

1 S.20

2 Introduced by Senators Ayer, Sirotkin, and White

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; dental practitioners

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

8 An act relating to establishing and regulating licensed dental practitioners

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

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

11 CHAPTER 12. DENTISTS, DENTAL PRACTITIONERS, DENTAL  
12 HYGIENISTS, AND DENTAL ASSISTANTS

13 Subchapter 1. General Provisions

14 § 561. DEFINITIONS

15 As used in this chapter:

16 (1) "Board" means the ~~board of dental examiners~~ Board of Dental

17 Examiners.

18 (2) "Director" means the ~~director of the office of professional regulation~~

19 Director of the Office of Professional Regulation.

20 (3) "Practicing dentistry" means an activity in which a person:

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

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

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

11 (D) administers general dental anesthetics;

12 (E) administers local dental anesthetics, except dental hygienists as  
13 authorized by ~~board~~ Board rule; or

14 (F) engages in any of the practices included in the curricula of  
15 recognized dental colleges.

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

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

20 (5)(6) “Dental assistant” means an individual registered to practice as a  
21 dental assistant under this chapter.

1           ~~(6)~~(7) “Direct supervision” means supervision by a licensed dentist who  
2 is readily available at the dental facility for consultation or intervention.

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

5 § 562. PROHIBITIONS

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

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

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

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

17   \* \* \*

18 § 565. DISPLAY OF LICENSE OR REGISTRATION

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

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Subchapter 2. Board of Dental Examiners

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§ 584. UNPROFESSIONAL CONDUCT

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

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Subchapter 3A. Dental Practitioners

§ 611. LICENSE BY EXAMINATION

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

- (1) have attained the age of majority;
- (2) be a licensed dental hygienist;
- (3) be a graduate of a dental practitioner educational program administered by an institution accredited to train dentists or dental hygienists; and

1           (4) pay the application fee set forth in section 662 of this chapter and an  
2 examination fee established by the Board by rule.

3           (b) Completion of examination.

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

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

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

16           § 612. PRACTICE; SCOPE OF PRACTICE

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

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

3           (1) Oral health instruction and disease prevention education, including  
4           nutritional counseling and dietary analysis.

5           (2) Periodontal charting, including a periodontal screening examination.

6           (3) Exposing radiographs.

7           (4) Dental prophylaxis.

8           (5) Prescribing, dispensing, and administering analgesics,  
9           anti-inflammatories, and antibiotics.

10          (6) Applying topical preventive or prophylactic agents, including  
11          fluoride varnishes, antimicrobial agents, and pit and fissure sealants.

12          (7) Pulp vitality testing.

13          (8) Applying desensitizing medication or resin.

14          (9) Fabricating athletic mouthguards.

15          (10) Placement of temporary restorations.

16          (11) Fabricating soft occlusal guards.

17          (12) Tissue conditioning and soft reline.

18          (13) Interim therapeutic restorations.

19          (14) Changing periodontal dressings.

20          (15) Tooth reimplantation and stabilization.

21          (16) Administering local anesthetic.

1           (17) Administering nitrous oxide.

2           (18) Oral evaluation and assessment of dental disease.

3           (19) Formulating an individualized treatment plan, including services  
4 within the dental practitioner's scope of practice and referral for services  
5 outside the dental practitioner's scope of practice.

6           (20) Extractions of primary teeth.

7           (21) Nonsurgical extractions of periodontally diseased permanent teeth  
8 with tooth mobility of +3. A dental practitioner shall not extract a tooth if it is  
9 unerupted, impacted, fractured, or needs to be sectioned for removal.

10          (22) Emergency palliative treatment of dental pain.

11          (23) Placement and removal of space maintainers.

12          (24) Cavity preparation.

13          (25) Restoring primary and permanent teeth, not including permanent  
14 tooth crowns, bridges, or denture fabrication.

15          (26) Placement of temporary crowns.

16          (27) Preparation and placement of preformed crowns.

17          (28) Pulpotomies on primary teeth.

18          (29) Indirect and direct pulp capping on primary and permanent teeth.

19          (30) Suture removal.

20          (31) Brush biopsies.

21          (32) Repairing defective prosthetic devices.

1           (33) Recementing permanent crowns.

2           (34) Mechanical polishing.

3           § 613. COLLABORATIVE AGREEMENT

4           (a) Before a dental practitioner may enter into his or her first collaborative  
5 agreement, he or she shall:

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

8           (2) receive signed approval from that supervising dentist.

9           (b) In order to practice as a dental practitioner, a dental practitioner shall  
10 enter into a written collaborative agreement with a dentist. The agreement  
11 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)(1) The supervising dentist shall accept responsibility for all services  
16          authorized and performed by the dental practitioner pursuant to the  
17          collaborative agreement.

18          (2) A supervising dentist shall be licensed and practicing in Vermont.

19          (3) A supervising dentist is limited to entering into a collaborative  
20          agreement with no more than two dental practitioners at any one time.

1       (d)(1) A collaborative agreement shall be signed and maintained by the  
2       supervising dentist and the dental practitioner.

3       (2) A collaborative agreement shall be reviewed, updated, and submitted  
4       to the Board on an annual basis or as soon as a change is made to the  
5       agreement.

6       § 614. APPLICATION OF OTHER LAWS

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

11       (b) A dentist who permits a dental practitioner to perform a dental service  
12       other than those authorized under this chapter or by the Board by rule or any  
13       dental practitioner who performs an unauthorized service shall be in violation  
14       of section 584 of this chapter.

15       § 615. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

16       (a) A licensed dental practitioner may supervise dental assistants and dental  
17       hygienists directly to the extent permitted in the collaborative agreement.

18       (b) At any one practice setting, a licensed dental practitioner may have  
19       under his or her direct supervision no more than a total of two assistants,  
20       hygienists, or combination thereof.

1     § 616. REFERRALS

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

6           (b) A dental practitioner, in accordance with the collaborative agreement,  
7           shall refer patients to another qualified dental or health care professional to  
8           receive any needed services that exceed the scope of practice of the dental  
9           practitioner.

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11                     Subchapter 6. Renewals, Continuing Education, and Fees

12     § 661. RENEWAL OF LICENSE

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

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

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

1 (d) Dentists.

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

8 (f) Dental hygienists. To renew a license, a dental hygienist shall meet  
9 active practice requirements established by the ~~board~~ Board by rule and  
10 document completion of no fewer than 18 hours of ~~board-approved~~  
11 Board-approved continuing professional education which shall include an  
12 emergency office procedures course during the two-year licensing period  
13 preceding renewal.

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

16 § 662. FEES

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

19 (1) Application

20 (A) Dentist \$ 225.00

21 (B) Dental practitioner \$ 185.00

1	(C) Dental hygienist	\$ 150.00
2	<del>(C)</del> (D) Dental assistant	\$ 60.00
3	(2) Biennial renewal	
4	(A) Dentist	\$ 355.00
5	(B) <u>Dental practitioner</u>	<u>\$ 225.00</u>
6	(C) Dental hygienist	\$ 125.00
7	<del>(C)</del> (D) Dental assistant	\$ 75.00

8 (b) The licensing fee for a dentist, dental practitioner, or dental hygienist or  
9 the registration fee for a dental assistant who is otherwise eligible for licensure  
10 or registration and whose practice in this ~~state~~ State will be limited to  
11 providing pro bono services at a free or reduced-fee clinic or similar setting  
12 approved by the ~~board~~ Board shall be waived.

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14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2015.