



Ohio Administrative Code Rule 3701-58-03 Requirements for contract.

Effective: July 15, 2022

(A) As used in this rule:

(1) "Full-time practice" means working a minimum of forty hours per week for a minimum of forty-five weeks each service year. Practice-related administrative activities and/or teaching activities may not exceed eight hours per week.

(2) "Part-time practice" means working a minimum of twenty hours and a maximum of thirty-nine hours per week for a minimum of forty-five weeks each service year. Practice-related administrative activities and/or teaching activities may not exceed four hours per week.

(3) "Provide dental hygiene services without regard to a patient's ability to pay" means that patients with incomes below one hundred per cent of the federal poverty guidelines may not be denied dental services by the dental practice site due to the inability to pay for such services, assuring that any payments or fees for such services will be reduced or waived.

(4) "Teaching activities" means providing clinical education to dental hygiene students regarding the normal course of practice and expertise at the dental practice site(s) specified in the contract.

In order to qualify as teaching, the dental hygienist must be providing clinical education and supervision of dental hygiene students or clinicians in the approved dental practice site(s) as part of an accredited clinical training program.

All teaching must be conducted in the dental practice site(s) specified in the dental hygienist's contract. If the supervising dental hygienist provides dental hygiene services while the student or clinician observes, the activity should be counted as direct clinical care rather than teaching.

(5) "Teledentistry" means the delivery of dental services through the use of synchronous, real-time communication and the delivery of services of a dental hygienist or expanded function dental



auxiliary pursuant to a dentist's authorization as defined in section 4715.43 of the Revised Code.

In order to qualify as teledentistry activities, both the originating site(s) (location of the patient) and the approved practice site(s) must be located in dental health resource shortage areas.

All teledentistry activities must be conducted at the practice site(s) specified in the dental hygienist's contract.

(B) A dental hygienist who has a signed letter of intent under paragraph (F) of the rule 3701-58-02 of the Administrative Code and the department may enter into a contract providing for the dental hygienist's participation in the dental hygienist loan repayment program. The dental hygienist's employer or other funder may also be party to the contract.

(C) The contract shall include all of the following obligations:

(1) Agreement by the dental hygienist to provide dental hygiene services in the dental health resource shortage area(s) and practice site(s) approved by the department and agreed upon by the dental hygienist and director for the duration specified in the contract;

(2) Agreement by the dental hygienist that, in providing dental hygiene services in the dental health resource shortage area, he or she will do all of the following:

(a) Provide dental hygiene services in full-time practice or part-time practice as specified in the contract;

(b) Provide dental hygiene services in a dental practice site wherein the supervising dentist or dental practice site meets the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. as amended (1981) and the Ohio department of medicaid for participation in the medicaid program established under Chapter 5163. of the Revised Code and has entered into a contract with the Ohio department of medicaid and it's contracting managed care plans and provides comprehensive dental services to a percentage of recipients of the medicaid program at the approved dental practice site as defined in paragraph (C)(2)(c) of this rule;



(c) Provide dental hygiene services to a percentage of individuals determined eligible for the medicaid program as defined in paragraph (C)(2)(b) of this rule at least equal to the percentage of the general population in that dental health resource shortage area which has been determined eligible for the medicaid program;

(d) Provide dental hygiene services without regard to a patient's ability to pay as defined under paragraph (A)(3) of this rule.

(3) Agreement by the department as provided in section 3702.965 of the Revised Code, to repay, so long as the dental hygienist performs the service obligation to which he or she has agreed under paragraph (C)(1) of this rule, all or part of the dental hygienist's educational expenses as defined in paragraph (G) of rule 3701-58-01 of the Administrative Code.

(4) Agreement by the dental hygienist to pay the department the following as damages if he or she fails to complete the service obligation to which he or she agreed under paragraph (C)(1) of this rule:

(a) Three times the amount the department has agreed to repay under paragraph (C)(3) of this rule; or

(b) If funds from another source are used to repay a portion of the dental hygienist's loans, damages owed if the dental hygienist fails to complete the service obligation will be the damages specified by the other source of funds, or as outlined in paragraph (C)(4)(a) of this rule, whichever is greater.

(5) If the department assumes the dental hygienist's duty to pay a portion of the loan, the contract shall set forth the amount of each payment.

(D) The contract shall include the following terms as agreed upon by the parties:

(1) The dental hygienist's required length of service in the dental health resource shortage area which must be at least two years for an initial contract. Contracts may be renewed for no more than two additional one-year periods;

(2) The dental hygienist's commitment to full-time or part-time practice;



- (3) The maximum amount the department will repay on behalf of the dental hygienist; and
- (4) The extent to which the dental hygienist's teaching activities as defined under paragraph (A)(4) of this rule will be counted toward the dental hygienist's full-time or part-time practice hours under the contract.; and
- (5) The extent to which the dental hygienist's teledentistry activities as defined under paragraph (A)(5) of this rule will be counted toward the dental hygienist's full-time or part-time practice hours under the contract.
- (E) In addition to the terms required under paragraphs (C) and (D) of this rule, the contract may contain other terms agreed upon by the parties.