

S.20 (dental therapists) as passed Senate

A comparison of the dental professions pursuant to S.20, dental statutes, and the rules of the Board of Dental Examiners

BAW: 1/20/16

		<u>Dental Assistants</u>	<u>Dental Hygienists</u>	<u>Dental Therapists</u>	<u>Dentists</u>
Initial License Qualifications	Regulation Description	<p>Three categories (Rule 7.4); Registration:</p> <ul style="list-style-type: none"> • Traditional dental assistant (Registration; Rule 7.5.) • Certified dental assistant (Registration; Rule 7.8.) • Expanded function dental assistant (Registration; Rule 7.10.) 	<ul style="list-style-type: none"> • License based on: <ul style="list-style-type: none"> ○ age (18); ○ graduation from CODA-accredited dental hygiene program; ○ certificate from National Board of Dental Examiners; ○ emergency office procedure course; ○ passed American Board of Dental Examiners (ADEX) exam; ○ and dental hygienist jurisprudence exam. 26 V.S.A. § 621. • License includes a dental hygienist who is practicing expanded function dental assisting duties or administering local anesthesia by endorsement. Rule 6.1. 	<p>License based on:</p> <ul style="list-style-type: none"> ○ age (18); ○ licensure as dental hygienist; ○ graduate of CODA-accredited dental therapist program; and ○ examination. S.20, Sec. 1, 26 V.S.A. § 611. 	<p>License based on:</p> <ul style="list-style-type: none"> ○ age (18); ○ graduation from CODA-accredited dental college; and ○ meeting the certificate, examination, and training requirements established by Board rule. 26 V.S.A. § 601.
	Education	<ul style="list-style-type: none"> • Traditional dental assistant: n/a; just register; Rule 7.5. • Certified dental assistant: n/a; certification; see below. • Expanded function dental assistant: A certified DA or a licensed dental hygienist must successfully complete a formal program in expanded function duties at a program accredited by CODA. Rule 7.10. <i>See also training/exp., below</i> 	<ul style="list-style-type: none"> • Graduate from a school of dental hygiene accredited by ADA's CODA. Rule 6.3. 	<ul style="list-style-type: none"> • Graduate from a dental therapist educational program administered by an institution accredited by CODA to train dentists, dental therapists, or dental hygienists. S.20, Sec. 1, 26 V.S.A. § 611(a)(3). • CODA accreditation required once it becomes available. S.20, Sec.2. 	<ul style="list-style-type: none"> • Graduate from school of dentistry/dental college accredited by ADA's CODA, 26 V.S.A. § 601, or if from foreign unaccredited school, min. 1 yr. study in school of dentistry accredited by CODA, resulting in DDS or DMD. Rule 4.1(d).
	Training/ Experience	<ul style="list-style-type: none"> • All dental assistants must complete emergency office procedure training required in Rule 7.17 w/in six months of their date of hire. Rule 7.16. • Traditional dental assistant: n/a; just register; Rule 7.5. • Certified dental assistant: n/a; certification; see below. • Expanded function dental assistant: The training program shall have at least 50 hours of didactic training and five weeks of clinical training, then six weeks of field training, all under supervision of program faculty or designee. Rule 7.11. 	<ul style="list-style-type: none"> • Emergency office procedure training. 26 V.S.A. § 621(4); Rule 6.3. • <i>More info needed re: any training required as part of education program.</i> 	<ul style="list-style-type: none"> • Add in emergency office procedure training as is required for all existing dental professions? • <i>More info needed re: any training required as part of education program.</i> 	<ul style="list-style-type: none"> • Training on emergency office procedures. Rule 4.2(e). • <i>More info needed re: any training required as part of education program.</i>
Exam- ination	n/a	<ul style="list-style-type: none"> • Board-approved regional or national exam. Rule 6.3; and • VT rules and statutes exam. Rule 6.5. 	<ul style="list-style-type: none"> • Board-approved comprehensive, competency-based clinical exam; and • Board-approved exam re: VT statutes and rules: re dentistry. S.20, Sec. 1, 26 V.S.A. § 611(b). 	<ul style="list-style-type: none"> • National Board-approved exam, Rule 4.2(d); and • VT dental statutes and rules exam, Rule 4.2(f). 	

