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**Legislative Activities Report
Ohio Dental Hygienists Association
October 2009**

Over the last few weeks, Ohio's budget problems have gone from bad to worse. On September 21st, the Ohio Supreme Court ruled that legislation supporting the state's plan to install slot machines at horse racetracks is subject to referendum. The 6 – 1 opinion gave LetOhioVote.org, a ballot issue group, ninety days in which to circulate petitions in its drive to overturn a provision in the state budget that authorizes the Ohio Lottery to operate video slots.

LetOhioVote.org now has until mid-December 2009 to submit at least 241,366 valid signatures, equaling at least 6% of the 2006 gubernatorial vote, and in at least 44 of the state's 88 counties. If it can do so, the question will appear on the Nov. 2, 2010 general election ballot.

Until the Court's ruling, up to 17,500 slot machines were to be installed at seven tracks in hopes of generating \$933 million to balance the budget for the FY2010-2011 biennium. Given that gambling issues have been defeated on Ohio ballots in four previous attempts, the Court's decision essentially left the state of Ohio with a nearly \$1 billion hole in its FY10-11 budget.

As a result, on September 30th, Governor Strickland recommended the cancellation of the last of five phased-in income tax cuts. The Governor indicated that temporarily freezing the income tax rate instead of implementing the final 4.2% income tax reduction for the 2009 tax year was preferable to cutting education or raising the sales tax.

This new proposal would have to be implemented through legislation passed by the General Assembly. If approved by the split legislature, the proposal would boost estimated revenues for the biennium by \$844 million, which comes close to filling the hole created by the Supreme Court's video slots referendum decision.

It is difficult to predict whether the General Assembly will act on the Governor's proposal. Even though Governor Strickland was careful to clarify that his proposal is not

a tax increase, Republican members of the General Assembly have already characterized it as such. Consequently, it is difficult to imagine how the proposal will garner enough votes to pass through the Ohio Senate. Without approval of this or some other revenue generating measure, Ohio's budget will continue to spiral toward a huge deficit over this current fiscal year.

In non-budget news, Peter Beck, a former city councilman and vice-mayor of Mason, was sworn in as the representative for the 67th House District. He replaces Shannon Jones, who was appointed last month to serve in the Senate. Rep. Beck, a U.S. Marine Corps veteran and graduate of the University of South Florida, is the audit manager for the firm Donahoo, Cupp & Beck. Prior to his service as Mason's vice-mayor, he served on Mason City Council from 1999-2003. The House GOP Caucus selected Mr. Beck last month over two other applicants for the appointment.

The General Assembly has been meeting sporadically during late September and mid-October. The House has been having one session day per week and most committees meeting in the interim. The Senate cancelled nearly all of its session dates and only a few select committees have been meeting in the interim period. The Senate Health, Human Services and Aging Committee have only had two hearings on House Bill 190; however, there is a scheduled hearing for October 20th and speculation of a possible vote by the end of October.

House Bill 190, which seeks to create a Public Oral Health Supervision Permit for hygienists and dentists to allow services to be provided in public health "facilities" outside of the dental office. Additionally, the bill contains the CE requirement increase from 12 to 24 hours over the biennium of a licensee's registration period to begin during the 2010-2011 registration cycle that ODHA has been seeking for two years. One of the items of consideration for the Senate process on House Bill 190 are changes to local anesthesia (LA) reciprocity language to allow hygienists with local anesthesia training and administration abilities who move to Ohio to maintain their ability to serve in that capacity without having to completely start fresh in LA classes. ODHA was successful in gaining the support of the Ohio State Dental Board on this amendment and has received comment from the ODA Executive Committee on this issue. ODA will be supportive of the amendment and has agreed to the language that has been submitted to them. Additionally, it remains unclear as to whether or not there will be an effort by Public Health Dentistry to impact the bill following the opposition testimony provided during the House consideration.

Also of interest to the ODHA is a bill that has been brought forward and was reviewed by the Board of Trustees, the Executive Committee and the Government Relations Committee. House Bill 215 seeks to modify the law governing investigations and hearings conducted by the State Dental Board. The bill deals with both dentists and hygienists and has drawn the opposition of the Ohio State Dental Board. While hygienists typically do not have problems with hearings and investigations, they are included in actions sought as possible "protections" against perceived investigation abuse

by the Board. The bill was brought by an independent entity and was not initiated by either dental professional organization. Of concern to ODHA is the provision that has been referred to as a licensure “safe harbor” provision. The safe harbor provision essentially states that if a licensee (dentist/hygienist) does not renew his or her license in a timely manner, a professional has until June 1st of the next year to renew the license without disciplinary action; however, it comes with a steep fine assessment in addition to the biennial registration fee. ODHA has taken a position to oppose this provision as it is believed that the “safe harbor” is anti-consumer protective and lends itself to significant liability issues.

ODHA’s concerns were raised with the sponsors of the bill and language was inserted into the bill to indicate that a licensee would remain in good standing, with all other things considered, except for having the license renewed. This provision partially alleviates the concern that an RDH, who is properly re-licensed, could be working for a DDS who did not renew in a timely manner and thus putting the license of the RDH at risk. Still to be addressed is the length of time that the “safe harbor” will be available. Sponsors indicate that the provision will likely be shortened to three months from five months. ODHA’s Board of Trustees will be meeting again during Annual Session to review these new developments.

The bill has been reported by the House Health Committee and could see a House floor vote in the coming weeks.

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: 10/7/2009 - **REPORTED OUT**
House Health Committee
(Fourth Hearing)

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: 5/6/2009
House State Government Committee
(First 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: 9/29/2009
Senate Health, Human Services and Aging Committee
(Second Hearing)

HB215 **STATE DENTAL BOARD** (LETSON, T) To modify the law governing investigations and hearings conducted by the State Dental Board.

Current Status: 10/7/2009
REPORTED OUT AS AMENDED
House Health Committee
(Fourth Hearing)

HB240 **MEDICAID PROGRAM** (SEARS, B) To modify the Medicaid program.

Current Status: 6/24/2009
Referred to House Health Committee

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: 10/6/2009
Referred to House Health Committee

- 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: 10/13/2009
Senate State and Local Government and Veterans Affairs Committee
(Fourth 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