

1 H.273

2 Introduced by Representatives French of Randolph, Davis of Washington,  
3 Donahue of Northfield, Frank of Underhill, Haas of Rochester,  
4 Kitzmiller of Montpelier, Krowinski of Burlington, Martin of  
5 Springfield, Miller of Shaftsbury, Mrowicki of Putney, Sharpe  
6 of Bristol, Spengler of Colchester, Taylor of Barre City,  
7 Townsend of South Burlington, and Wizowaty of Burlington

8 Referred to Committee on

9 Date:

10 Subject: Professions and occupations; dental practitioners

11 Statement of purpose of bill as introduced: This bill proposes to establish and  
12 regulate licensed dental practitioners.

13 An act relating to establishing and regulating licensed dental practitioners

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

15 Sec. 1. 26 V.S.A. chapter 12 is amended to read:

16 CHAPTER 12. DENTISTS, DENTAL PRACTITIONERS, DENTAL  
17 HYGIENISTS, AND DENTAL ASSISTANTS

18 Subchapter 1. General Provisions

19 § 561. DEFINITIONS

20 As used in this chapter:

1           (1) “Board” means the ~~board of dental examiners~~ Board of Dental  
2           Examiners.

3           (2) “Director” means the ~~director of the office of professional regulation~~  
4           Director of the Office of Professional Regulation.

5           (3) “Practicing dentistry” means an activity in which a person:

6                   (A) undertakes by any means or method to diagnose or profess to  
7           diagnose or to treat or profess to treat or to prescribe for or profess to prescribe  
8           for any lesions, diseases, disorders, for deficiencies of the human oral cavity,  
9           teeth, gingiva, maxilla, or mandible or adjacent associated structures;

10                   (B) extracts human teeth or corrects malpositions of the teeth or jaws;

11                   (C) furnishes, supplies, constructs, reproduces, or repairs prosthetic  
12           dentures, bridges, appliances, or other structures to be used or worn as  
13           substitutes for natural teeth or adjusts those structures, except on the written  
14           prescription of a duly licensed dentist and by the use of impressions or casts  
15           made by a duly licensed and practicing dentist;

16                   (D) administers general dental anesthetics;

17                   (E) administers local dental anesthetics, except dental hygienists as  
18           authorized by board rule; or

19                   (F) engages in any of the practices included in the curricula of  
20           recognized dental colleges.

1           (4) “Dental practitioner” means an individual licensed to practice as a  
2 dental practitioner under this chapter.

3           (5) “Dental hygienist” means an individual licensed to practice as a  
4 dental hygienist under this chapter.

5           ~~(5)~~(6) “Dental assistant” means an individual registered to practice as a  
6 dental assistant under this chapter.

7           ~~(6)~~(7) “Direct supervision” means supervision by a licensed dentist who  
8 is readily available at the dental facility for consultation or intervention.

9           (8) “General supervision” means the direct or indirect oversight of a  
10 dental practitioner by a dentist, which need not be on-site.

11 § 562. PROHIBITIONS

12           (a) No person may use in connection with a name any words, including  
13 “Doctor of Dental Surgery” or “Doctor of Dental Medicine,” or any letters,  
14 signs, or figures, including the letters “D.D.S.” or “D.M.D.,” which imply that  
15 a person is a licensed dentist when not authorized under this chapter.

16           (b) No person may practice as a dentist, dental practitioner, or dental  
17 hygienist unless currently licensed to do so under the provisions of this  
18 chapter.

19           (c) No person may practice as a dental assistant unless currently registered  
20 under the provisions of this chapter.

1 (d) A person who violates this section shall be subject to the penalties  
2 provided in 3 V.S.A. § 127.

3 \* \* \*

4 § 565. DISPLAY OF LICENSE OR REGISTRATION

5 Every dentist, dental practitioner, dental hygienist, and dental assistant shall  
6 display a copy of his or her current license or registration at each place of  
7 practice and in such a manner so as to be easily seen and read.

8 \* \* \*

9 Subchapter 2. Board of Dental Examiners

10 \* \* \*

11 § 584. UNPROFESSIONAL CONDUCT

12 The ~~board~~ Board may refuse to give an examination or issue a license to  
13 practice dentistry, to practice as a dental practitioner, or to practice dental  
14 hygiene or to register an applicant to be a dental assistant and may suspend or  
15 revoke any such license or registration or otherwise discipline an applicant,  
16 licensee, or registrant for unprofessional conduct. Unprofessional conduct  
17 means the following conduct and the conduct set forth in 3 V.S.A. § 129a by  
18 an applicant or person licensed or registered under this chapter:

19 \* \* \*

1                                    Subchapter 3A. Dental Practitioners

2        § 611. LICENSE BY EXAMINATION

3            (a) Qualifications for examination.