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Certification Requirements	<ul style="list-style-type: none"> • Certified dental assistant <ul style="list-style-type: none"> ○ Certification by Dental Assisting National Board (DANB); or ○ If a Traditional DA with radiology privileges, successful completion of DANB exam. Rule 7.8. 	<ul style="list-style-type: none"> • Certificate of National Board of Dental Examiners. Rule 6.3. 	<ul style="list-style-type: none"> • Since dental therapists would be required to be licensed as a dental hygienist, a dental therapist would be required to have the same certificate from the NBDE as set forth in Rule 6.3 for dental hygienists. 	<ul style="list-style-type: none"> • Certificate from NBDE. Rule 4.1(c).
Alternative Paths to Licensure	n/a	<ul style="list-style-type: none"> • By endorsement (requires emergency office procedures course, exam, and active practice and other requirements by Board rule). 26 V.S.A. § 622; Rule 6.6. • By endorsement based on training and experience (by Board rule). 26 V.S.A. § 623. 	<ul style="list-style-type: none"> • By endorsement (requires licensure in another U.S. or CAN jurisdiction and active practice requirements or other requirements as established by Board rule). S.20, Sec. 1, 26 V.S.A. § 612. 	<ul style="list-style-type: none"> • Not meeting active practice reqs. Rule 4.4. • By endorsement. 26 V.S.A. § 602; Rule 4.5. • PGY endorsement (license req. residency rather than exam). Rule 4.6. • Licensure by licensed exp. Rule 4.7.
Active Practice	<ul style="list-style-type: none"> • “Traditional dental assistants have no active practice requirement.” Rule 8.5. 	<ul style="list-style-type: none"> • Active practice reqs. by Board rule. 26 V.S.A. § 661(e). • Active practice reqs. (do not appear to be in rule) or exam. Rule 6.15. 	<ul style="list-style-type: none"> • Active practice requirements as established by Board rule. S.20, Sec. 1, 26 V.S.A. § 661(e). 	<ul style="list-style-type: none"> • At least 800 hours of active practice; • Accumulate 100 CE Board-approved credits in practice-related subjects; or • A combination of the above. 26 V.S.A. § 661(d); Rule 4.11.
Continuing Education	<ul style="list-style-type: none"> • A dental assistant shall meet the requirements established by Board rule. 26 V.S.A. § 661(f) • All dental assistants must complete a course in emergency office procedures. Rule 7.17. • Certified dental assistant. Renew in accordance with DANB requirements. Rule 7.8(b). 	<ul style="list-style-type: none"> • 26 V.S.A. § 661(e): 18 hours. Rule 6.16. Must include emergency office procedures course. Rule 6.21. • A dental hygienist with expanded function duties must meet all DANB requirements. Rule 8.4. 	<ul style="list-style-type: none"> • No fewer than 20 hours of Board-approved continuing education, which shall incl. an emergency office procedures course. S.20, Sec. 1, 26 V.S.A. § 661(e) 	<ul style="list-style-type: none"> • In addition to active practice reqs., 30 hours of professional education, incl. emergency office procedures courses. Rule 4.12; Rule 4.16.
Renewals (all a two-year renewal cycle)				

