

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 35 entitled “An act relating to establishing and regulating licensed
4 dental practitioners” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 CHAPTER 12. DENTISTS, DENTAL PRACTITIONERS, DENTAL
9 HYGIENISTS, AND DENTAL ASSISTANTS

10 Subchapter 1. General Provisions

11 § 561. DEFINITIONS

12 As used in this chapter:

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

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

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

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

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

2 (C) furnishes, supplies, constructs, reproduces, or repairs prosthetic

3 dentures, bridges, appliances, or other structures to be used or worn as

4 substitutes for natural teeth or adjusts those structures, except on the written

5 prescription of a duly licensed dentist and by the use of impressions or casts

6 made by a duly licensed and practicing dentist;

7 (D) administers general dental anesthetics;

8 (E) administers local dental anesthetics, except dental hygienists as

9 authorized by board rule; or

10 (F) engages in any of the practices included in the curricula of

11 recognized dental colleges.

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

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

16 ~~(5)~~(6) “Dental assistant” means an individual registered to practice as a
17 dental assistant under this chapter.

18 ~~(6)~~(7) “Direct supervision” means supervision by a licensed dentist who
19 is readily available at the dental facility for consultation or intervention.

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

1 § 562. PROHIBITIONS

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

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

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

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

13 * * *

14 § 565. DISPLAY OF LICENSE OR REGISTRATION

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

18 * * *

19 Subchapter 2. Board of Dental Examiners

20 * * *

1 § 584. UNPROFESSIONAL CONDUCT

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

9 * * *

10 Subchapter 3A. Dental Practitioners

11 § 611. LICENSE BY EXAMINATION

12 (a) Qualifications for examination. To be eligible for examination for
13 licensure as a dental practitioner, an applicant shall:

14 (1) have attained the age of majority;

15 (2) be a licensed dental hygienist;

16 (3) be a graduate of a dental practitioner educational program

17 administered by an institution accredited to train dentists or dental hygienists;

18 and

19 (4) pay the application fee set forth in section 662 of this chapter and an

20 examination fee established by the Board by rule.

1 (b) Completion of examination.

2 (1) An applicant for licensure meeting the qualifications for examination
3 set forth in subsection (a) of this section shall pass a comprehensive,
4 competency-based clinical examination approved by the Board and
5 administered independently of an institution providing dental practitioner
6 education. An applicant shall also pass an examination testing the applicant's
7 knowledge of the Vermont laws and rules relating to the practice of dentistry
8 approved by the Board.

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

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

14 § 612. PRACTICE; SCOPE OF PRACTICE

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

20 (b) In addition to services permitted by the Board by rule, a licensed dental
21 practitioner 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) periodontal charting, including periodontal screening exam;
- 4 (3) exposing radiographs;
- 5 (4) dental prophylaxis;
- 6 (5) prescribing, dispensing, and administering analgesics,
- 7 anti-inflammatories, and antibiotics;
- 8 (6) applying topical preventive or prophylactic agents, including
- 9 fluoride varnishes, antimicrobial agents, and pit and fissure sealants;
- 10 (7) pulp vitality testing;
- 11 (8) applying desensitizing medication or resin;
- 12 (9) fabricating athletic mouthguards;
- 13 (10) placement of temporary restorations;
- 14 (11) fabricating soft occlusal guards;
- 15 (12) tissue conditioning and soft reline;
- 16 (13) interim therapeutic restorations;
- 17 (14) changing periodontal dressings;
- 18 (15) tooth reimplantation and stabilization;
- 19 (16) administering local anesthetic;
- 20 (17) administering nitrous oxide;
- 21 (18) oral evaluation and assessment of dental disease;

- 1 (19) formulating an individualized treatment plan, including services
- 2 within the dental practitioner’s scope of practice and referral for services
- 3 outside the dental practitioner’s scope of practice;
- 4 (20) extractions of primary teeth;
- 5 (21) nonsurgical extractions of periodontally diseased permanent teeth
- 6 with tooth mobility of +3. The dental practitioner shall not extract a tooth if it
- 7 is unerupted, impacted, fractured, or needs to be sectioned for removal;
- 8 (22) emergency palliative treatment of dental pain;
- 9 (23) placement and removal of space maintainers;
- 10 (24) cavity preparation;
- 11 (25) restoring primary and permanent teeth, not including permanent
- 12 tooth crowns, bridges, or denture fabrication;
- 13 (26) placement of temporary crowns;
- 14 (27) preparation and placement of preformed crowns;
- 15 (28) pulpotomies on primary teeth;
- 16 (29) indirect and direct pulp capping on primary and permanent teeth;
- 17 (30) suture removal;
- 18 (31) brush biopsies;
- 19 (32) repairing defective prosthetic devices;
- 20 (33) recementing permanent crowns; and
- 21 (34) mechanical polishing.

1 § 613. COLLABORATIVE AGREEMENT

2 (a) Before a dental practitioner may enter into his or her first collaborative
3 agreement, he or she must:

4 (1) have 400 hours of field experience under the direct supervision of a
5 dentist; and

6 (2) receive signed approval from the supervising dentist.

7 (b) Prior to performing any of the services authorized under this chapter, a
8 dental practitioner 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 practitioners 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 practitioner, including the level of supervision required by the supervising
16 dentist;

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

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

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

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

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

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

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

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

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

1 (d) A collaborative agreement must be signed and maintained by the
2 supervising dentist and the dental practitioner. Agreements must be reviewed,
3 updated, and submitted to the Board on an annual basis or as soon as a change
4 is made to the agreement.

5 § 614. APPLICATION OF OTHER LAWS

6 A licensed dental practitioner authorized to practice under this chapter shall
7 not be in violation of section 562 of this chapter as it relates to the
8 unauthorized practice of dentistry if the practice is authorized under this
9 chapter and under the collaborative agreement.

10 § 615. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

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

15 § 616. REFERRALS

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

20 (b) A dental practitioner, in accordance with the collaborative agreement,
21 shall refer patients to another qualified dental or health care professional to

1 receive any needed services that exceed the scope of practice of the dental
2 practitioner.

3 * * *

4 Subchapter 6. Renewals, Continuing Education, and Fees

5 § 661. RENEWAL OF LICENSE

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

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

11 (c) The ~~board~~ Board may waive continuing education requirements for
12 licensees who are on active duty in the ~~armed forces of the United States~~
13 U.S. Armed Forces.

14 (d) Dentists.

15 * * *

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

