

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: Ohio State Dental Board

Regulation/Package Title: 2015 -Chapter 3

Rule Number(s) 4715-3-01

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Rescinded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.

**Amended**

- **4715-3-01 Definitions.** This rule sets forth the definition of terms for Chapter 4715. of the Ohio Revised and Administrative Codes. The proposed amendments set forth new and revised definitions under the categories “Educational terms”, “Miscellaneous terms”, “Military personnel/veterans”, and “Tasks and/or procedures” and to correct grammatical errors.

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

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

**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?**

The proposed amendments do not implement federal requirements and are not being amended 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.**

This question is not 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 laws and rules governing the practice of dentistry in Ohio. Ohio Revised Code Section 4715.03 requires the Board to develop and implement rule language to establish, clarify and execute minimum standards of education, training, and care for dental individuals. 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?**

The rule is not a quantitative regulation, nor does it impose a measurable quantitative burden on the licensee. The success of the regulation will be measured by the licensee's understanding or legal objections to 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.**

The Board's Law and Rules Review Committee (Committee) holds open meetings throughout the rule review year. The Committee is comprised of eleven (11) 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 this rule in April, September and December of 2014 and March, May, June, July, September, and October of 2015.

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

Recent legislation, HB 488 of the 130<sup>th</sup> General Assembly, authorized the Board to adopt rules regarding education and training standards and licensure and renewal procedures for military personnel, veterans and/or spouses of military personnel or veterans. Discussion by the Committee resulted in the decision to draft new definitions of “military personnel/veterans”. Additionally, the Committee reviewed, approved, and submitted new definitions for final approval by the full Board in order to file the rule with the Joint Committee on Agency Rule Review.

**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 this rule or the amendments to the rule.

**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?**

As the regulations are essential to protecting the public's safety by ensuring uniform rules for the oversight of the practice of dentistry, the Ohio State Dental Board did not consider any regulatory alternatives.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

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 regulated community.**

The Board will continue to use its website and social media links to educate and update licensees on its rules. Board employees provide information to applicants upon request and for clarification purposes. 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;**

The rule impacts all dental personnel; dentists, dental hygienists, dental auxiliary, military personnel and/or veterans and their spouses, employees of the Board, and educational facilities of dental/dental hygiene/dental assisting schools and/or training programs.

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

This rule is a definitional section and while many of the definitions outline the parameters of licensed personnel, levels of education for specific dental auxiliary, and terms to describe specific practices, the rule itself does not have any cost of compliance or adverse impact on the regulated community.

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

There is no cost of expected adverse impact on the regulated community.

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

The regulatory intent set forth in this rule is to establish clear definitions of terms used in the Dental Practice Act and in the rules adopted thereunder. These changes are intended to clarify and provide additional guidance to licensees, members of the public and other stakeholders. There should be no adverse impact on the regulated community as a result of these changes.

### 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 exemptions or alternative means of compliance for small businesses. All licensed dental personnel under O.R.C 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, 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?**

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

**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 and written and verbal from Board staff in response to inquiries from interested parties.

## DEFINITIONS

### 4715-3-01 DEFINITIONS.

Definition of terms are listed by category. Categories are listed alphabetically.

#### (A) Advertising terms

- (1) "Invasion of privacy" - to encroach upon or violate a person's personal, intimate, and/or private space.
- (2) "Misrepresentation" - to represent falsely, wrongly, or misleadingly.
- (3) "Overreach" - to get the better of, especially by deceit or trickery; to outwit; to reach too far; to cheat others.
- (4) "Reasonably dignified" - possessing distinction, poise, honor, esteem.
- (5) "Reasonably restrained" - moderation in action or expression.
- (6) "Undue influence" - using power in an excessive or unreasonable way to produce effects, either, directly, indirectly, or through an intermediary.
- (7) "Unreasonable interference" - to unreasonably come between so as to impede, hinder or obstruct