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Scope of Practice	Ability to Supervise	n/a	n/a	<ul style="list-style-type: none"> • Ability to supervise dental assistants and dental hygienists as permitted by the collaborative agreement. S.20, Sec. 1, 26 V.S.A. § 614(b)(9). • Limit on supervising no more than two DAs or DHs at any one practice setting. S.20, Sec. 1, 26 V.S.A. § 616(b). 	<ul style="list-style-type: none"> • S.20, Sec. 1, 26 V.S.A. § 614(b) and (c)(1): <ul style="list-style-type: none"> ○ Must supervise a dental therapist as provided in the collaborative agreement; and ○ Accept responsibility for the DT's services provided under it. • Rule 1.2: Supervising dentist must inform each office's licensee/registrant of rules' responsibilities & regulation requirements, and ensure licensure/registration and training. <i>See also</i> Rule 9.7. • Rule 1.2: Reminder that 3 V.S.A. § 129a(6) incl. as unprof. conduct "delegating responsibilities to a person whom licensee knows or has reason to know is not qualified by training, experience, education, or credentials to perform them. Reminder repeated in Rule 3.3(c). • Rule 1.11(a)(3): Dental hygienists - General supervision, or direct supervision when required elsewhere in rules • Rule 1.11(a)(4): Dental assistants - Direct supervision
	Required to be Supervised	<ul style="list-style-type: none"> • Rule 1.11(a)(4): Dentists are responsible for the direct supervision of dental assistants. • A dental assistant shall practice only under the supervision of a dentist, and the "<i>supervising dentist shall be responsible for the professional acts of dental assistants under his or her supervision.</i>" 26 V.S.A. § 641(b) and (c). • The performance of any intraoral tasks by a dental assistant shall be under the <i>direct supervision</i> of a dentist. 26 V.S.A. § 642(a); Rule 7.2. 	<ul style="list-style-type: none"> • Rule 1.11(a)(3): Dentists are responsible for the general supervision or direct supervision of dental hygienists when required elsewhere in rules • Dental hygienists practicing under general supervision in public or private schools or institutions. <ul style="list-style-type: none"> ○ Qualifications: Min. three years practice experience in good standing. Rule 10.1. ○ General Supervision Agreement between DH and supervising dentist. Rule 10.2. 	<ul style="list-style-type: none"> • A collaborative agreement is required in order to practice as a dental therapist. S.20, Sec. 1, 26 V.S.A. § 614(b). 	n/a

