

1 S.20

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.

18 (2) "Director" means the ~~director of the office of professional regulation~~
19 Director of the Office of Professional Regulation.

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

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

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

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

12 (D) administers general dental anesthetics;

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

15 (F) engages in any of the practices included in the curricula of
16 recognized dental colleges.

17 (4) “Dental practitioner” means an individual licensed to practice as a
18 dental practitioner under this chapter.

19 (5) “Dental hygienist” means an individual licensed to practice as a
20 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 the direct or indirect oversight of a~~
6 ~~dental practitioner by a dentist, which need not be on-site.~~

7 (8) “General supervision” means:

8 (A) For a dental practitioner with a Master’s degree or higher:

9 (i) direct supervision whereby, at a minimum, the supervising
10 dentist is readily available at the dental facility by being on-call to ensure
11 patient safety; or

12 (ii) indirect supervision, which need not be on-site, except that
13 indirect supervision shall not include telemedicine. In this subdivision,
14 “telemedicine” shall have the same meaning as in 8 V.S.A. § 4100k.

15 (B) For a dental practitioner with less than a Master’s degree, direct
16 supervision whereby, at a minimum, the supervising dentist is readily available
17 at the dental facility by being on-call to ensure patient safety.

18 § 562. PROHIBITIONS

19 (a) No person may use in connection with a name any words, including
20 “Doctor of Dental Surgery” or “Doctor of Dental Medicine,” or any letters,

1 signs, or figures, including the letters “D.D.S.” or “D.M.D.,” which imply that
2 a person is a licensed dentist when not authorized under this chapter.

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

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

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

10 * * *

11 § 565. DISPLAY OF LICENSE OR REGISTRATION

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

15 * * *

16 Subchapter 2. Board of Dental Examiners

17 * * *

18 § 584. UNPROFESSIONAL CONDUCT

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

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

6 * * *

7 Subchapter 3A. Dental Practitioners

8 § 611. LICENSE BY EXAMINATION

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

11 (1) have attained the age of majority;

12 (2) be a licensed dental hygienist;

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

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

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

16 (4) 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) An applicant for licensure meeting the qualifications for examination
20 set forth in subsection (a) of this section shall pass a comprehensive,

1 competency-based clinical examination approved by the Board and
2 administered independently of an institution providing dental practitioner
3 education. An applicant shall also pass an examination testing the applicant's
4 knowledge of the Vermont laws and rules relating to the practice of dentistry
5 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 **§ 611a. LICENSE BY ENDORSEMENT**

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

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

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

19 **(3) pays the application fee set forth in section 662 of this chapter.**
20

1 § 612. 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 613 of this subchapter shall be regarded
6 as practicing as a dental practitioner within the meaning of this chapter.

7 (b) In addition to services permitted by the Board by rule, a dental
8 practitioner may perform the following oral health care services:

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

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

12 (3) Exposing radiographs.

13 (4) Dental prophylaxis.

14 (5) Prescribing, dispensing, and administering analgesics,
15 anti-inflammatories, and antibiotics.

16 (6) Applying topical preventive or prophylactic agents, including
17 fluoride varnishes, antimicrobial agents, and pit and fissure sealants.

18 (7) Pulp vitality testing.

19 (8) Applying desensitizing medication or resin.

20 (9) Fabricating athletic mouthguards.

- 1 (10) Placement of temporary restorations.
- 2 (11) Fabricating soft occlusal guards.
- 3 (12) Tissue conditioning and soft reline.
- 4 (13) Interim therapeutic restorations.
- 5 (14) Changing periodontal dressings.
- 6 (15) Tooth reimplantation and stabilization.
- 7 (16) Administering local anesthetic.
- 8 (17) Administering nitrous oxide.
- 9 (18) Oral evaluation and assessment of dental disease.
- 10 (19) Formulating an individualized treatment plan, including services
11 within the dental practitioner's scope of practice and referral for services
12 outside the dental practitioner's scope of practice.
- 13 (20) Extractions of primary teeth.
- 14 (21) Nonsurgical extractions of periodontally diseased permanent teeth
15 with tooth mobility of +3. A dental practitioner shall not extract a tooth if it is
16 unerupted, impacted, fractured, or needs to be sectioned for removal.
- 17 (22) Emergency palliative treatment of dental pain.
- 18 (23) Placement and removal of space maintainers.
- 19 (24) Cavity preparation.

