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DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill
3 No. 20 entitled “An act relating to establishing and regulating dental
4 therapists” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 CHAPTER 12. DENTISTS, ~~DENTAL THERAPISTS,~~ DENTAL
10 HYGIENISTS, AND DENTAL ASSISTANTS

11 Subchapter 1. General Provisions

12 § 561. DEFINITIONS

13 As used in this chapter:

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

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

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

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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 therapist” means an individual licensed to practice as a
17 dental therapist under this chapter.

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

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1 ~~(5)~~(6) “Dental assistant” means an individual registered to practice as a
 2 dental assistant under this chapter.

3 ~~(6)~~(7) “Direct supervision” means supervision by a licensed dentist who
 4 is readily available at the dental facility for consultation or intervention.

5 (8) “General supervision” means:
 6 (A) the direct or indirect oversight of a dental therapist by a dentist,
 7 which need not be on-site; or
 8 (B) the oversight of a dental hygienist by a dentist as prescribed by
 9 Board rule in accordance with sections 582 and 624 of this chapter.

10 § 562. PROHIBITIONS

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

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

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

Comment [BAW1]:
 HHS OK
 Explanation: The term “general supervision” is already used re: DHs in § 582(3)(H) and § 624(b) of this chapter.

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

* * *

4 § 565. DISPLAY OF LICENSE OR REGISTRATION

5 Every dentist, dental therapist, 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.

* * *

9 Subchapter 2. Board of Dental Examiners

10 § 581. CREATION; QUALIFICATIONS

11 (a) ~~The state board of dental examiners~~ State Board of Dental Examiners is
 12 created and shall consist of:

13 (1) six licensed dentists in good standing who have practiced in this state
 14 State for a period of five years or more and are in active practice;

15 (2) one licensed dental therapist who has practiced in this State for a
 16 period of at least three years immediately preceding appointment and is in
 17 active practice;

Comment [BAW2]: **HHS OK** with adding DT representation to the Board.
 To do so, reduce DH membership by one in subdiv. (3).
 Eff. date of this amendment to (a) is 1/1/21, to allow the DH member to complete term. See eff. date section at end of draft.

HHS, please review:
 What should be the min. practice qualification for the DT member? **Three years** to match DH and DA members?
 See Sec. Y's transitional provision for the initial DT appointee's practice requirement.

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1 (3) ~~two~~ one licensed dental ~~hygienists~~ hygienist who ~~have~~ has practiced
2 in this ~~state~~ State for a period of at least three years immediately preceding the
3 appointment and ~~are~~ is in active practice;

4 (4) one registered dental assistant who has practiced in this ~~state~~ State
5 for a period of at least three years immediately preceding the appointment and
6 is in active practice; and

7 (5) two members of the public who are not associated with the practice
8 of dentistry.

9 (b) Board members shall be appointed by the ~~governor~~ Governor pursuant
10 to 3 V.S.A. §§ 129b and 2004.

11 (c) ~~No~~ A member of the ~~board~~ Board shall ~~not~~ be an officer or serve
12 on a committee of his or her respective state or local professional dental, dental
13 therapy, dental hygiene, or dental assisting organization, nor shall any member
14 of the board be on the faculty of a school of dentistry, dental hygiene, or dental
15 assisting.

* * *

§ 584. UNPROFESSIONAL CONDUCT

18 The ~~board~~ Board may refuse to give an examination or issue a license to
19 practice dentistry, to practice as a dental therapist, or to practice dental hygiene

Comment [BAW3]: **HHS OK** with adding dental therapy reference here.

Explanation: Since a DT would be added to the Board, prohibit service on a DT professional organization, as is provided for the other dental professionals.

Also, **HHS OK** with removing last phrase, since it is proposed to be removed via 2016's H.562 (OPR Bill), Sec. 16.

Comment [BAW4]: **HHS OK** with adding reference to DTs in the specific unprofessional conduct provisions, highlighted in yellow below.