#### (B) Anesthesia/sedation terms

- (1) "Administration" - providing, applying, or injecting a drug or other therapeutic agent for a patient of record, including providing a patient with a single dose of a controlled substance or other dangerous drug that is to be used incidental to, or contemporaneously with, a planned procedure, with the intent of being an integral and indicated action to properly initiate and complete the dental procedure within the standard of care in dentistry.
- (2) "Analgesia" - the diminution or elimination of pain.
- (3) "Anxiolysis" - the diminution or elimination of anxiety.
- (4) "Enteral/oral conscious sedation" - The use of a single drug administered orally or sublingually at one time on a given treatment day, or combination of drugs administered concomitantly orally or sublingually at one time on a given treatment day, in order to provide sedation or anxiolysis for dentistry. If the dosage is determined to be inadequate and an increased dosage is required to sufficiently provide sedation or anxiolysis, the practitioner must reschedule the patient for a subsequent appointment on a different day. All enteral/oral sedatives shall be administered at the same time and only once during any given treatment day unless the administering dentist is permitted to provide intravenous conscious sedation or general anesthesia.
- (5) "Combination inhalation-enteral conscious sedation (combined conscious sedation)" - conscious sedation using enteral agents, as indicated in paragraph (B) (4) of rule 4715-3-01 of the Administrative Code, and nitrous oxide/oxygen inhalation sedation. Nitrous oxide/oxygen used in combination with sedative agents may produce conscious or deep sedation or general anesthesia.
- (6) "Conscious sedation" - a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, and that is produced by a pharmacologic or non-pharmacologic method, or a combination thereof.

In accord with this particular definition, the drugs and/or techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. Further, patients whose only response is reflex withdrawal from repeated painful stimuli would not be considered to be in a state of conscious sedation.

- (7) "Continual" - repeated regularly and frequently in a steady succession.
  - (8) "Continuous" - prolonged without any interruption at any time.
  - (9) "Deep sedation" - an induced state of depressed consciousness, accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method, or combination thereof.
  - (10) "Enteral" - any technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa [i.e., oral, rectal, sublingual].
  - (11) "General anesthesia" - an induced state of unconsciousness accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method, or combination thereof.
  - (12) "Immediately available" - on site in the facility and available for immediate use.
  - (13) "Inhalation" - a technique of administration in which a gaseous or volatile agent is introduced into the pulmonary tree and whose primary effect is due to absorption through the pulmonary bed.
  - (14) "Local anesthesia" - the elimination of sensation, especially pain, in one part of the body by regional injection of a drug.
  - (15) "Minimal sedation" - a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.
  - (16) "Moderate sedation" - a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patient's airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
  - (17) "Parenteral" - a technique of administration in which the drug bypasses the gastrointestinal (GI) tract [i.e., intramuscular (IM), intravenous (IV), intranasal (IN), submucosal (SM), subcutaneous (SC), intraocular (IO)].
  - (18) "Time-oriented anesthesia record" - documentation at appropriate intervals of drugs, doses and physiologic data obtained during patient monitoring.
  - (19) "Topical anesthesia" - the elimination of sensation, especially pain, in one part of the body by skin or mucous membrane surface application of a drug.
  - (20) "Transdermal/transmucosal" - a technique of administration in which the drug is administered by patch or iontophoresis.
- (C) Dental personnel
- (1) "Licensed dentist" - a graduate of an accredited or a foreign dental school who has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.10 of the Revised Code and the agency rules of this board, and holds a current license to practice dentistry in Ohio which is not suspended or revoked by board action.

- (2) "Unlicensed dentist" - a graduate of an accredited dental school who has not successfully passed all examinations or completed the application requirements for licensure in Ohio as set forth in section 4715.10 of the Revised Code and the agency rules of this board; or the holder of a license to practice dentistry in Ohio which has been suspended or revoked by board action.
- (3) "Graduates of unaccredited dental colleges located outside the United States" - a graduate of a dental school that is located outside the United States and is not accredited by the American dental association commission on dental accreditation.
- (4) "Dental student" - a student in good standing currently enrolled in an accredited dental school.
- (5) "Licensed dental hygienist" - a graduate of an accredited dental hygiene school or program who has successfully passed all examinations, completed all application requirements for licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this board, and holds a current license to practice dental hygiene in Ohio which is not suspended or revoked by board action.
- (6) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene school or program who has not successfully passed all examinations or completed the application requirements for licensure in Ohio as set forth in section 4715.21 of the Revised Code and the agency rules of this board; or the holder of a license to practice dental hygiene in Ohio which has been suspended or revoked by board action.
- (7) "Certified dental assistant" - a dental assistant who maintains current certification by completion of the continuing education requirements upon successfully passing the certification examination of the dental assisting national board (DANB) or the Ohio commission on dental assistant certification (OCDAC).
- (8) "Basic qualified personnel" - basic qualified personnel are those persons who are adjudged by the licensed dentist to be capable and competent of performing basic remediable intra-oral and extra-oral dental tasks and/or procedures under his direct supervision and full responsibility. These persons must be trained directly via an employer-dentist, via a planned sequence of instruction in an educational institution or via in-office training.
- (9) "Advanced qualified personnel" (hereinafter referred to as expanded function dental auxiliaries or EFDA's) - those persons who have passed the Ohio state dental board designated examination for expanded function dental auxiliaries who may perform advanced remediable intra-oral dental tasks and/or procedures under the direct supervision and full responsibility of a licensed dentist.

