

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. LEGISLATIVE FINDINGS

9 This bill establishes and regulates a new category of oral health
10 practitioners: dental therapists. It is the intent of the General Assembly to do
11 so in order to increase access for Vermonters to oral health care, especially in
12 areas with a significant volume of low-income, uninsured, or underserved
13 patients.

14 Sec. 2. 26 V.S.A. chapter 12 is amended to read:

15 CHAPTER 12. DENTISTS, DENTAL THERAPISTS, DENTAL
16 HYGIENISTS, AND DENTAL ASSISTANTS

17 Subchapter 1. General Provisions

18 § 561. DEFINITIONS

19 As used in this chapter:

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

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

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

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

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

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

14 (D) administers general dental anesthetics;

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

17 (F) engages in any of the practices included in the curricula of
18 recognized dental colleges.

19 (4) “Dental therapist” means an individual licensed to practice as a
20 dental therapist under this chapter.

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

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.

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

21 * * *

1 § 565. DISPLAY OF LICENSE OR REGISTRATION

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

5 * * *

6 Subchapter 2. Board of Dental Examiners

7 § 581. CREATION; QUALIFICATIONS

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

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

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

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

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

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

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

3 (c) ~~No~~ A member of the ~~board~~ Board shall not be an officer or serve
4 on a committee of his or her respective state or local professional dental, dental
5 therapy, dental hygiene, or dental assisting organization, ~~nor shall any member~~
6 ~~of the board be on the faculty of a school of dentistry, dental hygiene, or dental~~
7 ~~assisting.~~

8 * * *

9 § 584. UNPROFESSIONAL CONDUCT

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

17 * * *

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

21 * * *

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

4 * * *

5 Subchapter 3A. Dental Therapists

6 § 611. LICENSE BY EXAMINATION

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

9 (1) have attained the age of majority;

10 (2) be a licensed dental hygienist;

11 (3) be a graduate of a dental therapist educational program administered
12 by an institution accredited by the Commission on Dental Accreditation to
13 train dental therapists;

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

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

18 (b) Completion of examination.

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

1 and administered independently of an institution providing dental therapist
2 education.

3 (B) An applicant shall also pass an examination testing the
4 applicant's knowledge of the Vermont statutes and rules relating to the practice
5 of dentistry approved by the Board.

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

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

11 § 612. LICENSE BY ENDORSEMENT

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

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

17 (2) has passed an examination testing the applicant's knowledge of the
18 Vermont statutes and rules relating to the practice of dentistry approved by the
19 Board;

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

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

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

4 § 613. PRACTICE; SCOPE OF PRACTICE

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

10 (b) A dental therapist may perform the following oral health care services:

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

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

14 (3) Exposing radiographs.

15 (4) Oral evaluation and assessment of dental disease.

16 (5) Dental prophylaxis.

17 (6) Mechanical polishing.

18 (7) Applying topical preventive or prophylactic agents, including
19 fluoride varnishes, antimicrobial agents, and pit and fissure sealants.

20 (8) Pulp vitality testing.

21 (9) Applying desensitizing medication or resin.

22 (10) Fabricating athletic mouthguards.

- 1 (11) Suture removal.
- 2 (12) Changing periodontal dressings.
- 3 (13) Brush biopsies.
- 4 (14) Administering local anesthetic.
- 5 (15) Placement of temporary restorations.
- 6 (16) Interim therapeutic restorations.
- 7 (17) Placement of temporary and preformed crowns.
- 8 (18) Emergency palliative treatment of dental pain in accordance with
9 the other requirements of this subsection.
- 10 (19) Formulating an individualized treatment plan, including services
11 within the dental therapist’s scope of practice and referral for services outside
12 the dental therapist’s scope of practice.
- 13 (20) Minor repair of defective prosthetic devices.
- 14 (21) Recementing permanent crowns.
- 15 (22) Placement and removal of space maintainers.
- 16 (23) Prescribing, dispensing, and administering analgesics,
17 anti-inflammatories, and antibiotics, except Schedule II, III, or IV controlled
18 substances.
- 19 (24) Administering nitrous oxide.
- 20 (25) Fabricating soft occlusal guards, but not for treatment of
21 temporomandibular joint disorders.
- 22 (26) Tissue conditioning and soft reline.

