

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL
HYGIENISTS

Introduced By: Senators Nesselbush, Ciccone, P Fogarty, Satchell, and Goldin

Date Introduced: February 26, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

5-31.1-1. Definitions. -- As used in this chapter:

(1) "Board" means the Rhode Island board of examiners in dentistry or any committee or subcommittee of the board.

(2) "Chief of the division of oral health" means, the chief of the division of oral health of the Rhode Island department of health who is a licensed dentist ~~possessing a masters degree in public health or a certificate in public health from an accredited program~~ and who shall have had a minimum of one year of university graduate instruction in public health administration or its equivalent as evidenced by a certificate of graduation or a degree in public health, or board certification in a dental specialty.

(3) "Dental administrator" means the administrator of the Rhode Island board of examiners in dentistry.

(4) "Dental hygienist" means a person with a license to practice dental hygiene in this state under the provisions of this chapter.

(5) "Dentist" means a person with a license to practice dentistry in this state under the provisions of this chapter.

(6) "Dentistry" is defined as the evaluation, diagnosis, prevention, and/or treatment (non-

1 surgical, surgical, or related procedures) of diseases, disorders, and/or conditions of the oral
2 cavity, cranio-maxillofacial area, and/or the adjacent and associated structures and their impact on
3 the human body, provided by a dentist, within the scope of his or her education, training, and
4 experience, in accordance with the ethics of the profession and applicable law.

5 (7) "Department" means the Rhode Island department of health.

6 (7.1) "Direct visual supervision" means supervision by an oral and maxillofacial surgeon
7 (with a permit to administer deep sedation and general anesthesia) by verbal command and under
8 direct line of sight.

9 (8) "Director" means the director of the Rhode Island department of health.

10 (9) "Health care facility" means any institutional health service provider licensed
11 pursuant to the provisions of chapter 17 of title 23.

12 (10) "Health maintenance organization" means a public or private organization licensed
13 pursuant to the provisions of chapter 17 of title 23 or chapter 41 of title 27.

14 (11) "Limited registrant" means a person holding a limited registration certificate
15 pursuant to the provisions of this chapter.

16 (12) "Nonprofit medical services corporation" or "nonprofit hospital service corporation"
17 or "nonprofit dental service corporation" means any corporation organized pursuant to chapter 19
18 or 20 of title 27 for the purpose of establishing, maintaining and operating a nonprofit medical,
19 hospital, or dental service plan.

20 (13) "Peer review board" means any committee of a state, local, dental or dental hygiene,
21 association or society, or a committee of any licensed health care facility, or the dental staff of the
22 committee, or any committee of a dental care foundation or health maintenance organization, or
23 any staff committee or consultant of a hospital, medical, or dental service corporation, the
24 function of which, or one of the functions of which, is to evaluate and improve the quality of
25 dental care rendered by providers of dental care service or to determine that dental care services
26 rendered were professionally indicated or were performed in compliance with the applicable
27 standard of care or that the cost for dental care rendered was considered reasonable by the
28 providers of professional dental care services in the area and includes a committee functioning as
29 a utilization review committee under the provisions of P.L. 89-97, 42 U.S.C. § 1395 et. seq.,
30 (Medicare law) or as a professional standards review organization or statewide professional
31 standards review council under the provisions of P.L. 92-603, 42 U.S.C. § 1301 et seq.,
32 (professional standards review organizations) or a similar committee or a committee of similar
33 purpose, to evaluate or review the diagnosis or treatment of the performance or rendition of dental
34 services performed under public dental programs of either state or federal design.

1 (14) "Person" means any individual, partnership, firm, corporation, association, trust or
2 estate, state or political subdivision, or instrumentality of a state.

3 (15) "Practice of dental hygiene." Any person is practicing dental hygiene within the
4 meaning of this chapter who performs those services and procedures that a dental hygienist has
5 been educated to perform and which services and procedures are, from time to time, specifically
6 authorized by rules and regulations adopted by the board of examiners in dentistry. Nothing in
7 this section is construed to authorize a licensed dental hygienist to perform the following:
8 diagnosis and treatment planning, surgical procedures on hard or soft tissue, prescribe medication
9 or administer general anesthesia or injectables other than oral local anesthesia. A dental hygienist
10 is only permitted to practice dental hygiene under the general supervision of a dentist licensed
11 and registered in this state under the provisions of this chapter.