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1 or to register an applicant to be a dental assistant and may suspend or revoke
2 any such license or registration or otherwise discipline an applicant, licensee,
3 or registrant for unprofessional conduct. Unprofessional conduct means the
4 following conduct and the conduct set forth in 3 V.S.A. § 129a by an applicant
5 or person licensed or registered under this chapter:

6 * * *

7 (2) rendering professional services to a patient if the dentist, dental
8 therapist, dental hygienist, or dental assistant is intoxicated or under the
9 influence of drugs;

10 * * *

11 (6) practicing a profession regulated under this chapter with a dentist,
12 dental therapist, dental hygienist, or dental assistant who is not legally
13 practicing within the state State or aiding or abetting such practice;

14 * * *

15 Subchapter 3A. Dental Therapists

16 § 611. LICENSE BY EXAMINATION

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

19 (1) have attained the age of majority;

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1 (2) be a licensed dental hygienist;

2 (3) be a graduate of a dental therapist educational program administered
3 by an institution accredited by the Commission on Dental Accreditation to
4 train ~~dentists, dental therapists, or dental hygienists;~~

Comment [BAW5]: HHS OK with requiring that CODA accreditation specifically be for training DTs.

5 (4) have successfully completed an emergency office procedure course
6 approved by the Board; and

Comment [BAW6]: HHS OK with requiring emergency office procedure course as a qualification for the exam.

7 (4)(5) pay the application fee set forth in section 662 of this chapter and
8 an examination fee established by the Board by rule.

9 (b) Completion of examination.

10 (1)(A) An applicant for licensure meeting the qualifications for
11 examination set forth in subsection (a) of this section shall pass a
12 comprehensive, competency-based clinical examination approved by the Board
13 and administered independently of an institution providing dental therapist
14 education.

15 (B) An applicant shall also pass an examination testing the
16 applicant's knowledge of the Vermont ~~laws~~ statutes and rules relating to the
17 practice of dentistry approved by the Board.

Comment [BAW7]: HHS OK with clarifying "statutes" rather than "laws."

(Also, BAW added (A) and (B) subdivision designations for easier reading.)

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

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

6 § 612. LICENSE BY ENDORSEMENT

7 The Board may grant a license as a dental therapist to an applicant who:

8 (1) is currently licensed in good standing to practice as a dental therapist
9 in any jurisdiction of the United States or Canada that has licensing
10 requirements deemed by the Board to be at least substantially equivalent to
11 those of this State;

12 (2) has passed an examination testing the applicant’s knowledge of the
13 Vermont statutes and rules relating to the practice of dentistry approved by the
14 Board;

15 (3) has successfully completed an emergency office procedure course
16 approved by the Board;

17 (4) has met active practice requirements and any other requirements
18 established by the Board by rule; and

19 (5) pays the application fee set forth in section 662 of this chapter.

Comment [BAW8]: HHS OK with requiring persons licensed by endorsement to take the Vermont-specific exam that normal licensees would be required to take. See § 611(b)(1)(B), above.

Comment [BAW9]: HHS, please review:
Do you want to require an emergency office procedure course for persons licensed by endorsement?
This is already required for applicants for licensure by endorsement as dentists in [26 V.S.A. § 602\(a\)\(2\)](#) and for licensure by endorsement as dental hygienists in [26 V.S.A. § 622\(2\)](#).

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1 § 613. PRACTICE; SCOPE OF PRACTICE

2 (a) A person who provides oral health care services, including prevention,
3 evaluation, and assessment; education; palliative therapy; and restoration under
4 the general supervision of a dentist within the parameters of a collaborative
5 agreement as provided under section 614 of this subchapter shall be regarded
6 as practicing as a dental therapist within the meaning of this chapter.

7 (b) ~~Services performed by a dental therapist may only be performed in~~
8 ~~practice settings or areas with a significant volume of low income, uninsured,~~
9 ~~or underserved patients, as shall be determined by the Department of Health, or~~
10 ~~in areas designated by the U.S. Department of Health and Human Services as~~
11 ~~Health Professional Shortage Areas for dental care. In addition to services~~
12 ~~permitted by the Board by rule, a~~ **A** dental therapist may perform the following
13 oral health care services:

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

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

17 (3) Exposing radiographs.

