

2015 -- S 0683 SUBSTITUTE A

LC001791/SUB A/2

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, 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 16-21-9 of the General Laws in Chapter 16-21 entitled "Health and
23 Safety of Pupils" is hereby amended to read as follows:

24 **16-21-9. Health examinations and dental screenings -- Reports -- Records.** -- (a) Each
25 community as defined in § 16-7-16 shall provide for the appointment of a physician to make
26 examinations of the health of the school children, who shall report any deviation from the normal,
27 and for the preservation of records of the examinations of the children. Each community shall
28 further provide for dental screenings by a licensed dentist or licensed dental hygienist or a
29 licensed public health dental hygienist, with at least three (3) years of clinical experience, who
30 shall report any suspected deviation from the normal and for the preservation of records of the
31 screenings of the children. Each community shall notify the parents or custodians of children of
32 conditions requiring professional or skilled treatment. The state commissioner of elementary and
33 secondary education shall provide blank forms and record books that he or she may deem
34 necessary for the purposes of this section.

1 (b) Each community as defined in § 16-7-16 shall ~~only~~ contract with a licensed dentist,
2 and/or a licensed public health dental hygienist, for the provision of the dental screenings services
3 required by this section. Dental hygienists performing the dental screenings pursuant to the
4 provisions of this section shall do so under the general supervision of the dentist liable and
5 responsible under the contract with the community or within the collaborative agreement
6 guidelines between a licensed public health hygienist and licensed dentist.

7 (c) Except in emergency circumstances, referral by a dentist, ~~or~~ dental hygienist, and/or
8 public health dental hygienist of children screened pursuant to the provisions of this section to a
9 dental practice by which the dentist or dental hygienist is employed and/or which the dentist owns
10 shall be strictly prohibited. In the event that a referral has been made in violation of this
11 provision, the community shall terminate its contract with the dentist. In the case of an egregious
12 violation of the referral prohibition contained in this section, that conduct shall be reported to the
13 board of dental examiners.

14 (d) Each community shall provide to parents or custodians of children who require
15 professional or skilled treatment a list of both dental practices in the community which accept
16 patients insured by Medical Assistance and/or RIte Care and dental practices which provide
17 services on a sliding scale basis to uninsured individuals. The department of human services shall
18 provide each community with a list containing the addresses and telephone numbers of both
19 dental practices which accept patients insured by Medical Assistance and/or RIte Care and dental
20 practices which provide services on a sliding scale basis to uninsured individuals.

21 (e) Dental screenings for children in kindergarten, third, and ninth grade shall only be
22 performed by a licensed dentist.

23 (f) All dentists, ~~or~~ dental hygienists and/or public health dental hygienists, performing
24 dental screenings pursuant to the provisions of this section shall meet with the oral health director
25 of the department of health on a regular basis, as determined by the chief.

26 SECTION 3. This act shall take effect upon passage.

=====
LC001791/SUB A/2
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

1 This act would allow public health dental hygienists to perform certain dental hygiene
2 procedures in a public setting without the immediate supervision of a dentist. This act would also
3 allow licensed dental health hygienists in certain circumstances to provide dental screenings to
4 school children.

5 This act would take effect upon passage.

=====
LC001791/SUB A/2
=====