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**Ohio Dental Hygienists' Association
Legislative Activities Report
March 2010**

The legislature is meeting as scheduled through most of March and the later part of April, with its "Spring Break" occurring for the two weeks surrounding the April 4th Easter holiday. Legislators remain focused on policy matters; however, with the official candidate filing deadline passing in mid-February, election-year politics is beginning to seep into various aspects of the policy debates.

Of the 99 seats up for election in the Ohio House, there are 43 districts where there is a primary race on at least one side of the ticket. Of the 16 seats up for election in the Ohio Senate, there are 10 races where there is a primary on at least one side of the ticket. All of those primaries mean that "election season" will be longer and more contentious than ever before.

A sure topic for the upcoming election season will be Ohio's economy, which seems to be moving ever-so-slowly back into the right direction, based on February revenue data from the Ohio Office of Budget & Management (OBM). The \$935 million in tax receipts for the month was \$24.2 million, or 2.7%, ahead of OBM projections.

Sales taxes continued to come in above projections in February, as the category was ahead of schedule for both auto and non-auto transactions. Notably, however, the largest FY 2010 under performing tax category remains the personal income tax, which is trailing projections by \$72.8 million, or 1.6%, according to OBM data. While last month's tax receipts were comparable to those in February 2009, the year-to-date intake remains well below that of the first eight months of FY 2009. This year's revenues are now more than \$1 billion, or 9%, less than last year's were at this point.

The House heard the long delayed, House Bill 215, which seeks to modify the investigation efforts of the Ohio State Dental Board. The bill was passed by the House on March 3, 2010 with three amendments. The amendments seek to do the following:

1. Clarifies language in the code that a Supreme Court decision can be applied

retroactively when the issue is procedural and not substantive.

2. Requires the Dental Board to redact certain personal identifying information from copies of investigative items given to the person subject of the hearing (i.e., discovery), if the Board determines that the disclosure of such personal information would adversely affect a persons employment in any dental profession (AM7568/R.C. 4715.036).

Requires the Dental Board, after notifying an individual of the opportunity for a hearing, to issue a subpoena upon request by either party (1) to compel the attendance and testimony of witnesses at the hearing, and (2) for the production of books, records, papers, and other tangible items. A person subject to a subpoena for the production of books, records, papers, and other tangible items must comply with the subpoena at least 30 days prior to the hearing. (AM7565/R.C. 4715.036).

Removes the bill's requirement that the Dental Board adopt rules identifying criminal offenses that are substantially related to the practice of dentistry, dental hygiene, or any other profession the Board regulates for the purpose of the Board's responsibility to discipline dental professionals (new change suggested by Keith Kerns/R.C. 4715.03(C)(3) and 4715.30(A)(4)).

Specifies that a subpoena issued by the supervisory investigative panel for the production of records must state that the person being subpoenaed has at least 14 days to comply with the subpoena (AM7564/R.C. 4715.033(C)).

Removes the bill's requirement that the Dental Board, when appointing hearing referees/examiners, appoint referees/examiners who are either administrative law attorney examiners or administrative law attorney examiner administrators. Instead, the amendment specifies that the referees/examiners be attorneys licensed to practice in Ohio and must not be Dental Board employees or otherwise represent the Board in any manner (AM7566/R.C. 4715.037(A)).

3. Prohibits any time an investigation is suspended because of a criminal investigation from being counted toward the time the supervisory investigative panel has under the bill (R.C. 4715.034(B)) to make its recommendation to the Dental Board regarding the actions that should be taken by the Board pursuant to the panel's investigation (AM6976/new R.C. 4715.035).

The amendments and House Bill 215 were agreed to unanimously and the bill has been introduced in the Senate and referred to the Health, Human Services and Aging Committee. ODHA is still pressing for a Senate floor vote on HB190.

- HB1** **BIENNIAL BUDGET (SYKES, V)** To make appropriations for the biennium beginning July 1, 2009, and ending June 30, 2011 for the operation of state programs.
Current Status: 7/17/2009
SIGNED BY GOVERNOR
eff. 7/17/09 appropriations
other sections subject to referendum 10/16/09
- HB60** **SCHOOL NUTRITIONAL STANDARDS (PILLICH, C)** To establish nutritional standards for food and beverages sold in vending machines in public schools,
Current Status: 1/12/2010
Referred to Senate Health, Human Services and Aging Committee
- HB68** **HEALTHY FARMS/HEALTHY SCHOOLS (DODD, D)** To establish the healthy farms and healthy schools grant program for the purpose of providing grants to schools to establish nutrition and agricultural education programs for kindergarteners.
Current Status: 6/3/2009
Referred to Senate Education Committee
- HB84** **INMATE HEALTH SCREENINGS (BOYD, B)** To require health-trained personnel to perform a medical, dental, and mental health screening on each inmate upon arrival at a jail, to establish procedures that health-trained personnel must follow if an inmate is taking xanax, ativan, valium, or any other benzodiazepine, and to provide that the sheriff ensure that health-trained personnel responsible for medical, dental, and mental health screening be trained as to symptoms and consequences of withdrawal from addictive drugs.
Current Status: 7/1/2009
House Criminal Justice Committee
(Second Hearing)
- HB127** **PROFESSIONAL LICENSES (WILLIAMS, S)** To revise the laws governing issuance of certain professional licenses.
Current Status: 10/21/2009
House State Government Committee
(Second Hearing)
- HB190** **DENTAL PROCEDURES (FENDE, L)** To modify certain licensing procedures for dentists and dental hygienists and to establish the Public Oral Health Supervision Program for the provision of dental hygiene services.
Current Status: 1/27/2010
REPORTED OUT AS AMENDED