18 ~~(18)~~(4) Oral evaluation and assessment of dental disease.

19 ~~(4)~~(5) Dental prophylaxis.

Comment [BAW10]: HHS OK:

1) Remove initial geographic practice limitation in the first sentence (and therefore strike Sec. 4's sunset of this limitation and reference to it in the effective date section).

2) Do not permit Board to add on to DT services by rule in beginning of second sentence.

Comment [BAW11]: HHS, please review the re-ordering of these DT services in the following subdivisions.

In places where order was rearranged, red strikethrough shows the old number, and yellow highlighting shows the new proposed number.

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- 1 ~~(34)~~(6) Mechanical polishing.
- 2 ~~(6)~~(7) Applying topical preventive or prophylactic agents, including
- 3 fluoride varnishes, antimicrobial agents, and pit and fissure sealants.
- 4 ~~(7)~~(8) Pulp vitality testing.
- 5 ~~(8)~~(9) Applying desensitizing medication or resin.
- 6 ~~(9)~~(10) Fabricating athletic mouthguards.
- 7 ~~(30)~~(11) Suture removal.
- 8 ~~(14)~~(12) Changing periodontal dressings.
- 9 ~~(31)~~(13) Brush biopsies.
- 10 ~~(16)~~(14) Administering local anesthetic.
- 11 ~~(10)~~(15) Placement of temporary restorations.
- 12 ~~(13)~~(16) Interim therapeutic restorations.
- 13 ~~(26)~~(17) Placement of temporary and preformed crowns.
- 14 ~~(22)~~(18) Emergency palliative treatment of dental pain in accordance
- 15 with the other requirements of this subsection.
- 16 (19) Formulating an individualized treatment plan, including services
- 17 within the dental therapist's scope of practice and referral for services outside
- 18 the dental therapist's scope of practice.
- 19 ~~(32)~~(20) Repairing Minor repair of defective prosthetic devices.

Comment [BAW12]: HHS OK with this clarification (3/31/16).

Change was made in accordance with ~~(27)~~(32).

Comment [BAW13]: HHS OK with clarifying that emergency palliative treatment must conform to the other limits of this subsection (3/30/16).

Comment [BAW14]: HHS OK with this limitation (3/31/16).

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- 1 ~~(33)~~(21) Recementing permanent crowns.
- 2 ~~(23)~~(22) Placement and removal of space maintainers.
- 3 ~~(5)~~(23) Prescribing, dispensing, and administering analgesics,
4 anti-inflammatories, and antibiotics, **except Schedule II, III, or IV controlled**
5 substances.
- 6 ~~(17)~~(24) Administering nitrous oxide.
- 7 ~~(11)~~(25) Fabricating soft occlusal guards, **but not for treatment of**
8 temporomandibular joint disorders.
- 9 ~~(12)~~(26) Tissue conditioning and soft reline.
- 10 ~~(15)~~(27) Tooth reimplantation and stabilization.
- 11 ~~(20)~~(28) Extractions of primary teeth.
- 12 ~~(21)~~(29) Nonsurgical extractions of periodontally diseased permanent
13 teeth with tooth mobility of +3. A dental therapist shall not extract a tooth if it
14 is unerupted, impacted, fractured, or needs to be sectioned for removal.
- 15 ~~(24)~~(30) Cavity preparation.
- 16 ~~(25)~~(31) Restoring primary and permanent teeth, not including
17 permanent tooth crowns, bridges, **veneers**, or denture fabrication.
- 18 ~~(27)~~(32) Preparation and placement of preformed crowns **for primary**
19 teeth.

Comment [BAW15]: **HHS OK** with prohibiting these controlled substances, in accordance with the Comm'r of Health's recommendation (3/30/16).

Comment [BAW16]: **HHS OK** with this limitation (3/30/16).