4                    (1) To be eligible for examination for licensure as a dental practitioner,  
5 an applicant shall:

6                            (A) have attained the age of majority;

7                            (B) be a graduate of a dental practitioner educational program that  
8 provides at a minimum a three-year accelerated bachelor's degree which  
9 includes at least 400 hours of dental practitioner clinical practice under the  
10 general supervision of a licensed dentist and which is administered by an  
11 institution accredited to train dentists, dental hygienists, or dental assistants;  
12 and

13                            (C) pay the application fee set forth in section 662 of this chapter and  
14 an examination fee established by the Board by rule.

15                    (2) A dental hygienist may fulfill the education requirements of  
16 subdivision (1)(B) of this subsection by completing at least one year of dental  
17 practitioner education and training established by the Board by rule.

18            (b) Completion of examination.

19                    (1) An applicant for licensure meeting the qualifications for examination  
20 set forth in subsection (a) of this section shall pass a comprehensive,  
21 competency-based clinical examination approved by the Board and

1 administered independently of an institution providing dental practitioner  
2 education. An applicant shall also pass an examination testing the applicant's  
3 knowledge of the Vermont laws and rules relating to the practice of dentistry  
4 approved by the Board.

5 (2) An applicant who has failed the clinical examination twice is  
6 ineligible to retake the clinical examination until further education and training  
7 are obtained as established by the Board by rule.

8 (c) The Board may grant a license to an applicant who has met the  
9 requirements of this section.

10 § 612. PRACTICE; SCOPE OF PRACTICE

11 (a) A person who provides oral health care services, including prevention,  
12 evaluation and assessment, education, palliative therapy, and restoration under  
13 the general supervision of a dentist within the parameters of a collaborative  
14 agreement as provided under section 613 of this chapter shall be regarded as  
15 practicing as a dental practitioner within the meaning of this chapter.

16 (b) In addition to services permitted by the Board by rule, a licensed dental  
17 practitioner may perform the following oral health care services:

18 (1) oral health instruction and disease prevention education, including  
19 nutritional counseling and dietary analysis;

20 (2) partial periodontal charting, including periodontal screening exam,  
21 but the dental practitioner shall not perform a full periodontal charting;

- 1           (3) radiographing;
- 2           (4) dental prophylaxis, including removal of visible calculus;
- 3           (5) prescribing, dispensing, and administering analgesics,  
4           anti-inflammatories, and antibiotics;
- 5           (6) applying topical preventive or prophylactic agents, including  
6           fluoride varnishes, antimicrobial agents, and pit and fissure sealants;
- 7           (7) pulp vitality testing;
- 8           (8) applying desensitizing medication or resin;
- 9           (9) fabricating athletic mouthguards;
- 10          (10) placement of temporary restorations;
- 11          (11) fabricating soft occlusal guards;
- 12          (12) tissue conditioning and soft relines;
- 13          (13) interim therapeutic restorations;
- 14          (14) changing periodontal dressings;
- 15          (15) tooth reimplantation and stabilization;
- 16          (16) administering local anesthetic;
- 17          (17) administering nitrous oxide;
- 18          (18) oral evaluation and assessment of dental disease;
- 19          (19) formulating an individualized treatment plan, including services  
20          within the dental practitioner's scope of practice and referral for services  
21          outside the dental practitioner's scope of practice;

1           (20) extractions of primary teeth;

2           (21) nonsurgical extractions of permanent teeth;

3           (22) emergency palliative treatment of dental pain;

4           (23) placement and removal of space maintainers;

5           (24) cavity preparation;

6           (25) restoring primary and permanent teeth, not including permanent

7 tooth crowns, bridges, or denture fabrication;

8           (26) placement of temporary crowns;

9           (27) preparation and placement of preformed crowns;

10          (28) pulpotomies on primary teeth;

11          (29) indirect and direct pulp capping on primary and permanent teeth;

12          (30) suture removal;

13          (31) brush biopsies;

14          (32) repairing defective prosthetic devices;

15          (33) recementing permanent crowns; and

16          (34) mechanical polishing.

