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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL  
HYGIENISTS

Introduced By: Representative Justine A. Caldwell

Date Introduced: March 01, 2024

Referred To: House Health & Human Services

(Dept. of Executive Office of Health and Human Services)

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 5-31.1-39 of the General Laws in Chapter 5-31.1 entitled "Dentists  
2 and Dental Hygienists" is hereby amended to read as follows:

3           **5-31.1-39. Public health hygienists.**

4           (a) Any public health dental hygienist, which for purposes of this chapter means any  
5 practicing registered dental hygienist who may perform dental-hygiene procedures in a public-  
6 health setting subject to conditions adopted by the Rhode Island board of examiners in dentistry,  
7 may perform in a public-health setting, without the immediate or direct supervision or direction of  
8 a dentist, any procedure or provide any service that is within the dental-hygiene scope of practice  
9 that has been authorized and adopted by the Rhode Island board of examiners in dentistry as a  
10 delegable procedure for a dental hygienist under general supervision in a private practice setting.

11           (b) Public-health settings shall, for purposes of this section, include, but are not limited to,  
12 residences of the homebound, schools, nursing home and long-term-care facilities, clinics,  
13 hospitals, medical facilities, community health centers licensed or certified by the department of  
14 health, mobile and portable dental-health programs licensed or certified by the department of health  
15 and operated by a local or state agency, head-start programs, and any other facilities or programs  
16 deemed appropriate by the department of health.

17           (c) Any public-health hygienist shall enter into a written, collaborative agreement with a  
18 local or state government agency or institution or with a licensed dentist who states that he or she

1 shall be able to provide the appropriate level of communication and consultation with the dental  
2 hygienist to ensure patient health and safety prior to performing any procedure or providing any  
3 service under this section. The written, collaborative agreement will follow the appropriate  
4 guidelines as determined and established by the Rhode Island board of examiners in dentistry.

5 (d) Any public-health dental hygienist shall provide to the patient, or to the patient's legal  
6 guardian, a consent form to be signed by the patient or legal guardian. The consent form shall be  
7 consistent with current department of health policies that describes services to be rendered and  
8 explains that services rendered are not a substitute for a dental examination by a dentist. The  
9 consent form shall also inform the patient or legal guardian that the patient should obtain a dental  
10 examination by a dentist within ninety (90) days after undergoing a procedure authorized pursuant  
11 to this section. The patient or legal guardian shall also obtain written referral to a dentist and an  
12 assessment of further dental needs.

13 (e) The public-health dental hygienist shall be directly reimbursed for services  
14 administered in a public-health setting by Medicaid or the state healthcare insurance program  
15 except as required by federal Medicaid law, ~~but shall not~~ and may seek reimbursement from any  
16 other insurance or third-party payor. A public-health dental hygienist shall not operate  
17 independently of a dentist, except for a dental hygienist working for a local or state government  
18 agency or institution or practicing in a mobile or portable prevention program licensed or certified  
19 by the department of health. In such cases, the local or state government agency or institution or  
20 mobile or portable prevention program licensed or certified by the department of health may seek  
21 reimbursement from any other third-party payor.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL  
HYGIENISTS

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- 1           This act would permit reimbursement for dental hygienists from "other insurance" or a
- 2   third party payor such as Medicare.
- 3           This act would take effect upon passage.

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