Comment [BAW17]: **HHS OK** with this limitation (3/31/16)

Comment [BAW18]: **HHS OK** with this limitation (3/31/16).
Change was made in accordance with ~~(26)~~(17).

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1 ~~(28)~~(33) Pulpotomies on primary teeth.

2 ~~(29)~~(34) Indirect and direct pulp capping on primary and permanent
3 teeth.

4 § 614. COLLABORATIVE AGREEMENT

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

7 (1) complete 1,000 hours of direct patient care using dental therapy
8 procedures under the direct supervision of a dentist; and

9 (2) receive a certificate of completion signed by that supervising dentist
10 that verifies the dental therapist completed the hours described in
11 subdivision (1) of this subsection.

12 (b) In order to practice as a dental therapist, a dental therapist shall enter
13 into a written collaborative agreement with a dentist. The agreement shall
14 include:

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

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

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- 1 (3) age- and procedure-specific practice protocols, including case
2 selection criteria, assessment guidelines, and imaging frequency;
- 3 (4) a procedure for creating and maintaining dental records for the
4 patients that are treated by the dental therapist;
- 5 (5) a plan to manage medical emergencies in each practice setting where
6 the dental therapist provides care;
- 7 (6) a quality assurance plan for monitoring care provided by the dental
8 therapist, including patient care review, referral follow-up, and a quality
9 assurance chart review;
- 10 (7) protocols for prescribing, administering, and dispensing medications,
11 including the specific conditions and circumstances under which these
12 medications may be prescribed, dispensed, and administered;
- 13 (8) criteria relating to the provision of care to patients with specific
14 medical conditions or complex medication histories, including requirements
15 for consultation prior to the initiation of care;
- 16 (9) ~~supervision~~ criteria for the supervision of dental assistants and dental
17 hygienists; and
- 18 (10) a plan for the provision of clinical resources and referrals in
19 situations that are beyond the capabilities of the dental therapist.

Comment [BAW19]: HHS OK with this addition (3/31/16).

Comment [BAW20]: HHS OK with this rewording (3/31/16)

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1 (c)(1) The supervising dentist shall ~~accept responsibility~~ **be professionally**
2 **responsible and legally liable** for all services authorized and performed by the
3 dental therapist pursuant to the collaborative agreement.

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

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

7 (d)(1) A collaborative agreement shall be signed and maintained by the
8 supervising dentist and the dental therapist.

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

12 **§ 615. APPLICATION OF OTHER LAWS**

13 (a) A dental therapist authorized to practice under this chapter shall not be
14 in violation of section 562 of this chapter as it relates to the unauthorized
15 practice of dentistry if the practice is authorized under this chapter and under
16 the collaborative agreement.

17 (b) A dentist who permits a dental therapist to perform a dental service
18 other than those authorized under this chapter ~~or by the Board by rule~~ or any

Comment [BAW21]: HHS OK with using both terms (3/31/16).

Pursuant to the SCOV's In re Porter, 192 Vt. 601 (2012):

“Professionally responsible” refers to unprofessional conduct, in this case meaning that the supervising dentist could be found to have committed unprofessional conduct if the DT committed unprofessional conduct while performing a service pursuant to the collaborative agreement.

“Legally liable” refers to tort liability, in this case meaning that the supervising dentist could be found to be legally liable for a tort committed by the DT while performing a service pursuant to the collaborative agreement.

Comment [BAW22]: HHS OK with this correction (3/31/16).

Effect is that collaborative agreement must be submitted to the Board at least annually, but also as soon as a change is made to it.

Comment [BAW23]: HHS OK with this correction (3/31/16) since HHS agreed to not allow Board by rule to further enlarge a DT's scope of practice by striking that authority in § 613(b).

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1 dental therapist who performs an unauthorized service shall be in violation of
 2 section 584 of this chapter.

3 § 616. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

4 (a) A licensed dental therapist may supervise dental assistants and dental
 5 hygienists directly to the extent permitted in the collaborative agreement.