Upon submitting proof of successful completion of acceptable training on a form prescribed by the board and signed by the chief administrative officer of the program at the accredited institution, the following applicants shall be admitted to the state board designated examination for expanded function dental auxiliary:

- (a) "Unlicensed dentist" - a graduate of an accredited dental school unless his license is under suspension or revocation by the board.
- (b) "Dental student" - a dental student in good standing and currently enrolled in an accredited institution, upon recommendation of the dean.
- (c) "Graduates of unaccredited dental colleges located outside the United States" - a graduate of a dental school located outside the United States that is not accredited by the American dental association commission on dental accreditation and after admission to an accredited educational institution or program.



- (d) "Certified dental assistant" - a certified dental assistant if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation. The curriculum must include clinical experience.
  - (e) "Licensed dental hygienist" - a graduate of an accredited dental hygiene program if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation, unless her license is under suspension or revocation. The curriculum must include clinical experience.
  - (f) "Unlicensed dental hygienist" - a graduate of an accredited dental hygiene program if she has satisfactorily completed training in advanced remediable intra-oral dental tasks and/or procedures through an accredited educational institution or program whose educational standards are recognized and/or accredited by the American dental association commission on dental accreditation. The curriculum must include clinical experience.
- (10) "Dental auxiliaries" - dental auxiliaries are all persons, not licensed to practice dentistry in Ohio, who assist in the dental practice.
- (a) Subject to those more specific laws or rules regulating the functions of basic qualified personnel, expanded function dental auxiliaries and hygienists, a dental auxiliary may, under the personal supervision and full responsibility of a licensed dentist, assist in the concurrent performance of supportive procedures, and may assist with the administration of drugs, medications, and inhalation anesthetic agents, including nitrous oxide.
  - (b) Further, parenteral injections for the administration of drugs, including local anesthetic agents may not be delegated to dental auxiliaries unless they are appropriately licensed in the state of Ohio.
- (11) "Dental health care workers" - dental health care workers are all personnel utilized by a licensed dentist who assist in a dental practice and who may be exposed to body fluids such as blood or saliva.
- (D) Disciplinary terms
- (1) "Revocation" - permanent loss of license to practice in Ohio with no ability to apply for licensure in this state in the future.
  - (2) "Suspension" - loss of license to practice for a specific period of time (definite suspension) or until specific conditions are met (indefinite suspension). In the case of indefinite suspension, the board may specify a minimum period of time during which the licensee may not practice, in addition to other conditions for reinstatement of license.
  - (3) "Restriction" - license to practice is restricted in some way (eg., licensee is prohibited from practicing a certain specialty or procedure or prescribing, etc.) or is subject to terms and conditions specified by the board. The restriction can be permanent or temporary.
  - (4) "Probation" - a specific type of restriction wherein the license to practice remains dependent upon compliance with terms and conditions specified by the board (eg., periodic appearances, drug logs, reports by treating practitioners, etc.). The probation period may be for a definite or indefinite period of time. In the case of indefinite probation, the board may establish a minimum probationary period, with provisions for termination of probation at the board's discretion thereafter.

(5) "Censure/reprimand" - the licensee is formally and publicly reprimanded in writing.

(E) Educational terms

(1) "Accreditation" - a procedure for recognizing or certifying that an educational institution or program meets prescribed standards that qualify its graduates for entitlement to take the state board designated examination.

(2) "Accredited educational institution or program" - an educational institution or program accredited by one or more of the following:

(a) American dental association commission on dental accreditation; responsible for the accreditation of dental and dental-related education within the United States and Canada.

(b) Accreditation council for graduate medical education (ACGME); responsible for the accreditation of post-doctoral medical training programs within the United States.

(c) Joint commission on accreditation of healthcare organizations (JCAHO); responsible for the evaluation and accreditation of health care organizations and programs in the United States. An independent, not-for-profit accrediting organization which sets professionally based standards and evaluates the compliance of health care organizations.

(3) "Accredited dental school" - a dental school accredited by the American dental association commission on dental accreditation.

(4) "Accredited dental hygiene program" - a dental hygiene program accredited by the American dental association commission on dental accreditation.