1 (27) Tooth reimplantation and stabilization.

2 (28) Extractions of primary teeth.

3 (29) Nonsurgical extractions of periodontally diseased permanent teeth
4 with tooth mobility of +3. A dental therapist shall not extract a tooth if it is
5 unerupted, impacted, fractured, or needs to be sectioned for removal.

6 (30) Cavity preparation.

7 (31) Restoring primary and permanent teeth, not including permanent
8 tooth crowns, bridges, veneers, or denture fabrication.

9 (32) Preparation and placement of preformed crowns for primary teeth.

10 (33) Pulpotomies on primary teeth.

11 (34) Indirect and direct pulp capping on primary and permanent teeth.

12 § 614. COLLABORATIVE AGREEMENT

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

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

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

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

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

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

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

7 (4) a procedure for creating and maintaining dental records for the
8 patients that are treated by the dental therapist;

9 (5) a plan to manage medical emergencies in each practice setting where
10 the dental therapist provides care;

11 (6) a quality assurance plan for monitoring care provided by the dental
12 therapist, including patient care review, referral follow-up, and a quality
13 assurance chart review;

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

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

20 (9) criteria for the supervision of dental assistants and dental hygienists;
21 and

1 (10) a plan for the provision of clinical resources and referrals in
2 situations that are beyond the capabilities of the dental therapist.

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

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

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

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

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

14 § 615. APPLICATION OF OTHER LAWS

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

19 (b) A dentist who permits a dental therapist to perform a dental service
20 other than those authorized under this chapter or any dental therapist who
21 performs an unauthorized service shall be in violation of section 584 of this
22 chapter.

1 § 616. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

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

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

7 § 617. REFERRALS

8 (a) The supervising dentist shall refer patients to another dentist or
9 specialist to provide any necessary services needed by a patient that are beyond
10 the scope of practice of the dental therapist and which the supervising dentist is
11 unable to provide.

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

15 * * *

16 Subchapter 6. Renewals, Continuing Education, and Fees

17 § 661. RENEWAL OF LICENSE

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

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

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

4 (d) Dentists.

5 * * *

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

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

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

19 § 662. FEES

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

22 (1) Application

1	(A) Dentist	\$ 225.00
2	(B) <u>Dental therapist</u>	<u>\$ 185.00</u>
3	(C) Dental hygienist	\$ 150.00
4	(C) (D) Dental assistant	\$ 60.00
5	(2) Biennial renewal	
6	(A) Dentist	\$ 355.00
7	(B) <u>Dental therapist</u>	<u>\$ 225.00</u>
8	(C) Dental hygienist	\$ 125.00
9	(C) (D) Dental assistant	\$ 75.00

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

15 * * *

16 Sec. 3. DEPARTMENT OF HEALTH; REPORT ON GEOGRAPHIC
17 DISTRIBUTION OF DENTAL THERAPISTS

18 Two years after the graduation of the first class of dental therapists from a
19 Vermont accredited program, the Department of Health, in consultation with
20 the Board of Dental Examiners shall report to the Senate Committees on
21 Health and Welfare and on Government Operations and the House Committees
22 on Human Services and on Government Operations regarding:

1 (1) the geographic distribution of licensed dental therapists practicing in
2 this State;

3 (2) the geographic areas of this State that are underserved by licensed
4 dental therapists; and

5 (3) recommended strategies to promote the practice of licensed dental
6 therapists in underserved areas of this State, particularly those areas that are
7 rural in nature and have high numbers of people living in poverty.

8 Sec. 4. BOARD OF DENTAL EXAMINERS; REQUIRED RULEMAKING

9 The Board of Dental Examiners shall adopt the rules and perform all other
10 acts necessary to implement the provisions of those sections.

11 Sec. 5. TRANSITIONAL PROVISION; BOARD OF DENTAL

12 EXAMINERS; INITIAL DENTAL THERAPIST MEMBER

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

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1 Sec. 6. EFFECTIVE DATES

2 This act shall take effect on passage.

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6

7 (Committee vote: _____)

8

9

Representative _____

10

FOR THE COMMITTEE