6 (b) At any one practice setting, a licensed dental therapist may have under
 7 his or her direct supervision no more than a total of two assistants, or
 8 hygienists, or combination thereof.

9 § 617. REFERRALS

10 (a) The supervising dentist is responsible for arranging for another dentist
 11 or specialist to provide any necessary services needed by a patient that are
 12 beyond the scope of practice of the dental therapist and which the supervising
 13 dentist is unable to provide.

14 (b) A dental therapist, in accordance with the collaborative agreement, shall
 15 refer patients to another qualified dental or health care professional to receive
 16 any needed services that exceed the scope of practice of the dental therapist.

17 * * *

Comment [BAW24]: HHS OK (3/31/16):

1) Striking "licensed" as duplicative, since under § 561(4), "dental therapist" means an individual licensed under this chapter.

2) In (b), using "or" to be more easily-readable.

Comment [BAW25]: HHS, please review this issue of referral vs. arranging for another professional to provide services.

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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 of the United States~~
10 U.S. Armed Forces.

11 (d) Dentists.

12 * * *

13 (e) Dental therapists. To renew a license, a dental therapist shall meet
14 active practice requirements established by the Board by rule and document
15 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

Comment [BAW26]: **HHS, please review.** Do you agree with these DT continuing education requirements for renewal?

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1 document completion of no fewer than 18 hours of ~~board-approved~~
2 Board-approved continuing professional education which shall include an
3 emergency office procedures course during the two-year licensing period
4 preceding renewal.

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

7 § 662. FEES

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

10	(1) Application	
11	(A) Dentist	\$ 225.00
12	(B) <u>Dental therapist</u>	<u>\$ 185.00</u>
13	(C) Dental hygienist	\$ 150.00
14	(C) (D) Dental assistant	\$ 60.00
15	(2) Biennial renewal	
16	(A) Dentist	\$ 355.00
17	(B) <u>Dental therapist</u>	<u>\$ 225.00</u>
18	(C) Dental hygienist	\$ 125.00
19	(C) (D) Dental assistant	\$ 75.00

Comment [BAW27]: HHS, please review. Do you agree with these fees?

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

6 * * *

7 ~~Sec. 2. COMMISSION ON DENTAL ACCREDITATION; EFFECTIVE~~

8 ~~DATE~~

9 ~~The provision set forth in Sec. 1 of this act, in 26 V.S.A. § 611(a)(3)~~
10 ~~(license by examination: graduate), that requires accreditation by the~~
11 ~~Commission on Dental Accreditation, shall take effect once that accreditation~~
12 ~~from the Commission becomes available.~~

13 Sec. 3. BOARD OF DENTAL EXAMINERS; REPORT ON GEOGRAPHIC

14 DISTRIBUTION OF DENTAL THERAPISTS

15 No earlier than two years after the effective date of this act but on or before
16 January 1, 2020, the Board of Dental Examiners shall report to the Senate
17 Committees on Health and Welfare and on Government Operations and the
18 House Committees on Health Care and on Government Operations regarding:

Comment [BAW28]: **HHS OK** with striking this section.

Explanation: According to CODA Director testimony on 3/23/16, CODA accreditation is available (as of Feb. 2015).

Comment [BAW29]: **HHS, please review.**

Should Board be required to make this report?

According to the Board Chair's testimony on 3/23/16, the Board is not the appropriate entity to make this report.

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1 **Sec. X. BOARD OF DENTAL EXAMINERS; REQUIRED RULEMAKING**

2 **Prior to the effective date of 26 V.S.A. §§ 611 (license by examination),**
3 **612 (license by endorsement), and 661 (renewal of license) set forth in Sec. 1**
4 **of this act, the Board of Dental Examiners shall adopt the rules and perform all**
5 **other acts necessary to implement the provisions of those sections.**