Senate Health, Human Services and Aging Committee
(Fourth Hearing)

- HB215 STATE DENTAL BOARD** (LETSON, T) To modify the law governing investigations and hearings conducted by the State Dental Board.
Current Status: 3/9/2010
Referred to Senate Health, Human Services and Aging Committee
- HB240 MEDICAID PROGRAM** (SEARS, B) To modify the Medicaid program.
Current Status: 2/3/2010
House Health Committee
(First Hearing)
- HB287 MEDICAID** (BURKE, D) To require the Medicaid program to cover, subject to federal approval, all health benefits established as mandated health benefits under the state's insurance laws and to preclude application of additional mandated health benefits under those laws until the Medicaid program covers the health benefits.
Current Status: 2/24/2010
House Health Committee
(First Hearing)
- HB308 MARGINAL INCOME TAX RATE** (FOLEY, M) To increase the marginal income tax rate applicable to individuals, estates, and trusts with taxable income greater than \$200,000.
Current Status: 10/28/2009
House Ways and Means Committee
(First Hearing)
- HB318 INCOME TAX FREEZE** (SYKES, V) To postpone for two years the last of five scheduled income tax rate reductions, to create the Construction Reform Demonstration Project, to provide for the granting of a delay in implementing all-day kindergarten, and to make an appropriation.
Current Status: 12/22/2009
SIGNED BY GOVERNOR
Some sections eff. 12/22/09; others 3/23/10
- HB373 NUTRITIONAL STANDARDS FOR SCHOOLS** (CARNEY, J) To establish standards for certain foods and beverages sold in public and chartered nonpublic schools, to require public school students to have periodic body mass index measurements; to require daily physical activity for public school students and to make other changes regarding physical education and to establish the Healthy Choices for Healthy Children Council.

Current Status: 12/2/2009
House Health Committee
(Second Hearing)

- SB1** **BUILDING OHIO JOBS PART II** (HUGHES, J) To implement the additional debt authority for conservation and revitalization programs provided by Section 2q of Article VIII of the Ohio Constitution, to authorize the issuance of that debt, to make new appropriations for the purpose of continuing programs established by Am. Sub. H.B. 554 of the 127th General Assembly, the Bipartisan Job Stimulus Act, and to declare an emergency.
Current Status: 3/5/2009
Referred to House Finance and Appropriations Committee
- SB2** **FEDERAL INFRASTRUCTURE FUNDING** (CAREY, JR., J) To provide for the distribution of moneys received by the state from the federal American Recovery and Reinvestment Act of 2009 by making appropriations and to declare an emergency.
Current Status: 3/18/2009
Referred to House Finance and Appropriations Committee
- SB34** **HEALTH INSURANCE PROGRAMS** (MILLER, D) To create a health insurance program that allows municipal corporations, small employers, and nonprofit corporations or associations to purchase for their employees the same policies provided to state employees.
Current Status: 3/31/2009
Senate Insurance, Commerce and Labor Committee
(First Hearing)
- SB52** **EXECUTIVE BRANCH-STATE GOVERNMENT** (GRENDALL, T) To reorganize the executive branch of state government.
Current Status: 10/27/2009
Senate State and Local Government and Veterans Affairs Committee
(Sixth Hearing)
- SB59** **HEALTHY STUDENTS ACT** (FEDOR, T) To enact the "Healthy Students Act" to establish standards for K-12 health education in public schools and to create the Office of Healthy Schools within the Department of Education.
Current Status: 3/24/2009
Senate Education Committee
(First Hearing)
- SB136** **INSURANCE AND MEDICAID COVERAGE** (MILLER, R) Regarding

insurance and Medicaid coverage of telemedicine services.

Current Status: 6/17/2009

Referred to Senate Insurance, Commerce and Labor
Committee

SB158 **HEALTH CARE PROFESSIONALS (MILLER, R)** To require certain health care professionals to complete instruction in cultural competency.

Current Status: 9/15/2009

Referred to Senate Health, Human Services and Aging
Committee

SB210 **NUTRITIONAL STANDARDS FOR SCHOOLS (COUGHLIN, K)** To establish nutritional standards for certain foods and beverages sold in public and chartered nonpublic schools; to require public school students to have periodic body mass index measurements; to require daily physical activity for public school students and to make other changes regarding physical education; and to establish the Healthy Choices in Healthy Children Council.

Current Status: 12/1/2009

Senate Health, Human Services and Aging Committee
(Second Hearing)