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Collaborative or other Agreement	n/a	<p>General Supervision Agreement for dental hygienists practicing under general supervision in public or private schools or institutions. Rule 10.2.</p> <ul style="list-style-type: none"> • Authorizes dental hygienist who is providing dental hygiene services in a public or private school or institution under dentist's general supervision to provide <i>specific hygiene services agreed to between dentist and DH.</i> • The agreement sets forth the responsibilities of the dentist and DH. • Specifics required re: the agreement are set forth in Rules 10.3-10.6. They include: <ul style="list-style-type: none"> ○ Supervising dentist must be available for consultation but is not required to be physically present at the site when DH services are provided; ○ The agreement must contain a listing of the DH's authorized services 	<p>S.20, Sec. 1, 26 V.S.A. § 614: Collaborative Agreement Required for DT practice</p> <ul style="list-style-type: none"> • Prior to entering into collaborative agreement: <ul style="list-style-type: none"> ○ Complete 1,000 hours of direct patient care using dental therapy procedures under the <i>direct supervision</i> of a dentist; and ○ Receive verifying certification by the dentist • Collaborative agreement must include: <ul style="list-style-type: none"> ○ Permissible practice settings and population; ○ Any limits on services, <i>incl. the level of supervision by the dentist;</i> ○ Age- and procedure-specific protocols; ○ Procedures for dental records; ○ Plan to manage medical emergencies; ○ Quality assurance plan to monitor DT care; ○ Protocols re: Rx, incl. permissible conditions and circumstances; ○ Criteria for patients with specific or complex conditions; ○ Supervision criteria for DAs and DHs; and ○ Plan for clinical resources and referrals. • The supervising dentist shall accept responsibility for DT services provided under the collaborative agreement. 	n/a
Practice Acts	<ul style="list-style-type: none"> • A dental assistant may perform duties in the office of a dentist in accordance with rules and in public or private schools or institutions under the supervision of a dentist. 26 V.S.A. § 642(a); Rule 7.2. • Performance of intraoral tasks shall be under the <i>direct supervision</i> of a dentist. 26 V.S.A. § 642(a); Rule 7.2. • A dental assistant assists the dentist in providing care directly to the patient. Rule 7.1. • The specific duties dental assistants may perform are based on: <ul style="list-style-type: none"> ○ Education; ○ Experience; and ○ An agreement w/ "the employing dentist whose goal as a team is to promote the efficiency and reduce the cost of dental services in the state consistent with the highest possible standards of dental care." Rule 7.3. • Traditional dental assistant. <ul style="list-style-type: none"> ○ If not a graduate of a CODA-accredited 	<ul style="list-style-type: none"> • 26 V.S.A. § 624: A dental hygienist may: <ul style="list-style-type: none"> ○ Perform duties in accordance with training and education in the office of a dentist in accordance with Board rules; ○ Under General Supervision Agreement if at least three-years' experience under <i>general supervision</i> of dentist with at least three-years' experience; ○ Under a local anesthetics endorsement, administer local anesthetics under the <i>direct supervision</i> and by the Rx of a dentist. • Rule 10.6: Dental hygienist practicing under General Supervision Agreement may (as approved in agreement): <ul style="list-style-type: none"> ○ Take vital signs; ○ Perform oral inspection; ○ Perform charting; ○ Provide patient info for referrals or follow-up dental care; ○ Provide dental health education and oral hygiene instructions; ○ Assess patient treatment needs and provide 	<p>S.20, Sec. 1, 26 V.S.A. § 613:</p> <ul style="list-style-type: none"> • Oral health care services, incl. prevention, evaluation, and assessment; education; palliative therapy; and restoration under the general supervision of a dentist within the parameters of a collaborative agreement. • Can only be performed in practice settings or areas with a significant volume of low-income, uninsured, or underserved patients. (<i>Sunset of this limitation scheduled for 7/1/20 via S.20, Sec. 4.</i>) • Unless further limited by a collaborative agreement a DT may perform: <ul style="list-style-type: none"> ○ Oral health instruction and disease prevention education; ○ Periodontal charting and screening exam; ○ Exposing radiographs; ○ Dental prophylaxis; ○ Prescribing, dispensing, and administering analgesics, anti-inflammatories, and antibiotics; 	<ul style="list-style-type: none"> • 26 V.S.A. § 561(3): "Practicing dentistry" means: <ul style="list-style-type: none"> ○ Diagnose, treat, or prescribe for lesions, diseases, disorders, deficiencies of the oral cavity, teeth, gingiva, maxilla, or mandible or adjacent assoc. structures; ○ Extract teeth or corrects malpositions of teeth or jaws; ○ Work with prosthetic dentures, bridges, appliances, or other structures use or warn as natural teeth substitutes, except on the Rx of and by the use of impressions or casts made by a dentist; ○ Administer general anesthesia; ○ Administer local anesthetics, except by dental hygienists authorized by rule; or ○ Engages in any of the practices incl. in the curricula of recognized dental colleges.

Scope of Practice (continued)