(5) "Accredited dental assisting program" - a dental assisting program accredited by the American dental association commission on dental accreditation.

(6) Education:

(a) "Continuing education" means educational and scientific courses consisting of activities designed to review existing concepts and techniques, to convey information beyond the basic dental education and to update knowledge on advances in scientific, and clinical practice related subject matter, including evidence-based dentistry wherein the objective is to improve the knowledge, skills and ability of the individual to provide the highest quality of service to the public and the profession.

(b) "Remedial education" means a prescribed educational intervention that is designed to restore an identified practice deficiency of a licensee to conformity with the accepted standards of the profession. Remediation includes, but is not limited to, successful demonstration by the licensee that the learned knowledge and skills have been incorporated into the licensee's practice.

(F) General terms

(1) "Must/shall" - indicates an imperative need and/or duty; an essential or indispensable item; mandatory.

(2) "Should" - indicates the recommended manner to obtain the standard; highly desirable.

(3) "May" - indicates freedom, or liberty to follow a reasonable alternative.

(4) "Immediately available" - on site in the facility and available for immediate use/review/inspection.

(5) "All" - the whole extent or quantity of; every one of; the entire number of.

(G) Impairment

- (1) "Impairment" - means impairment of ability to practice under accepted standards of the profession because of physical or mental disability, or dependence on alcohol or other drugs, or habitual or excessive use or abuse of alcohol, drugs or other substances. Impairment includes inability to practice in accordance with such standards, and inability to practice in accordance with such standards without appropriate treatment, monitoring and supervision.
- (2) "Inability to practice" - means impairment of ability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs.
- (3) "No longer drug or alcohol dependent" - means a demonstration of abstinence from alcohol, and from drugs or substances that may impair the ability to practice.
- (4) "Relapse" - means any use of, or obtaining for the purpose of using, alcohol or other drugs or substances that may impair the ability to practice, including a return to the pattern of impairment activities, by one previously diagnosed and treated for drug or alcohol abuse or dependence. This does not apply to substances obtained pursuant to the direction of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

(H) Infection control

- (1) "Appropriate disinfectant" - a diluted bleach solution, EPA-registered tuberculocides, sterilants, or products registered against HIV/HBV, provided the surfaces have not become contaminated with agents or volumes of or concentrations of agents for which higher level disinfection is recommended.
- (2) "Chemical sterilization process" - use of a sterilant cleared by the food and drug administration in a 510 (K) in accordance with the manufacturer's instructions.
- (3) "Immediate remedial action" - after the first positive spore test occurs, a second biological spore test must be performed according to manufacturer's guidelines. In the event a second positive biological spore test occurs, the device must be removed from service until repaired.
- (4) "Overgloving" - placing one disposable glove over another disposable glove between patients when the first glove is contaminated.

(I) Levels of knowledge

- (1) "Familiarity" - a simplified knowledge for the purpose of orientation and recognition of general principles.
- (2) "In-depth" - a thorough knowledge of concepts and theories for the purpose of critical analysis and the synthesis of more complete understanding (highest level of knowledge).

(J) Levels of skill

- (1) "Exposed" - the level of skill attained by observation of or participation in a particular activity.
- (2) "Competent" - displaying special skill or knowledge derived from training and experience.
- (3) "Proficient" - the level of skill attained when a particular activity is accomplished with repeated quality and a more efficient utilization of time (highest level of skill).

(K) Miscellaneous terms

(1) Construction

- (a) Where a pronoun of one gender appears in these rules, it shall be interpreted to mean or include the pronoun of the other gender where appropriate.

(2) "Casts" – any platform from which a restoration is constructed.

(2)(3) "Director of continuing education practicum" - the director of a continuing education practicum must be a dentist licensed to practice in the state of Ohio.

(4) "Emergency" - a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

(3)(5) "Final impression for digital capture" - the digital or analog image or compilation of images approved and submitted by the supervising dentist for the construction of casts which is captured by the digital scanning of any hard or soft tissue bearing area, whether intra-orally or extra-orally for the purpose of fabricating a prosthesis.

(4)(6) "Final placement or removal of appliances" - the word "final" as used in paragraphs (B) and (C) of rule 4715-11-06 of the Administrative Code means the last step in the therapeutic process concerning the placement, replacement or removal of a removable appliance, or a fixed appliance directly attached to a tooth or teeth by cementation, direct bonding or other similar process, and the same applies to appliances utilized for the correction of malpositions of the teeth. The temporary placement of any appliance is not considered the final placement in the therapeutic process

(5)(7) "License" - a current valid license, certificate or permit issued pursuant to sections 4715.01 to 4715.99 of the Revised Code, which has not been revoked or suspended.

