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H.1

Introduced by Representatives Klein of East Montpelier and French of

Randolph

Referred to Committee on

Date:

Subject: Professions and occupations; dental practitioners

Statement of purpose of bill as introduced: This bill proposes to establish and regulate licensed dental practitioners.

An act relating to establishing and regulating licensed dental practitioners

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

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

CHAPTER 12. DENTISTS, DENTAL PRACTITIONERS, DENTAL  
HYGIENISTS, AND DENTAL ASSISTANTS

Subchapter 1. General Provisions

§ 561. DEFINITIONS

As used in this chapter:

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

(2) “Director” means the ~~director of the office of professional regulation~~  
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 § 565. DISPLAY OF LICENSE OR REGISTRATION

2 Every dentist, dental practitioner, 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 \* \* \*

8 § 584. UNPROFESSIONAL CONDUCT

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

16 \* \* \*

17 Subchapter 3A. Dental Practitioners

18 § 611. LICENSE BY EXAMINATION

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

21 (1) have attained the age of majority;

1           (2) be a licensed dental hygienist;

2           (3) be a graduate of a dental practitioner educational program  
3           administered by an institution accredited to train dentists or dental  
4           hygienists; and

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

7           (b) Completion of examination.

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

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

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

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.

21                (10) Placement of temporary restorations.

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

1           (27) Preparation and placement of preformed crowns.

2           (28) Pulpotomies on primary teeth.

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

4           (30) Suture removal.

5           (31) Brush biopsies.

6           (32) Repairing defective prosthetic devices.

7           (33) Recementing permanent crowns.

8           (34) Mechanical polishing.

9           § 613. COLLABORATIVE AGREEMENT

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

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

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

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

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



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

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

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

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

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

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

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

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

20           (10) a plan for the provision of clinical resources and referrals in  
21           situations that are beyond the capabilities of the dental practitioner.

1       (c)(1) The supervising dentist shall accept responsibility for all services  
2       authorized and performed by the dental practitioner pursuant to the  
3       collaborative agreement.

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

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

7       (d)(1) A collaborative agreement shall be signed and maintained by the  
8       supervising dentist and the dental practitioner.

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

12       § 614. APPLICATION OF OTHER LAWS

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

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



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

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

6 (d) Dentists.

7 \* \* \*

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

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

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

1 § 662. FEES

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

4 (1) Application

5	(A) Dentist	\$ 225.00
6	(B) <u>Dental practitioner</u>	<u>\$ 185.00</u>
7	(C) Dental hygienist	\$ 150.00
8	<del>(C)</del> (D) Dental assistant	\$ 60.00

9 (2) Biennial renewal

10	(A) Dentist	\$ 355.00
11	(B) <u>Dental practitioner</u>	<u>\$ 225.00</u>
12	(C) Dental hygienist	\$ 125.00
13	<del>(C)</del> (D) Dental assistant	\$ 75.00

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

19 \* \* \*

20 Sec. 2. EFFECTIVE DATE

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