12 (A) Provided, that in order to administer local injectable anesthesia to dental patients,
13 dental hygienists must be under the supervision of a dentist and meet the requirements established
14 by regulation of the board of examiners in dentistry including payment of a permit fee.

15 (16) (i) (A) "Practice of dentistry." Any person is practicing dentistry within the meaning
16 of this chapter who:

17 (I) Uses or permits to be used, directly or indirectly, for profit or otherwise, for himself,
18 herself, or for any other person, in connection with his or her name, the word "dentist" or "dental
19 surgeon", or the title "D.D.S." or "D.M.D.", or any other words, letters, titles, or descriptive
20 matter, personal or not, that directly or indirectly implies the practice of dentistry;

21 (II) Owns, leases, maintains, operates a dental business in any office or other room or
22 rooms where dental operations are performed, or directly or indirectly is manager, proprietor or
23 conductor of this business;

24 (III) Directly or indirectly informs the public in any language, orally, in writing, or in
25 printing, or by drawings, demonstrations, specimens, signs, or pictures that he or she can perform
26 or will attempt to perform, dental operations of any kind;

27 (IV) Undertakes, by any means or method, gratuitously, or for a salary, fee, money, or
28 other reward paid or granted directly or indirectly to himself or herself, or to any other person, to
29 diagnose or profess to diagnose, or to treat or profess to treat, or to prescribe for, or profess to
30 prescribe for, any of the lesions, diseases, disorders, or deficiencies of the human oral cavity,
31 teeth, gums, maxilla or mandible, and/or adjacent associated structures;

32 (V) Extracts human teeth, corrects malpositions of the teeth or of the jaws;

33 (VI) Except on the written prescription of a licensed dentist and by the use of
34 impressions or casts made by a licensed and practicing dentist, directly or indirectly by mail,

1 carrier, personal agent, or by any other method, furnishes, supplies, constructs, reproduces, or
2 repairs prosthetic dentures, bridges, appliances, or other structures to be used and worn as
3 substitutes for natural teeth;

4 (VII) Places those substitutes in the mouth and/or adjusts them;

5 (VIII) Administers an anesthetic, either general or local, in the course of any of the
6 previously stated dental procedures; or

7 (IX) Engages in any of the practices included in the curricula of recognized dental
8 colleges;

9 (B) Provided, that in order to administer any form of anesthesia, other than local, dentists
10 must meet the requirements established by regulation of the board of examiners in dentistry,
11 including training in advanced cardiac life support and pediatric advanced life support, and
12 payment of a permit fee.

13 (ii) The board shall promulgate regulations relating to anesthesia. Those regulations shall
14 be consistent with the American Dental Association guidelines for the use of conscious sedation,
15 deep sedation, and general anesthesia in dentistry. Neither the board, nor any regulation
16 promulgated by the board, shall require additional licensing fees for the use of nitrous oxide by
17 dentists. Prior to the adoption of those regulations, dentists shall be permitted to administer
18 anesthesia without restriction. From the proceeds of any fees collected pursuant to the provisions
19 of this chapter, there is created a restricted receipts account that is used solely to pay for the
20 administrative expenses incurred for expenses of administering this chapter.

21 (iii) No non-dentist who operates a dental facility in the form of a licensed outpatient
22 health care center or management service organization may interfere with the professional
23 judgment of a dentist in the practice.

24 (17) "Direct visual supervision" means supervision by an oral and maxillofacial surgeon
25 (with a permit to administer deep sedation and general anesthesia) by verbal command and under
26 direct line of sight.

27 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

- 1
- This act would mandate that the chief of the division of oral health have a minimum of
- 2
- one year of university graduate instruction in public health administration, a degree in public
- 3
- health or board certification in a dental specialty.
- 4
- This act would take effect upon passage.

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