17          (c) A dental practitioner may only provide dental hygiene services under  
18 subsection (a) of this section if, in addition to completing a qualified dental  
19 practitioner education program, the dental practitioner has completed one year  
20 of dental hygiene education and training from an accredited dental hygiene  
21 educational program as determined by the Board by rule.

1        § 613. COLLABORATIVE AGREEMENT

2            (a) Prior to performing any of the services authorized under this chapter, a  
3        dental practitioner must enter into a written collaborative agreement with a  
4        dentist. A supervising dentist is limited to entering into a collaborative  
5        agreement with no more than two dental practitioners at any one time. The  
6        agreement shall include:

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

9            (2) any limitations on the services that may be provided by the dental  
10       practitioner, including the level of supervision required by the supervising  
11       dentist;

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

14           (4) a procedure for creating and maintaining dental records for the  
15       patients that are treated by the dental practitioner;

16           (5) a plan to manage medical emergencies in each practice setting where  
17       the dental practitioner provides care;

18           (6) a quality assurance plan for monitoring care provided by the dental  
19       practitioner, including patient care review, referral follow-up, and a quality  
20       assurance chart review;

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

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

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

8           (10) a plan for the provision of clinical resources and referrals in  
9           situations that are beyond the capabilities of the dental practitioner.

10          (b) The supervising dentist shall accept responsibility for all services  
11          authorized and performed by the dental practitioner pursuant to the  
12          collaborative agreement. A supervising dentist must be licensed and practicing  
13          in Vermont. Any licensed dentist who permits a dental practitioner to perform  
14          a dental service other than those authorized pursuant to this chapter or by the  
15          Board by rule or any dental practitioner who performs an unauthorized service  
16          shall be in violation of section 584 of this chapter.

17          (c) A collaborative agreement must be signed and maintained by the  
18          supervising dentist and the dental practitioner. Agreements must be reviewed,  
19          updated, and submitted to the Board on an annual basis or as soon as a change  
20          is made to the agreement.



1 Subchapter 6. Renewals, Continuing Education, and Fees

2 § 661. RENEWAL OF LICENSE

3 (a) Licenses and registrations shall be renewed every two years on a  
4 schedule determined by the ~~office of professional regulation~~ Office of  
5 Professional Regulation.

6 (b) No continuing education reporting is required at the first biennial  
7 license renewal date following licensure.

8 (c) The ~~board~~ Board may waive continuing education requirements for  
9 licensees who are on active duty in the ~~armed forces~~ Armed Forces of the  
10 United States.

11 (d) Dentists.

12 \* \* \*

13 (e) Dental practitioners. To renew a license, a dental practitioner shall  
14 meet active practice requirements established by the Board by rule and  
15 document completion of no fewer than 20 hours of Board-approved continuing  
16 professional education which shall include an emergency office procedures  
17 course during the two-year licensing period preceding renewal.

18 (f) Dental hygienists. To renew a license, a dental hygienist shall meet  
19 active practice requirements established by the ~~board~~ Board by rule and  
20 document completion of no fewer than 18 hours of ~~board-approved~~  
21 Board-approved continuing professional education which shall include an

1 emergency office procedures course during the two-year licensing period  
2 preceding renewal.

3 ~~(f)~~(g) Dental assistants. To renew a registration, a dental assistant shall  
4 meet the requirements established by the ~~board~~ Board by rule.

5 § 662. FEES

6 (a) Applicants and persons regulated under this chapter shall pay the  
7 following fees:

8 (1) Application

9 (A) Dentist \$ 225.00

10 (B) Dental practitioner \$ 185.00

11 ~~(C)~~ Dental hygienist \$ 150.00

12 ~~(C)~~(D) Dental assistant \$ 60.00

13 (2) Biennial renewal

14 (A) Dentist \$ 355.00

15 (B) Dental practitioner \$ 225.00

16 ~~(C)~~ Dental hygienist \$ 125.00

17 ~~(C)~~(D) Dental assistant \$ 75.00

18 (b) The licensing fee for a dentist, dental practitioner, or dental hygienist or  
19 the registration fee for a dental assistant who is otherwise eligible for licensure  
20 or registration and whose practice in this ~~state~~ State will be limited to

1 providing pro bono services at a free or reduced-fee clinic or similar setting  
2 approved by the ~~board~~ Board shall be waived.

3 \* \* \*

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.