6 **Sec. Y. TRANSITIONAL PROVISION; BOARD OF DENTAL**

7 **EXAMINERS; INITIAL DENTAL THERAPIST MEMBER**

8 **Notwithstanding the provision of 26 V.S.A. § 581(a)(2) in Sec. 1 of this act**
9 **that requires the dental therapist member of the Board of Dental Examiners to**
10 **have practiced in this State for a period of at least three years immediately**
11 **preceding appointment, the initial dental therapist appointee may fulfill this**
12 **practice requirement if he or she has practiced as a licensed dental hygienist in**
13 **this State for a period of at least three years immediately preceding**
14 **appointment, so long as that appointee is a licensed dental therapist in active**
15 **practice in this State at the time of appointment.**

16 **Sec. 5. EFFECTIVE DATES**

17 **This act shall take effect on ~~July 1, 2015~~ July 1, 2016, except for Sec. 4**
18 **(amending 26 V.S.A. § 613 (practice; scope of practice)), which shall take**
19 **effect on July 1, 2020.**

Comment [BAW31]: HHS, please review.

Rulemaking usually takes approximately eight months. In this bill, the Board would be required to adopt the following rules or otherwise perform these acts:

- § 611(a)(4): approve the emergency office procedure course
- § 611(a)(5): adopt rules re: exam fee
- § 611(b)(1): approve the exams
- § 611(b)(2): adopt rules re: education and training necessary if exam failed twice
- § 612(2): adopt rules re: license by endorsement requirements
- § 661(e): adopt rules re: active practice requirements and approve the emergency office procedure course for renewal

Comment [BAW32]: HHS, please review.

This is re: the new DT member of the Board, and how long s/he must have practiced as a DT before becoming a Board member.

Sec. 1's § 581(a)(2) currently says the DT Board member must have three years of experience (unless HHS wants to alter that requirement).

Since this DT Board member requirement is scheduled to take effect on 1/1/21 – and people wanting to become DTs would still have to obtain the required education, which is still being developed – it does not seem possible for the initial DT member to have this experience.

Therefore, this transitional provision would allow that initial DT Board member to substitute his/her experience as a dental hygienist in order to meet this practice requirement.

Comment [BAW33]: HHS, please review all effective dates.

Overall, is July 1, 2016 okay?

Is it accurate that to be able to start developing the DT education program, this law must first take effect?

Comment [BAW34]: HHS OK with striking reference to Sec. 4, which is the sunset of the geographic practice limitation (since that limitation would no longer be included).

Key: **Red strikethrough** = language potentially removed from bill
Yellow highlighting = language potentially added to bill
Green highlighting = BAW notes indicate HHS has already agreed
Pink highlighting = HHS, please review

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 (1) Sec. **X** (Board of Dental Examiners; required rulemaking) shall take
 2 effect on passage;

Comment [BAW35]: Board would need to start process of adopting the required rules on passage.
 (BAW will fill in Sec. #s for clean copy.)

3 (2) In Sec. 1, 26 V.S.A. §§ 611 (license by examination), 612 (license
 4 by endorsement), and 661 (renewal of license) shall take effect on
 5 February 1, 2017.

Comment [BAW36]: Explanation: These are the sections that require rulemaking. See the comments above re: Sec. X.

6 (3) 26 V.S.A. § 581(a) (Board of Dental Examiners; membership) set
 7 forth in Sec. 1 and Sec. **Y** (Board of Dental Examiners; dental therapist
 8 member) shall take effect on January 1, 2021.

Assuming bill is enacted by June 1, 2016 and rulemaking begins on passage – and it takes at least eight months to adopt rules – this would be the earliest date on which these sections could take effect.
 In effect, the law overall would take effect on July 1, 2016, but people could not become licensed DTs until February 1, 2017.

9
 10
 11
 12
 13
 14 (Committee vote: _____)

Comment [BAW37]: Explanation: There are currently two dental hygienist members on the Board:
 S. Buell, whose term expires 12/31/19; and
 J. Kendall, whose term expires 12/31/20.
 Assuming HHS would like to wait for later term to expire, the replacement of one of these members by the new DT Board member would take effect on 1/1/21.

 Representative _____
 FOR THE COMMITTEE