

Dear Chair and Committee:

In response to your questions about professional liability insurance, please accept DFR's answers:

Question: Is the cost of a dentist's liability insurance higher if the dentist employs a dental hygienist, dental assistant, etc.?

Answer: Dentists carry dental malpractice/professional liability insurance that covers the risks associated with their practice as (hopefully) all health and medical practitioners do. Coverage and premiums depend on the size and type of practice. Premiums can also be influenced over time by the frequency and amount of claims made. Risk associated with a dental hygienist or assistant (who only cleans teeth and takes x-rays or works chair-side, for example) is arguably different than that of a new type of mid-level practitioner who performs certain dental procedures (i.e. "drill and fill"). A dentist who only employs hygienists, for example, would have professional liability insurance that would reflect a lower risk profile as opposed to a dentist who also has a mid-level practitioner who is permitted to do more complex procedures. The coverage and the cost would reflect the risk. So, there are many factors that go into the ultimate premium or cost of liability insurance and the type of personnel in a practice certainly influence the risk profile being underwritten.

The debate about mid-level providers and expanded-duty hygienists has been ongoing for more than a decade, albeit, outside Vermont. But, the market has stepped in and there are professional liability products geared especially for this new practitioner. According to DFR's sources in the insurance brokerage sector, there is more than adequate capacity. Premiums for this type of activity typically range from \$100 to \$1,000.

Question: Are dental hygienists, dental assistants, etc. required to carry their own liability insurance when employed by a dentist?

Answer: Employees of a dental practice are covered by the dentist's professional liability insurance. All the current licenses granted to hygienists and dental assistants in Vermont are subject to direct oversight/supervision by the dentist.

I hope this assists you in your deliberations.

Best,  
Susan

Susan L. Donegan, Commissioner  
Vermont Department of Financial Regulation  
89 Main Street  
Montpelier, Vermont 05620  
USA  
(+1) 802-828-3301  
susan.donegan@vermont.gov