 87

(2) "Dental appliance" means fixed, removable, and 88
orthodontic dental devices intended for use in the human mouth, 89
including dentures, bridges, crowns, veneers, implants, 90
retainers, mouth guards, and other dental devices. 91

Sec. 4715.091. (A) A dental laboratory shall disclose all 92
of the following on a work authorization form required by 93
section 4715.09 of the Revised Code and return a copy of the 94
form to the dentist who issued it: 95

(1) All materials in the composition of the dental 96
appliance that will have physical contact with the patient's 97
mouth, including the United States food and drug administration 98
registration number, if applicable, for each of those materials; 99

(2) The location at which the dental appliance was 100
fabricated and the name, address, telephone number, and United 101
States food and drug administration registration number, if 102
applicable, of the individual or entity that received the work 103
authorization; 104

(3) The location of any subcontractor who performed some 105
or all of the services related to the dental appliance, 106
including the city, state, country, and United States food and 107
drug administration registration number, if applicable, of the 108
subcontractor. 109

(B) The dental laboratory shall retain the original work 110
authorization, and the dentist shall retain a duplicate copy of 111
the work authorization in the patient's record, for two years 112
from the date the finished dental appliance is furnished to the 113
dentist. Work authorizations shall be open for inspection during 114
the two-year period by the state dental board, its authorized 115
agent, or the prosecuting attorney of a county or the director 116
of law of a municipal corporation wherein the work 117
authorizations are located. 118

(C) If the dental laboratory receiving a written 119
authorization from a licensed dentist engages another dental 120
laboratory to perform some of the services relative to the work 121
authorization as a subcontractor, the dental laboratory shall 122
furnish a written sub-work authorization to the subcontractor 123
with respect thereto on forms prescribed by the state dental 124
board. 125

The subcontractor shall retain the sub-work authorization 126
and the issuer thereof shall retain a duplicate copy, attached 127
to the work authorization received from the dentist, for 128
inspection by the state dental board or its duly authorized 129
agents, for a period of two years in both cases. 130

(D) A work authorization or sub-work authorization may be 131
transmitted to and retained by a dentist or dental laboratory in 132
an electronic format. 133

Sec. 4715.092. (A) Except as provided in division (E) of 134
this section, a person seeking to operate a dental laboratory 135
shall file a written application for registration with the 136
secretary of the state dental board. The application shall be on 137
a form prescribed by the board in rules adopted under section 138
4715.093 of the Revised Code and be accompanied by both of the 139
following: 140

(1) The fee set by the board pursuant to section 4715.093 141
of the Revised Code; 142

(2) Evidence satisfactory to the board, on a form 143
prescribed by the board, that at least one person employed by 144
the dental laboratory and regularly present for at least 145
seventy-five per cent of the dental laboratory's standard 146
business hours meets either of the following requirements: 147

(a) Maintains active certification as a certified dental 148
technician by the national board for certification in dental 149
laboratory technology or a similar organization recognized by 150
the state dental board; 151

(b) Has successfully completed at least twenty-four hours 152
of continuing dental laboratory education during the twenty-four 153
months prior to submission of the application, including at 154
least two hours of education on United States department of 155
labor occupational safety and health administration requirements 156
related to the practice of dentistry. 157

(B) The board shall review all applications received under 158
this section and register an applicant if the applicant meets 159
the requirements of division (A) of this section and any 160
requirements established in rules adopted under section 4715.093 161
of the Revised Code. 162

(C) Registration under this section expires two years 163
after it occurs, unless earlier revoked or suspended under this 164
chapter. Registration may be renewed in the manner prescribed by 165
the board in rules adopted under section 4715.093 of the Revised 166
Code. 167

(D) An application for renewal of dental laboratory 168
registration must be accompanied by all of the following: 169

(1) The fee set by the board pursuant to section 4715.093 170
of the Revised Code; 171

(2) Evidence satisfactory to the board that the dental 172
laboratory continues to meet all requirements for initial 173
registration; 174

(3) Evidence satisfactory to the board, provided on a form 175
prescribed by the board, that at least one person employed by 176
the dental laboratory and regularly present for at least 177
seventy-five per cent of the dental laboratory's standard 178
business hours meets either of the following requirements: 179

(a) Maintains active certification as a certified dental 180
technician by the national board for certification in dental 181
laboratory technology or a similar organization recognized by 182
the state dental board; 183

(b) Has successfully completed at least twenty-four hours 184
of continuing dental laboratory education during the twenty-four 185
months following the effective date or most recent renewal of 186
the registration being renewed, including at least two hours of 187
education on United States department of labor occupational 188
safety and health administration requirements related to the 189
practice of dentistry. 190