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Scope of Practice (continued)		<p>program, may perform all extraoral duties, and assist dentist or clinical staff during intraoral procedures, as assigned by the dentist. Rule 7.6.</p> <ul style="list-style-type: none"> ○ If not a graduate of a CODA-accredited program, cannot perform coronal polishing or apply dental sealants until after six months of work. Rule 7.7. ● Certified dental assistant. All duties for which the CDA has received training. Rule 7.9. ● Expanded function dental assistant. The functions for which the EFDA has been trained. Rule 7.12. ● 26 V.S.A. § 642(b): A dental assistant shall not perform the following: <ul style="list-style-type: none"> ○ Diagnosis, treatment, planning, or prescribing, incl. for drugs and medicaments or authorization for restorative, prosthodontic, or orthodontic appliances; or ○ Surgical procedures on the hard or soft tissues within the oral cavity or any other intraoral procedure that contributes to or results in an irremediable alteration of the oral anatomy. 	<p>assessment to patient;</p> <ul style="list-style-type: none"> ○ If determined necessary, expose and process radiographs, and apply fluoride, desensitizing agents, and sealants; ○ In appropriate circumstances when there are no medical contra-indications, provide prophylaxis adult or child, and full-mouth debridement to enable comprehensive evaluation and diagnosis; and ○ Provide for patients with mild periodontitis (defined) periodontal maintenance, scaling, and root planning. 	<ul style="list-style-type: none"> ○ Applying topical preventive or prophylactic agents; ○ Pulp vitality testing; ○ Applying desensitizing medication or resin; ○ Fabricating athletic mouthguards; ○ Placement of temporary restorations; ○ Fabricating soft occlusal guards; ○ Tissue conditioning and soft relines; ○ Interim therapeutic restorations; ○ Changing periodontal dressings; ○ Tooth reimplantation and stabilization; ○ Administering local anesthetic (<i>note an endorsement would not be required as it is for dental hygienists</i>); ○ Administering nitrous oxide; ○ Oral evaluation and assessment of dental disease; ○ Formulating an individualized treatment plan; ○ Extractions of primary teeth; ○ Nonsurgical extractions under certain circumstances; ○ Emergency palliative treatment of dental pain; ○ Placement and removal of space maintainers; ○ Cavity preparation; ○ Restoring primary and permanent teeth, not incl. permanent tooth crowns, bridges, or denture fabrication; ○ Placement of temporary crowns; ○ Preparation of placement and preformed crowns; ○ Pulpotomies on primary teeth; ○ Pulp capping on primary and permanent teeth; ○ Suture removal; ○ Brush biopsies; ○ Repairing defective prosthetic devices; ○ Recementing permanent crowns; ○ Mechanical polishing. 	<ul style="list-style-type: none"> ● 26 V.S.A. § 566: Nondental anesthesia under certain circumstances and held to same standard of care as a physician administering anesthesia. ● Rule 1.11(a): Following performed by dentists only: <ul style="list-style-type: none"> ○ (1) Diagnosis, treatment planning, and prescription; ○ (2) Surgical procedures on hard and soft tissues & other intraoral procedures that contribute to & result in “irreversible alteration to the oral anatomy.” <p>Key**: Green: Appears these current dentist-only practices could be performed by a dental therapist under S.20. Red: Appears these are practices that could still only be performed by a dentist. **Please consult with dental professionals to confirm the above</p> <ul style="list-style-type: none"> ● Rule 1.11(b): Following performed by dentist or dental hygienist: <ul style="list-style-type: none"> ○ Oral prophylaxis & debridement; and ○ periodontal descriptions & charting, incl. probing & placement of subgingival chemotherapeutic agents
	Special Endorsements	<ul style="list-style-type: none"> ● Radiograph endorsement. Rule 7.13. <ul style="list-style-type: none"> ○ Available for traditional dental assistants. Rule 7.6. ○ Qualifications: 18 yrs. old; successful completion of CODA-accredited radiology 	<ul style="list-style-type: none"> ● Local anesthesia endorsement. Rule 6.9. <ul style="list-style-type: none"> ○ Allows administration of local anesthesia. ○ Qualifications: 24-hrs. coursework by CODA-accredited institution and written exam. Rule 6.9. ○ Renewals: Admin. at least 50 injections during 		<ul style="list-style-type: none"> ● Conscious Sedation Endorsement. Rule 5.7 (if dentist does not have a General Anesthesia Endorsement Rule 5.3(e); Rule 5.10). <ul style="list-style-type: none"> ○ Qualifications: education, training,

