

1 H.398

2 Introduced by Representative French of Randolph

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; dentists and dental hygienists; dental
6 therapists

7 Statement of purpose: This bill proposes to authorize and regulate the practice
8 of dental therapy.

9 An act relating to the regulation of dental therapists

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 26 V.S.A. § 809 is amended to read:

12 § 809. DISCIPLINARY PROCEEDINGS

13 (a) Grounds for discipline: The board may refuse to give an examination
14 or issue a license to practice dentistry, dental therapy, or dental hygiene, and
15 may suspend or revoke any such license, or otherwise discipline a licensee, for
16 any of the following reasons and for any of the reasons set forth in ~~section~~

17 3 V.S.A. § 129a of Title 3:

18 * * *

1 Sec. 2. 26 V.S.A. § 810 is amended to read:

2 § 810. RENEWAL OF LICENSE

3 (a) Each dentist and dental therapist licensed to practice by the board shall
4 apply biennially for the renewal of a license. One month prior to the renewal
5 date, the office of professional regulation shall send to each licensee a license
6 renewal application form and a notice of the date on which existing license will
7 expire. The licensee shall file the application for license renewal and pay a
8 renewal fee. In order to be eligible for renewal, ~~an~~ a dental applicant shall
9 document completion of no fewer than 30 hours of board-approved continuing
10 professional education which shall include emergency office procedures
11 courses during the two-year licensing period preceding renewal. In order to be
12 eligible for renewal, a dental therapist applicant shall document completion of
13 no fewer than 20 hours of board-approved continuing professional education
14 which shall include emergency office procedure courses during the two-year
15 licensing period preceding renewal. Required accumulation of continuing
16 education hours shall begin on the first day of the first full biennial licensing
17 period following initial licensure.

18 (b) A person who practices dentistry or dental therapy or works as a dental
19 hygienist or dental assistant and who fails to renew a license or registration, or
20 who fails to pay an interim billing fee increase approved by the legislature in

1 accordance with the provisions of this section is an illegal practitioner and
2 shall forfeit the right to practice until reinstated by the board.

3 (c) ~~Any~~ A dentist, dental therapist, or dental hygienist who has not been in
4 active practice for a period of five years or more shall be required to show
5 proof of proficiency to the board and upon fulfilling the requirements of
6 section 812 of this title, may be reinstated by the board.

7 (d) Each dental hygienist licensed to practice by the board shall apply
8 biennially for the renewal of a license. In order to be eligible for renewal, an
9 applicant shall complete at least 12 hours of continuing professional education,
10 determined by the board by rule, during the preceding two-year period,
11 including a course in emergency office procedures. A renewal application
12 form shall be sent as provided under subsection (a) of this section, together
13 with the renewal fee.

14 (e) Each dentist, dental therapist, dental hygienist, and dental assistant shall
15 pay the following fees:

16 (1) Applications

17	dentist	\$ 225.00
18	<u>dental therapist</u>	<u>\$ 185.00</u>
19	dental hygienist	\$ 150.00
20	dental assistant	\$ 60.00

1	(2) Biennial renewal	
2	dentist	\$ 355.00
3	<u>dental therapist</u>	<u>\$ 225.00</u>
4	dental hygienist	\$ 125.00
5	dental assistant	\$ 75.00

6 (f) Interim billing fee increase. Each dentist ~~and, dental therapist,~~ dental
7 hygienist, and dental assistant who renewed his or her license or registration in
8 2003 or has been granted initial licensure or registration since July 1, 2003
9 shall pay the following one-time interim billing fee or be subject to subsection
10 (b) of this section and section 812 of this title:

11	(1) dentist	\$ 90.00
12	(2) <u>dental therapist</u>	<u>\$ 75.00</u>
13	(3) dental hygienist	\$ 55.00
14	(3) (4) dental assistant	\$ 35.00

15 Sec. 3. 26 V.S.A. chapter 13, subchapter 3A is added to read:

16 Subchapter 3A. Dental Therapists

17 § 831. DEFINITIONS

18 As used in this subchapter:

19 (1) “Board” means the board of dental examiners.

