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2 Introduced by Senators Ayer, Sirotkin, and White

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; dental practitioners

6 Statement of purpose of bill as introduced: This bill proposes to establish and

7 regulate licensed dental practitioners.

8 An act relating to establishing and regulating licensed dental practitioners

9 It is hereby enacted by the General Assembly of the State of Vermont:

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

11 CHAPTER 12. DENTISTS, DENTAL PRACTITIONERS, DENTAL

12 HYGIENISTS, AND DENTAL ASSISTANTS

13 Subchapter 1. General Provisions

14 § 561. DEFINITIONS

15 As used in this chapter:

16 (1) "Board" means the ~~board of dental examiners~~ Board of Dental

17 Examiners.

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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 practitioner” means an individual licensed to practice as a
20 dental practitioner under this chapter.

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

3 ~~(5)(6)~~ “Dental assistant” means an individual registered to practice as a
4 dental assistant under this chapter.

5 ~~(6)(7)~~ “Direct supervision” means supervision by a licensed dentist who
6 is readily available at the dental facility for consultation or intervention.

7 ~~(8) “General supervision” means the direct or indirect oversight of a~~
8 ~~dental practitioner by a dentist, which need not be on-site.~~

9 (8) “General supervision” means:

10 (A) For a dental practitioner with a Master’s degree or higher, a
11 dentist’s supervision of a dental practitioner’s oral health care services that
12 does not require the dentist to be on-site at the time those services are being
13 performed, but that requires the dental practitioner to perform those services
14 with the prior knowledge and consent of the dentist.

15 (B) For a dental practitioner with less than a Master’s degree:

16 (i) for the oral health care services set forth in subdivisions (b)(1)-
17 (14), (16)-(19), and (34) of section 612 of this chapter, the supervision
18 described in subdivision (8)(A) of this section; and

19 (ii) for all other oral health care services set forth in subsection
20 612(b) of this chapter that are not described in subdivision (i) of this

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1 subdivision (B), supervision that requires the dentist to authorize those services
2 and remain on-site while the dental practitioner performs them.

3 § 562. PROHIBITIONS

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

8 (b) No person may practice as a dentist, dental practitioner, or dental
9 hygienist unless currently licensed to do so under the provisions of this
10 chapter.

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

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

15 * * *

16 § 565. DISPLAY OF LICENSE OR REGISTRATION

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

20 * * *

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1 Subchapter 2. Board of Dental Examiners

2 * * *

3 § 584. UNPROFESSIONAL CONDUCT

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

11 * * *

12 Subchapter 3A. Dental Practitioners

13 § 611. LICENSE BY EXAMINATION

14 (a) Qualifications for examination. To be eligible for examination for
15 licensure as a dental practitioner, an applicant shall:

16 (1) have attained the age of majority;

17 (2) be a licensed dental hygienist;

18 (3) be a graduate of a dental practitioner educational program

19 administered by an institution accredited **by the Commission on Dental**

20 **Accreditation** to train dentists or dental hygienists; and

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

3 (b) Completion of examination.

4 (1) An applicant for licensure meeting the qualifications for examination
5 set forth in subsection (a) of this section shall pass a comprehensive,
6 competency-based clinical examination approved by the Board and
7 administered independently of an institution providing dental practitioner
8 education. An applicant shall also pass an examination testing the applicant's
9 knowledge of the Vermont laws and rules relating to the practice of dentistry
10 approved by the Board.

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

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

16 § 611a. LICENSE BY ENDORSEMENT

17 The Board may grant a license as a dental practitioner to an applicant who:

18 (1) is currently licensed in good standing to practice as a dental
19 practitioner or dental therapist in any jurisdiction of the United States or

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1 Canada that has licensing requirements deemed by the Board to be at least
2 substantially equivalent to those of this State;

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

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

6 § 612. PRACTICE; SCOPE OF PRACTICE

7 (a) A person who provides oral health care services, including prevention,
8 evaluation, and assessment; education; palliative therapy; and restoration under
9 the general supervision of a dentist within the parameters of a collaborative
10 agreement as provided under section 613 of this subchapter shall be regarded
11 as practicing as a dental practitioner within the meaning of this chapter.