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	<p>course; and six months DA employment or radiology endorsement from another juris. Rule 7.13.</p> <p>○ “A registrant applying to reinstate dental radiography privileges after a lapse of ten years must successfully complete an approved radiography course.” Rule 8.7.</p>	<p>previous 5 yrs. or coursework. Rule 6.11.</p> <ul style="list-style-type: none"> • Expanded function dental assistant (registration). Rule 6.12. ○ Qualifications: CODA-accredited program for expanded function dental assisting. ○ Scope of practice is those duties for which the dental hygienist is trained. Rule 6.13. 	<p>CODA certification or endorsement. Rule 5.11.</p> <ul style="list-style-type: none"> ○ There must be at least one licensed or registered assistant who has certification in cardio pulmonary resuscitation & is capable to assist. ○ A dental assistant or dental hygienist, trained in airway management, must remain with patient. Rule 5.13(b). ○ Endorsed dentist may permit a certified registered nurse anesthetist to administer, but such use does not relieve dentist of responsibility for the patient. Rule 5.20. ○ Continued competence reqs. (education, practice, training). Rule 5.19. • General Anesthesia Endorsement. Rule 5.7; Rule 5.24. (GA is controlled state of unconsciousness & at least partial loss of protective reflexes. Rule 5.3(g).) <ul style="list-style-type: none"> ○ Allows administration of general anesthesia, parenteral deep sedation, parenteral sedation, & parenteral conscious sedation. Rule 5.25. ○ Required for deep sedation. Rule 5.3(f). ○ Qualifications: properly staffed & equipped facility; min. training; certain CODA residency or association reqs. Rule 5.26. ○ Endorsement not required for dentists administering anesthesia or sedation under supervision by physician or dentist credentialed by hospital to provide anesthesia. Rule 5.28. ○ Renewals (reqs. not specified). Rule 5.29. <p><u>No special endorsement</u> req. to employ:</p> <ul style="list-style-type: none"> • Nitrous oxide. Rule 5.5(a). <ul style="list-style-type: none"> ○ Registered dental assistants and dental hygienists may monitor nitrous oxide during a dental procedure under <i>direct supervision</i> of dentist. ○ Administration, Rx, initiation, levels, release, discharge shall be performed by
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					& responsibility of supervising dentist. <ul style="list-style-type: none"> • Local anesthesia (by dentists). Rule 5.5(b). • Anxiolysis (anxiety-reducing Rx on conscious patient) (by dentists). Rule 5.5(c).
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DEFINITIONS

Direct supervision: Dentist agreeing to procedures or treatment performed by appropriate personnel by being readily available at the dental facility for consultation or intervention. [26 V.S.A. § 561\(6\)](#); [Rule 2.1\(k\)](#).

General supervision:

(Re: dental therapists:) The direct or indirect oversight of a dental therapist by a dentist, which need not be on-site. [S.20, Sec. 1, 26 V.S.A. § 561\(8\)](#).

- **Perhaps amend this language to acknowledge the current definition “general supervision” of dental hygienists by dentists as already described in Board rules, below. Board rulemaking authority re: this issue set forth in [26 V.S.A. § 624](#).**
- **A potential amendment could be to add “.or the direct or indirect oversight of a dental hygienist by a dentist as prescribed by Board rule”**

(Re: dental hygienists (current law):)

(1) *In the office a dentist*: Dentist with the responsibility to periodically examine patients, agreeing to procedures or treatment performed by appropriate personnel. [Rule 2.1\(n\)\(1\)](#).

(2) *In a public or private institution*: Supervision by a dentist with no fewer than three years’ experience in accordance with a general supervision agreement as set forth in Part 10 of the rules. When providing general supervision, the dentist must be available for consultation by does not have to be physically present at the site where dental hygiene services are provided. [Rule 2.1\(n\)\(2\)](#).

Supervising dentist: The dentist in a practice who is designated to ensure compliance with the licensing and registration requirements of the rules. The designation need not be formal and is not required to be reported to the Board. Each dentist in a practice is charged with ensuring that there is a designated supervising dentist. If no dentist has been designated as the supervising dentist, every dentist in the practice is responsible for ensuring compliance with the licensing and registration requirements of the rules. [Rule 2.1\(w\)](#). See also [Rule 3.3\(a\)](#).