(E) Divisions (A) to (D) of this section do not apply to a 191

dental laboratory owned and operated by a dentist licensed under 192
this chapter so long as the dental laboratory constructs, 193
alters, repairs, or duplicates dental appliances solely for the 194
dentist's own patients. 195

(F) Each dentist who owns or operates a dental laboratory 196
that is not registered under this chapter shall annually file 197
with the board the dentist's name, license number, and contact 198
information on a form prescribed by the board. 199

Sec. 4715.093. (A) Not later than two hundred and seventy 200
days after the effective date of this section, the state dental 201
board shall adopt rules in accordance with Chapter 119. of the 202
Revised Code to implement sections 4715.09, 4715.091, 4715.092, 203
4715.094, and 4715.095 of the Revised Code. The rules shall 204
include provisions for all of the following: 205

(1) Registration and renewal application forms and 206
procedures; 207

(2) Fees for initial and renewed dental laboratory 208
registration and for inspection of dental laboratories; 209

(3) Training and qualifications of the operators and 210
employees of dental laboratories; 211

(4) Any requirements for disinfection and disease control 212
in dental laboratories that are in addition to the universal 213
blood and body fluid precautions established by the board in 214
rules adopted under section 4715.03 of the Revised Code; 215

(5) Inspection criteria, procedures, and guidelines; 216

(6) Reporting and auditing requirements; 217

(7) Forms for reporting continuing education; 218

(8) Standards and procedures for suspension and revocation of registration and reinstatement of registration that has been revoked; 219
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(9) Forms to be filed by dentists who own and operate unregistered dental laboratories; 222
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(10) Any other rules the board considers appropriate to implement sections 4715.09, 4715.091, 4715.092, 4715.094, and 4715.095 of the Revised Code. 224
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(B) Rules adopted under division (A) (3) of this section shall be based on standards established by the United States department of labor occupational safety and health administration. 227
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Sec. 4715.094. As used in this section, "board of health" means 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. 231
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The state dental board shall monitor compliance with sections 4715.09, 4715.091, 4715.092, and 4715.095 and the rules adopted under section 4715.093 of the Revised Code. The board may conduct inspections of dental laboratories as the board considers appropriate to adequately monitor compliance. The inspections may be scheduled or random. 235
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The board may suspend or revoke registration of a dental laboratory that fails to comply with sections 4715.09, 4715.091, 4715.092, and 4715.095 of the Revised Code and the rules adopted under section 4715.093 of the Revised Code and may reinstate registration if compliance is achieved. 241
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The board may refer unsanitary conditions at a dental laboratory to a board of health or to another government entity. 246
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The board of health of the health district in which a 248
dental laboratory is located may conduct inspections of a dental 249
laboratory as that board considers appropriate to adequately 250
monitor compliance with any applicable health regulation adopted 251
by the board. The inspections may be scheduled or random. 252

Sec. 4715.095. A dental laboratory registered under 253
section 4715.092 of the Revised Code shall comply with all 254
applicable standards of the United States department of labor 255
occupational safety and health administration related to the 256
practice of dentistry. 257

Sec. 4715.99. (A) Whoever violates section 4715.17 of the 258
Revised Code is guilty of a minor misdemeanor on a first offense 259
and a misdemeanor of the fourth degree on each subsequent 260
offense. 261

(B) Whoever violates section 4715.18 of the Revised Code 262
is guilty of a misdemeanor of the fourth degree. 263

(C) Whoever violates division (A), (B), (C), or (E) of 264
section 4715.09 or section 4715.19, 4715.20, 4715.29, 4715.32, 265
4715.39, 4715.52, or 4715.61 of the Revised Code is guilty of a 266
misdemeanor of the first degree on a first offense and a felony 267
of the fifth degree on each subsequent offense. 268

(D) Whoever violates division (D) of section 4715.09 of 269
the Revised Code is guilty of a misdemeanor of the second 270
degree. 271

(E) Whoever violates any provision of this chapter for 272
which no specific penalty has been prescribed is guilty of a 273
misdemeanor of the fourth degree on a first offense and a 274
misdemeanor of the second degree on each subsequent offense. 275

Section 2. That existing sections 4715.09 and 4715.99 of 276

the Revised Code are hereby repealed. 277

Section 3. Sections 1 and 2 of this act, except for 278
section 4715.093 of the Revised Code, shall take effect one year 279
after the effective date of this section. Section 4715.093 of 280
the Revised Code, as enacted by this act, shall take effect at 281
the earliest time permitted by law. 282