1 (2) “Dental therapist” means a person licensed pursuant to section 832
2 of this title to perform the oral health care services authorized under section
3 835 of this title.

4 (3) “General supervision” means the direct or indirect oversight of a
5 dental therapist by a dentist, which need not be on-site.

6 § 832. QUALIFICATIONS

7 (a) A person 18 years of age or over who is a graduate of a dental therapy
8 educational program that provides a minimum of two academic years of dental
9 therapy curriculum, including at least 100 hours of dental therapy clinical
10 practice under the general supervision of a licensed dentist, and which is
11 administered by an institution accredited to train dentists, dental hygienists, or
12 dental assistants, upon the payment of the required application fee and
13 examination fee, may apply to be examined. If found qualified, the person
14 shall be licensed to practice dental therapy.

15 (b) A dental hygienist licensed by the state of Vermont may be licensed as
16 a dental therapist upon completion of at least one year of dental therapy
17 education and training specified by the board by rule and after passing the
18 examinations described in section 833 of this title.

19 (c) No person shall practice as a dental therapist in this state unless licensed
20 for that purpose by the board.

1 § 833. EXAMINATIONS

2 (a) An applicant shall pass a comprehensive, competency-based clinical
3 examination approved by the board and administered independently of an
4 institution providing dental therapy education. An applicant shall also pass an
5 examination testing the applicant's knowledge of the Vermont laws and rules
6 relating to the practice of dentistry.

7 (b) An applicant who has failed the clinical examination twice is ineligible
8 to retake the clinical examination until further education and training are
9 obtained as specified by the board by rule.

10 § 834. RULES OF BOARD

11 Rules related to qualifications of applicants, conduct of examinations, and
12 the granting of licenses may be adopted by the board.

13 § 835. PRACTICE; SCOPE OF PRACTICE

14 (a) A person who provides oral health care services, including prevention,
15 evaluation and assessment, education, palliative therapy, and restoration under
16 the general supervision of a dentist within the parameters of a collaborative
17 agreement as provided under section 836 of this title shall be regarded as
18 practicing dental therapy within the meaning of this chapter.

19 (b) In addition to services permitted by the board by rule, a licensed dental
20 therapist may perform the following oral health care services:

- 1 (1) oral health instruction and disease prevention education, including
- 2 nutritional counseling and dietary analysis;
- 3 (2) partial periodontal charting, including periodontal screening exam,
- 4 but the dental therapist will not perform a full periodontal charting;
- 5 (3) radiographing;
- 6 (4) dental prophylaxis, including removal of visible calculus;
- 7 (5) prescribing, dispensing, and administering analgesics,
- 8 anti-inflammatories, and antibiotics;
- 9 (6) applying topical preventive or prophylactic agents, including
- 10 fluoride varnishes, antimicrobial agents, and pit and fissure sealants;
- 11 (7) pulp vitality testing;
- 12 (8) applying desensitizing medication or resin;
- 13 (9) fabricating athletic mouthguards;
- 14 (10) placement of temporary restorations;
- 15 (11) fabricating soft occlusal guards;
- 16 (12) tissue conditioning and soft reline;
- 17 (13) interim therapeutic restorations;
- 18 (14) changing periodontal dressings;
- 19 (15) tooth reimplantation and stabilization;
- 20 (16) administering local anesthetic;
- 21 (17) administering nitrous oxide;

- 1 (18) oral evaluation and assessment of dental disease;
- 2 (19) formulating an individualized treatment plan, including services
3 within the dental therapist's scope of practice and referral for services outside
4 the dental therapist's scope of practice;
- 5 (20) extractions of primary teeth;
- 6 (21) nonsurgical extractions of permanent teeth;
- 7 (22) emergency palliative treatment of dental pain;
- 8 (23) placement and removal of space maintainers;
- 9 (24) cavity preparation;
- 10 (25) restoring primary and permanent teeth, not including permanent
11 tooth crowns, bridges, or denture fabrication;
- 12 (26) placement of temporary crowns;
- 13 (27) preparation and placement of preformed crowns;
- 14 (28) pulpotomies on primary teeth;
- 15 (29) indirect and direct pulp capping on primary and permanent teeth;
- 16 (30) suture removal;
- 17 (31) brush biopsies;
- 18 (32) repairing defective prosthetic devices;
- 19 (33) recementing permanent crowns; and
- 20 (34) mechanical polishing.