12 (b) In addition to services permitted by the Board by rule, a dental
13 practitioner may perform the following 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 (4) Dental prophylaxis.

19 (5) Prescribing, dispensing, and administering analgesics,

20 anti-inflammatories, and antibiotics.

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- 1 (6) Applying topical preventive or prophylactic agents, including
2 fluoride varnishes, antimicrobial agents, and pit and fissure sealants.
- 3 (7) Pulp vitality testing.
- 4 (8) Applying desensitizing medication or resin.
- 5 (9) Fabricating athletic mouthguards.
- 6 (10) Placement of temporary restorations.
- 7 (11) Fabricating soft occlusal guards.
- 8 (12) Tissue conditioning and soft reline.
- 9 (13) Interim therapeutic restorations.
- 10 (14) Changing periodontal dressings.
- 11 (15) Tooth reimplantation and stabilization.
- 12 (16) Administering local anesthetic.
- 13 (17) Administering nitrous oxide.
- 14 (18) Oral evaluation and assessment of dental disease.
- 15 (19) Formulating an individualized treatment plan, including services
16 within the dental practitioner's scope of practice and referral for services
17 outside the dental practitioner's scope of practice.
- 18 (20) Extractions of primary teeth.

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

4 (22) Emergency palliative treatment of dental pain.

5 (23) Placement and removal of space maintainers.

6 (24) Cavity preparation.

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

9 (26) Placement of temporary crowns.

10 (27) Preparation and placement of preformed crowns.

11 (28) Pulpotomies on primary teeth.

12 (29) Indirect and direct pulp capping on primary and permanent teeth.

13 (30) Suture removal.

14 (31) Brush biopsies.

15 (32) Repairing defective prosthetic devices.

16 (33) Recementing permanent crowns.

17 (34) Mechanical polishing.

18 § 613. COLLABORATIVE AGREEMENT

19 (a) Before a dental practitioner may enter into his or her first collaborative
20 agreement, he or she shall:

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1 (1) have 400 hours of field experience under the direct supervision of a
2 dentist; and

3 (2) receive signed approval from that supervising dentist.

4 (b) In order to practice as a dental practitioner, a dental practitioner shall
5 enter into a written collaborative agreement with a dentist. The agreement
6 shall include:

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

9 (2) any limitations on the services that may be provided by the dental
10 practitioner, including the level of supervision required by the supervising
11 dentist;

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

14 (4) a procedure for creating and maintaining dental records for the
15 patients that are treated by the dental practitioner;

16 (5) a plan to manage medical emergencies in each practice setting where
17 the dental practitioner provides care;

18 (6) a quality assurance plan for monitoring care provided by the dental
19 practitioner, including patient care review, referral follow-up, and a quality
20 assurance chart review;

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1 (7) protocols for prescribing, administering, and dispensing medications,

2 including the specific conditions and circumstances under which these

3 medications may be dispensed and administered;

4 (8) criteria relating to the provision of care to patients with specific

5 medical conditions or complex medication histories, including requirements

6 for consultation prior to the initiation of care;

7 (9) supervision criteria of dental assistants and dental hygienists; and

8 (10) a plan for the provision of clinical resources and referrals in

9 situations that are beyond the capabilities of the dental practitioner.

10 (c)(1) The supervising dentist shall accept responsibility for all services

11 authorized and performed by the dental practitioner pursuant to the

12 collaborative agreement.

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

14 (3) A supervising dentist is limited to entering into a collaborative

15 agreement with no more than two dental practitioners at any one time.

16 (d)(1) A collaborative agreement shall be signed and maintained by the

17 supervising dentist and the dental practitioner.

18 (2) A collaborative agreement shall be reviewed, updated, and submitted

19 to the Board on an annual basis or as soon as a change is made to the

20 agreement.

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1 § 614. APPLICATION OF OTHER LAWS

2 (a) A dental practitioner authorized to practice under this chapter shall not
3 be in violation of section 562 of this chapter as it relates to the unauthorized
4 practice of dentistry if the practice is authorized under this chapter and under
5 the collaborative agreement.

