

2014 -- S 2507 AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - DENTISTS AND DENTAL
HYGIENISTS

Introduced By: Senators Nesselbush, Lombardi, Cool Rumsey, Lombardo, and Ciccone

Date Introduced: February 27, 2014

Referred To: Senate Health & Human Services

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 supervision or
7 direction of a dentist, any procedure or provide any service that is within the dental hygiene scope
8 of practice that has been authorized and adopted by the Rhode Island board of examiners in
9 dentistry as a delegable procedure for a dental hygienist under general supervision in a private
10 practice setting.

11 (b) Public health settings shall for purposes of this section, include, but not be 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. The patient or legal guardian shall also obtain
11 written referral to a dentist and an assessment of further dental needs.

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

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

23 **5-31.1-1. Definitions.** -- As used in this chapter:

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

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

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

34 (4) "Dental hygienist" means a person with a license to practice dental hygiene in this

1 state under the provisions of this chapter.

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

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

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

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

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

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

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

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

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

1 services which are performed under public dental programs of either state or federal design.

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

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

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

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

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

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

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

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

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

34 (VI) Except on the written prescription of a licensed dentist and by the use of

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

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

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

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

10 (B) Provided that in order to administer any form of anesthesia, other than local, dentists
11 must meet the requirements established by regulation of the board of examiners in dentistry,
12 including 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 which is used solely to pay for the
20 administrative expenses incurred for expenses of administrating 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 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

- 1 This act would authorize the practice of "public health hygienists" who would be
- 2 authorized to perform certain dental services in a public health setting.
- 3 This act would take effect upon passage.

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