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

3 (26) Placement of temporary crowns.

4 (27) Preparation and placement of preformed crowns.

5 (28) Pulpotomies on primary teeth.

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

7 (30) Suture removal.

8 (31) Brush biopsies.

9 (32) Repairing defective prosthetic devices.

10 (33) Recementing permanent crowns.

11 (34) Mechanical polishing.

12 § 613. COLLABORATIVE AGREEMENT

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

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

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

18 (b) In order to practice as a dental practitioner, a dental practitioner shall
19 enter into a written collaborative agreement with a dentist. The agreement
20 shall 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 practitioner, including the level of supervision required by the supervising
5 dentist;
- 6 (3) age- and procedure-specific practice protocols, including case
7 selection criteria, assessment guidelines, and imaging frequency;
- 8 (4) a procedure for creating and maintaining dental records for the
9 patients that are treated by the dental practitioner;
- 10 (5) a plan to manage medical emergencies in each practice setting where
11 the dental practitioner provides care;
- 12 (6) a quality assurance plan for monitoring care provided by the dental
13 practitioner, including patient care review, referral follow-up, and a quality
14 assurance chart review;
- 15 (7) protocols for prescribing, administering, and dispensing medications,
16 including the specific conditions and circumstances under which these
17 medications may be dispensed and administered;
- 18 (8) criteria relating to the provision of care to patients with specific
19 medical conditions or complex medication histories, including requirements
20 for consultation prior to the initiation of care;

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

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

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

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

5 authorized and performed by the dental practitioner pursuant to the

6 collaborative agreement.

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

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

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

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

11 supervising dentist and the dental practitioner.

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

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

14 agreement.

15 § 614. APPLICATION OF OTHER LAWS

16 (a) A dental practitioner authorized to practice under this chapter shall not

17 be in violation of section 562 of this chapter as it relates to the unauthorized

18 practice of dentistry if the practice is authorized under this chapter and under

19 the collaborative agreement.

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 practitioners. To renew a license, a dental practitioner shall
14 meet active practice requirements established by the Board by rule and
15 document 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
20 document completion of no fewer than 18 hours of ~~board-approved~~

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

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

6 § 662. FEES

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

9 (1) Application

10 (A) Dentist \$ 225.00

11 (B) Dental practitioner \$ 185.00

12 (C) Dental hygienist \$ 150.00

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

14 (2) Biennial renewal

15 (A) Dentist \$ 355.00

16 (B) Dental practitioner \$ 225.00

17 (C) Dental hygienist \$ 125.00

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

19 (b) The licensing fee for a dentist, dental practitioner, or dental hygienist or
20 the registration fee for a dental assistant who is otherwise eligible for licensure

1 or registration and whose practice in this ~~state~~ State will be limited to
2 providing pro bono services at a free or reduced-fee clinic or similar setting
3 approved by the ~~board~~ Board shall be waived.

4 * * *

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

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

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

12 (1) The Board of Trustees of the Vermont State Colleges shall and the
13 Board of Trustees of the University of Vermont may explore the potential of
14 entering into an affiliation agreement with colleges in the State of Minnesota
15 that have an accredited dental therapy program so that the college credits of a
16 Vermont State College student or a University of Vermont student can transfer
17 into such a program in order for the student to attend the program.

18 (2) On or before January 1, 2017, those Boards of Trustees shall report
19 to the Senate Committees on Health and Welfare and on Government
20 Operations and the House Committees on Health Care and on Government

1 Operations regarding the efforts of the Boards and any success in reaching a
2 reciprocal agreement with the State of Minnesota.

3 **Sec. 3. GEOGRAPHIC DISTRIBUTION OF DENTAL PRACTITIONERS**

4 No earlier than two years after the effective date of this act but on or before
5 January 1, 2018, the Board of Dental Examiners shall report to the Senate
6 Committee on Health and Welfare and the House Committee on Health Care
7 regarding:

8 (1) the geographic distribution of licensed dental practitioners practicing
9 in this State;

10 (2) the geographic areas of this State that are underserved by licensed
11 dental practitioners; and

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

16 ~~Sec. 2~~ **Sec. 4. EFFECTIVE DATE**

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