6 (b) A dentist who permits a dental practitioner to perform a dental service
7 other than those authorized under this chapter or by the Board by rule or any
8 dental practitioner who performs an unauthorized service shall be in violation
9 of section 584 of this chapter.

10 § 615. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

11 (a) A licensed dental practitioner may supervise dental assistants and dental
12 hygienists directly to the extent permitted in the collaborative agreement.

13 (b) At any one practice setting, a licensed dental practitioner may have
14 under his or her direct supervision no more than a total of two assistants,
15 hygienists, or combination thereof.

16 § 616. REFERRALS

17 (a) The supervising dentist is responsible for arranging for another dentist
18 or specialist to provide any necessary services needed by a patient that are
19 beyond the scope of practice of the dental practitioner and which the
20 supervising dentist is unable to provide.

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1 professional education which shall include an emergency office procedures
2 course during the two-year licensing period preceding renewal.

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

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

11 § 662. FEES

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

14 (1) Application

15 (A) Dentist \$ 225.00

16 (B) Dental practitioner \$ 185.00

17 (C) Dental hygienist \$ 150.00

18 ~~(C)~~(D) Dental assistant \$ 60.00

19 (2) Biennial renewal

20 (A) Dentist \$ 355.00

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1 (B) Dental practitioner \$ 225.00

2 (C) Dental hygienist \$ 125.00

3 ~~(C)~~(D) Dental assistant \$ 75.00

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

9 * * *

10 **Sec. 2. AFFILIATION WITH THE STATE OF MINNESOTA**

11 (a) License by endorsement. For the purposes of 26 V.S.A. § 611a (license
12 by endorsement) in Sec. 1 of this act, a person licensed as a dental therapist in
13 the State of Minnesota who has been certified by the Minnesota Board of
14 Dentistry to practice as an advanced dental therapist shall be deemed to meet
15 the requirements of 26 V.S.A. § 611a(1).

16 (b) Vermont State Colleges and University of Vermont.

17 (1) The Board of Trustees of the Vermont State Colleges shall and the
18 Board of Trustees of the University of Vermont may explore the potential of
19 entering into an affiliation agreement with colleges in the State of Minnesota
20 that have an accredited dental therapy program so that the college credits of a

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1 Vermont State College student or a University of Vermont student can transfer
2 into such a program in order for the student to attend the program.

3 (2) On or before January 1, 2017, those Boards of Trustees shall report
4 to the Senate Committees on Health and Welfare and on Government
5 Operations and the House Committees on Health Care and on Government
6 Operations regarding the efforts of the Boards and any success in reaching an
7 affiliation agreement with the State of Minnesota.

8 Sec. 3. BOARD OF DENTAL EXAMINERS; REPORT ON GEOGRAPHIC
9 DISTRIBUTION AND GENERAL SUPERVISION OF DENTAL
10 PRACTITIONERS

11 No earlier than two years after the effective date of this act but on or before
12 January 1, 2018, the Board of Dental Examiners shall report to the Senate
13 Committees on Health and Welfare and on Government Operations and the
14 House Committees on Health Care and on Government Operations regarding:

15 (1) Geographic distribution.

16 (A) The geographic distribution of licensed dental practitioners
17 practicing in this State.

18 (B) The geographic areas of this State that are underserved by
19 licensed dental practitioners.

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1 (C) The Board's recommended incentives to promote the practice of
2 licensed dental practitioners in underserved areas of this State, particularly
3 those areas that are rural in nature and have high numbers of people living in
4 poverty.

5 (2) General supervision. The Board's analysis of the effectiveness of
6 the requirement that a dental practitioner be under the general supervision of a
7 dentist as described in 26 V.S.A. § 561, and any recommendations for
8 amendments to that general supervision requirement. In its report, the Board
9 shall address whether a dental practitioner should be able to practice under less
10 stringent supervision requirements and if so, under what conditions.

11 ~~Sec. 2~~ Sec. 4. EFFECTIVE DATE

12 This act shall take effect on July 1, 2015.