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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL  
HYGIENISTS

Introduced By: Senators Nesselbush, Crowley, Pichardo, Miller, and P Fogarty

Date Introduced: March 12, 2015

Referred To: Senate Health & Human Services

(Department of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-31.1 of the General Laws entitled "Dentists and Dental  
2 Hygienists" is hereby amended by adding thereto the following section:

3 **5-31.1-39. Public health hygienists.** – (a) Any public health dental hygienist which for  
4 purposes of this chapter means any practicing registered dental hygienist who may perform dental  
5 hygiene procedures in a public health setting subject to conditions adopted by the Rhode Island  
6 board of examiners in dentistry, may perform in a public health setting, without the immediate or  
7 direct supervision or direction of a dentist, any procedure or provide any service that is within the  
8 dental hygiene scope of practice that has been authorized and adopted by the Rhode Island board  
9 of examiners in dentistry as a delegable procedure for a dental hygienist under general  
10 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  
15 health and operated by a local or state agency, head start programs and any other facilities or  
16 programs 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  
11 pursuant to this section. The patient or legal guardian shall also obtain written referral to a dentist  
12 and an 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 health care insurance program  
15 except as required by federal Medicaid law, but shall not seek reimbursement from any other  
16 insurance or third-party payor. A public health dental hygienist shall not operate independently of  
17 a dentist, except for a dental hygienist working for a local or state government agency or  
18 institution or practicing in a mobile or portable prevention program licensed or certified by the  
19 department of health. In such cases the local or state government agency or institution or mobile  
20 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. Section 5-31.1-1 of the General Laws in Chapter 5-31.1 entitled "Dentists  
23 and Dental Hygienists" is hereby amended to read as follows:

24 **5-31.1-1. Definitions.** -- As used in this chapter:

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

27 (2) "Chief of the division of oral health" means, the chief of the division of oral health of  
28 the Rhode Island department of health who is a licensed dentist ~~possessing a masters degree in~~  
29 ~~public health or a certificate in public health from an accredited program.~~

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

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

34 (5) "Dentist" means a person with a license to practice dentistry in this state under the

1 provisions of this chapter.

2 (6) "Dentistry" is defined as the evaluation, diagnosis, prevention, and/or treatment (non-  
3 surgical, surgical, or related procedures) of diseases, disorders, and/or conditions of the oral  
4 cavity, cranio-maxillofacial area, and/or the adjacent and associated structures and their impact on  
5 the human body, provided by a dentist, within the scope of his or her education, training, and  
6 experience, in accordance with the ethics of the profession and applicable law.

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

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

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

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

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

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

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

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

1 purpose, to evaluate or review the diagnosis or treatment of the performance or rendition of dental  
2 services performed under public dental programs of either state or federal design.

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

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

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

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

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

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

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

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

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

1 (VI) Except on the written prescription of a licensed dentist and by the use of  
2 impressions or casts made by a licensed and practicing dentist, directly or indirectly by mail,  
3 carrier, personal agent, or by any other method, furnishes, supplies, constructs, reproduces, or  
4 repairs prosthetic dentures, bridges, appliances, or other structures to be used and worn as  
5 substitutes for natural teeth;

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

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

9 (IX) Engages in any of the practices included in the curricula of recognized dental  
10 colleges;

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

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

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

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

29 SECTION 3. 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 remove the requirement that the chief of the division of oral health  
2 possess a master's degree in public health. This act would also allow public health dental  
3 hygienists to perform certain dental hygiene procedures in a public setting without the immediate  
4 supervision of a dentist.

5           This act would take effect upon passage.

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