1 (c) A dental therapist may only provide dental hygiene services under
2 subsection (a) of this section if, in addition to completing a qualified dental
3 therapy education program, the dental therapist has completed one year of
4 dental hygiene education and training from an accredited dental hygiene
5 educational program as determined by the board by rule.

6 § 836. COLLABORATIVE AGREEMENT

7 (a) Prior to performing any of the services authorized under this chapter, a
8 dental therapist must enter into a written collaborative agreement with a
9 dentist. A supervising dentist is limited to entering into a collaborative
10 agreement with no more than two dental therapists at any one time. The
11 agreement shall include:

12 (1) practice settings where services may be provided and the populations
13 to be served;

14 (2) any limitations on the services that may be provided by the dental
15 therapist, including the level of supervision required by the supervising dentist;

16 (3) age and procedure-specific practice protocols, including case
17 selection criteria, assessment guidelines, and imaging frequency;

18 (4) a procedure for creating and maintaining dental records for the
19 patients that are treated by the dental therapist;

20 (5) a plan to manage medical emergencies in each practice setting where
21 the dental therapist provides care;

1 (6) a quality assurance plan for monitoring care provided by the dental
2 therapist, including patient care review, referral follow-up, and a quality
3 assurance chart review;

4 (7) protocols for prescribing, administering, and dispensing medications,
5 including the specific conditions and circumstances under which these
6 medications may be dispensed and administered;

7 (8) criteria relating to the provision of care to patients with specific
8 medical conditions or complex medication histories, including requirements
9 for consultation prior to the initiation of care;

10 (9) supervision criteria of dental assistants and dental hygienists; and

11 (10) a plan for the provision of clinical resources and referrals in
12 situations which are beyond the capabilities of the dental therapist.

13 (b) The supervising dentist shall accept responsibility for all services
14 authorized and performed by the dental therapist pursuant to the collaborative
15 agreement. A supervising dentist must be licensed and practicing in Vermont.
16 Any licensed dentist who permits a dental therapist to perform a dental service
17 other than those authorized pursuant to this chapter or by the board by rule, or
18 any dental therapist who performs an unauthorized service shall be in violation
19 of section 809 of this title.

20 (c) A collaborative agreement must be signed and maintained by the
21 supervising dentist and the dental therapist. Agreements must be reviewed,

1 updated, and submitted to the board on an annual basis or as soon as a change
2 is made to the agreement.

3 § 837. APPLICATION OF OTHER LAWS

4 A licensed dental therapist authorized to practice pursuant to this chapter
5 shall not be in violation of section 723 of this title as it relates to the
6 unauthorized practice of dentistry if the practice is authorized under this
7 chapter and under the collaborative agreement.

8 § 838. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

9 A licensed dental therapist may supervise dental assistants and dental
10 hygienists to the extent permitted in the collaborative agreement. A licensed
11 dental therapist is limited to supervising no more than a total of three dental
12 assistants and two dental hygienists at any one practice setting.

13 § 839. REFERRALS

14 (a) The supervising dentist is responsible for arranging for another dentist
15 or specialist to provide any necessary services needed by a patient which are
16 beyond the scope of practice of the dental therapist and which the dentist is
17 unable to provide.

18 (b) A dental therapist, in accordance with the collaborative agreement,
19 must refer patients to another qualified dental or health care professional to
20 receive any needed services that exceed the scope of practice of the dental
21 therapist.

- 1 Sec. 4. EFFECTIVE DATE
- 2 This act shall take effect on passage.