(6)(8) "Licensee" - the holder of a current valid license, certificate or permit issued pursuant to sections 4715.01 to 4715.99 of the Revised Code, which has not been revoked or suspended.

(7)(9) "Treatment day" - any portion of any day during which treatment is rendered to a patient constitutes a treatment day.

(L) Personal information system

(1) "Access" as a noun means an opportunity to copy, view, or otherwise perceive whereas "access" as a verb means to copy, view, or otherwise perceive.

(2) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.

(3) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(4) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(5) "Employee of the board" means each employee of the dental board as well as each member of the dental board appointed to the board pursuant to section 4715.02 of the Revised Code.

(6) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(7) "Individual" means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

- (8) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.
- (9) "Person" means natural person.
- (10) "Personal information" has the same meaning as defined in division (E) of section 1347.05 of the Revised Code.
- (11) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems.
- (12) "Research" means a methodical investigation into a subject.
- (13) "Routine" means common place, regular, habitual, or ordinary.
- (14) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees that is maintained by the board for administrative and human resource purposes.
- (15) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.
- (16) "Upgrade" means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

(M) Military personnel/Veterans

- (1) For the purposes of Chapters 4715-1 to 4715-40 of the Administrative Code, and except as otherwise provided, the following definitions shall apply:
  - (a) "Active duty service member" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.
  - (b) "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.
  - (c) "Applicant" means an individual who applies to the board for a license, permit, certificate, or permit, or renewal, reinstatement or reactivation of a license, permit, certificate or registration, to practice as:
    - (i) A licensed dentist;
    - (ii) A licensed dentist with an anesthesia or conscious sedation permit;
    - (iii) A licensed dental hygienist;
    - (iv) A dental x-ray machine operator; or
    - (v) An expanded function dental auxiliary.
  - (d) "Service member" means any person who is serving in the armed forces.
  - (e) "Merchant marine" includes the United States army transport service and the United States naval transport service.

(f) "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

(M)(N) \_\_\_\_\_ Special needs program

- (1) "Special needs program" - a program that is operated through 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 and approved by the state dental board.

(N)(O) \_\_\_\_\_ Supervision

- (1) "Supervision" - acts are deemed to be under the supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility. Such acts shall be performed only after examination and diagnosis by said dentist and in accordance with said dentist's treatment plan for the procedure to be performed by the dental hygienist. This definition is subject to the exceptions noted in section 4715.22 of the Revised Code.
- (2) "Direct supervision" - acts are deemed to be under the direct supervision of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility, and are checked and approved by the licensed dentist before the patient upon whom such act has been performed departs from the dental facility of said dentist.
- (3) "Personal supervision" - acts are deemed to be under the personal supervision of the licensed dentist when the dentist is personally operating on a patient and authorizes an auxiliary to aid treatment by concurrently performing supportive procedures.
- (4) "Under the direction of" - pursuant to division (A) of section 4715.16 of the Revised Code, acts are deemed to be under the direction of a licensed dentist when performed in a dental facility wherein a licensed dentist is physically present at all times during the performance of such acts and performed pursuant to his control and oversight. Acts are also deemed to be under the direction of a licensed dentist when performed in connection with residency programs approved by the American dental association commission on dental accreditation and operated in accordance with the guidelines for the supervision of residents as set forth in the accreditation standards.

(O)(P) \_\_\_\_\_ Tasks and/or procedures categories

- (1) "Basic remediable intra-oral and extra-oral dental tasks and/or procedures" - those dental tasks and/or procedures which do not create irreparable changes within the oral cavity and/or the contiguous structures and which are set forth in rule 4715-11-02 of the Administrative Code.
- (2) "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:
  - (a) Placement of sealants;
  - (b) Amalgam restorative materials; and

(c) Non-metallic restorative materials, including direct-bonded restorative materials.

(3) "Irremediable tasks and/or procedures" - irremediable tasks and/or procedures are those which, when performed, may create irreparable changes within the oral cavity or contiguous structures. Further, parenteral injections for the administration of drugs, including local anesthetic agents, are considered to be irremediable tasks under agency 4715 of the Administrative Code.

(4) "Surgery" – means any procedure that involves cutting or otherwise infiltrating hard or soft human tissue, including but not limited to gingivae, bone and tooth structure, by mechanical means, including, laser surgery, therapeutic ionizing radiation, therapeutic ultrasound.