

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 patients who are low income, or who are  
13 uninsured or underserved.

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 § 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  
11 ~~state~~ 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  
21           hygienists; 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 (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	<del>(C)</del> (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	<del>(C)</del> (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.

21       Sec. 6. EFFECTIVE DATE

22           This act shall take effect on passage.

1

2

3 (Committee vote: \_\_\_\_\_)

4

\_\_\_\_\_

5

Representative \_\_\_\_\_

6

FOR THE COMMITTEE