

1 S.35

2 Introduced by Senators White and Ayer

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.

20 (3) "Practicing dentistry" means an activity in which a person:

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

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

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

11 (D) administers general dental anesthetics;

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

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

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

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

20 ~~(5)(6)~~ “Dental assistant” means an individual registered to practice as a
21 dental assistant under this chapter.

1 * * *

2 Subchapter 2. Board of Dental Examiners

3 * * *

4 § 584. UNPROFESSIONAL CONDUCT

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

12 * * *

13 Subchapter 3A. Dental Practitioners

14 § 611. LICENSE BY EXAMINATION

15 (a) Qualifications for examination.

16 (1) To be eligible for examination for licensure as a dental practitioner,
17 an applicant shall:

18 (A) have attained the age of majority;

19 (B) be a graduate of a dental practitioner educational program that
20 provides at a minimum a three-year accelerated bachelor's degree which
21 includes at least 400 hours of dental practitioner clinical practice under the

1 general supervision of a licensed dentist and which is administered by an
2 institution accredited to train dentists, dental hygienists, or dental
3 assistants; and

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

6 (2) A dental hygienist may fulfill the education requirements of
7 subdivision (1)(B) of this subsection by completing at least one year of dental
8 practitioner education and training established by the Board by rule.

9 (b) Completion of examination.

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

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

20 (c) The Board may grant a license to an applicant who has met the
21 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 chapter shall be regarded as
6 practicing as a dental practitioner within the meaning of this chapter.

7 (b) In addition to services permitted by the Board by rule, a licensed 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) partial periodontal charting, including periodontal screening exam,
12 but the dental practitioner shall not perform a full periodontal charting;

13 (3) radiographing;

14 (4) dental prophylaxis, including removal of visible calculus;

15 (5) prescribing, dispensing, and administering analgesics,
16 anti-inflammatories, and antibiotics;

17 (6) applying topical preventive or prophylactic agents, including
18 fluoride varnishes, antimicrobial agents, and pit and fissure sealants;

19 (7) pulp vitality testing;

20 (8) applying desensitizing medication or resin;

21 (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 permanent teeth;
- 15 (22) emergency palliative treatment of dental pain;
- 16 (23) placement and removal of space maintainers;
- 17 (24) cavity preparation;
- 18 (25) restoring primary and permanent teeth, not including permanent
19 tooth crowns, bridges, or denture fabrication;
- 20 (26) placement of temporary crowns;
- 21 (27) preparation and placement of preformed crowns;

1 (28) pulpotomies on primary teeth;

2 (29) indirect and direct pulp capping on primary and permanent teeth;

3 (30) suture removal;

4 (31) brush biopsies;

5 (32) repairing defective prosthetic devices;

6 (33) recementing permanent crowns; and

7 (34) mechanical polishing.

8 (c) A dental practitioner may only provide dental hygiene services under
9 subsection (a) of this section if, in addition to completing a qualified dental
10 practitioner education program, the dental practitioner has completed one year
11 of dental hygiene education and training from an accredited dental hygiene
12 educational program as determined by the Board by rule.

13 § 613. COLLABORATIVE AGREEMENT

14 (a) Prior to performing any of the services authorized under this chapter, a
15 dental practitioner must enter into a written collaborative agreement with a
16 dentist. A supervising dentist is limited to entering into a collaborative
17 agreement with no more than two dental practitioners at any one time. The
18 agreement shall include:

19 (1) practice settings where services may be provided and the populations
20 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 (b) The supervising dentist shall accept responsibility for all services
2 authorized and performed by the dental practitioner pursuant to the
3 collaborative agreement. A supervising dentist must be licensed and practicing
4 in Vermont. Any licensed dentist who permits a dental practitioner to perform
5 a dental service other than those authorized pursuant to this chapter or by the
6 Board by rule or any dental practitioner who performs an unauthorized service
7 shall be in violation of section 584 of this chapter.

8 (c) A collaborative agreement must be signed and maintained by the
9 supervising dentist and the dental practitioner. Agreements must be reviewed,
10 updated, and submitted to the Board on an annual basis or as soon as a change
11 is made to the agreement.

12 § 614. APPLICATION OF OTHER LAWS

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

17 § 615. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

18 A licensed dental practitioner may supervise dental assistants and dental
19 hygienists to the extent permitted in the collaborative agreement. A licensed
20 dental practitioner is limited to supervising no more than a total of three dental
21 assistants and two dental hygienists at any one practice setting.

1 * * *

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

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

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

15 § 662. FEES

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

18 (1) Application

19 (A) Dentist \$ 225.00

20 (B) Dental practitioner \$ 185.00

21 (C) Dental hygienist \$ 150.00

1	(C) (D) Dental assistant	\$ 60.00
2	(2) Biennial renewal	
3	(A) Dentist	\$ 355.00
4	(B) <u>Dental practitioner</u>	<u>\$ 225.00</u>
5	(C) Dental hygienist	\$ 125.00
6	(C) (D) Dental assistant	\$ 75.00

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

12 * * *

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage.