



House of Representatives

General Assembly

File No. 375

January Session, 2005

Substitute House Bill No. 6819

House of Representatives, April 14, 2005

The Committee on Public Health reported through REP. SAYERS of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ACCESS TO ORAL HEALTH CARE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-88b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) (1) Notwithstanding section 19a-14 or any other [provisions]
4 provision of the general statutes relating to continuing education or
5 refresher training, the Department of Public Health shall renew a
6 license, certificate, permit or registration issued to an individual
7 pursuant to chapters 368d, 368v, 370 to 378, inclusive, 379a to 388,
8 inclusive, 393a, 395, 398, 399, 400a and 400c [which] that becomes void
9 pursuant to section 19a-88, as amended by this act, or 19a-195b while
10 the holder [thereof] of the license, certificate, permit or registration is
11 on active duty in the armed forces of the United States, [within] not
12 later than six months from the date of discharge from active duty,
13 upon completion of any continuing education or refresher training
14 required to renew a license, certificate, registration or permit [which]

15 that has not become void pursuant to section 19a-88, as amended by
16 this act, or 19a-195b. A licensee applying for license renewal pursuant
17 to this section shall submit an application on a form prescribed by the
18 department and other such documentation as may be required by the
19 department.

20 (2) Notwithstanding section 19a-14 or any other provision of the
21 general statutes relating to continuing education, the Department of
22 Public Health shall renew a license issued to an individual pursuant to
23 chapter 379 that becomes void pursuant to section 19a-88, as amended
24 by this act, while the holder of the license is on active duty in the
25 armed forces of the United States, not later than one year from the date
26 of discharge from active duty, upon completion of twelve contact
27 hours of continuing education that meet the criteria set forth in
28 subsection (b) of section 11 of this act. A licensee applying for license
29 renewal pursuant to this subdivision shall submit an application on a
30 form prescribed by the department and other such documentation as
31 may be required by the department.

32 (b) The provisions of this section [shall] do not apply to reservists or
33 National Guard members on active duty for annual training that is a
34 regularly scheduled obligation for reservists or members of the
35 National Guard for training [which] that is not a part of mobilization.

36 (c) No license shall be issued under this section to any applicant
37 against whom professional disciplinary action is pending or who is the
38 subject of an unresolved complaint.

39 Sec. 2. Section 20-108 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2005*):

41 (a) Except as provided in section 20-110 and subsection (b) of this
42 section, each applicant for a license to practice dental medicine or
43 dental surgery shall be examined by the Department of Public Health,
44 under the supervision of the Dental Commission as to his or her
45 professional knowledge and skill before such license is granted. Such
46 examination shall be conducted in the English language. The Dental

47 Commission may, with the consent of the Commissioner of Public
48 Health, accept and approve, in lieu of the written examination [herein]
49 required by this section, the results of an examination given by the
50 Joint Commission on National Dental Examinations, subject to such
51 conditions as the commission may prescribe, and the Dental
52 Commission with the consent of the Commissioner of Public Health,
53 may accept and approve, in lieu of the written and practical
54 examination [herein] required by this section, the results of regional
55 testing agencies as to written and practical examinations, subject to
56 such conditions as the commission, with the consent of the
57 Commissioner of Public Health, may prescribe. Passing scores shall be
58 established by the department with the consent of the commission.

59 (b) In lieu of the practical examination required by subsection (a) of
60 this section, an applicant for licensure may submit evidence of having
61 successfully completed not less than one year of graduate dental
62 training as a resident dentist in a program accredited by the
63 Commission on Dental Accreditation, provided at the end of such year
64 of graduate dental training as a resident dentist, the supervising
65 dentist provides documentation satisfactory to the Department of
66 Public Health attesting to the resident dentist's competency in all areas
67 tested on the practical examination required by subsection (a) of this
68 section. Not later than December 1, 2005, the Dental Commission, in
69 consultation with the Department of Public Health, shall develop a
70 form upon which such documentation shall be provided.

71 Sec. 3. Section 20-123 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective October 1, 2005*):

73 [Any person who owns or carries on a dental practice or business,
74 or who, by himself or by his servants or agents or by contract with
75 others, performs any operation in or makes examination of, with intent
76 of performing or causing to be performed any operation in, the mouth
77 and surrounding and associated structures, or who describes himself
78 by the word "Dentist" or letters "D.D.S." or "D.M.D.", or in other words,
79 letters or title in connection with his name which in any way

80 represents such person as engaged in the practice of dentistry, or who
81 diagnoses or treats diseases or lesions of the mouth and surrounding
82 and associated structures, replaces lost teeth by artificial ones, attempts
83 to diagnose or correct malposition thereof, or who, directly or
84 indirectly, by any means or method, furnishes, supplies, constructs,
85 reproduces or repairs any prosthetic denture, bridge, appliance or any
86 other structure to be worn in the human mouth, except upon the
87 written direction of a licensed dentist, or who places such appliance or
88 structure in the human mouth or attempts to adjust the same, or
89 delivers the same to any person other than the dentist upon whose
90 direction the work was performed, or who sells or distributes
91 materials, except to a licensed dentist, dental laboratory or dental
92 supply house, with instructions for an individual to construct, repair,
93 reproduce or duplicate any prosthetic denture, bridge, appliance or
94 any other structure to be worn in the human mouth, or who advertises
95 to the public, by any method, to furnish, supply, construct, reproduce
96 or repair any prosthetic denture, bridge, appliance or other structure to
97 be worn in the human mouth, or gives estimates on the cost of
98 treatment, or who advertises or permits it to be done by sign, card,
99 circular, handbill or newspaper, or otherwise indicates that he, by
100 contract with others or by himself, will perform any of such
101 operations, shall be deemed as practicing dentistry or dental medicine
102 within the meaning of this chapter. Any person who, in practicing
103 dentistry or dental medicine, as defined in this section, employs or
104 permits any other person except a licensed dentist to so practice
105 dentistry or dental medicine shall be subject to the penalties provided
106 in section 20-126. The provisions of this chapter shall not prevent any
107 practicing physician or surgeon from treating lesions or diseases of the
108 mouth and jaws or from extracting teeth. No provision of this section
109 shall be construed to prevent regularly enrolled students in dental
110 schools approved as provided in this chapter or medical schools
111 approved as provided in chapter 370 from receiving practical training
112 in dentistry under the supervision of a licensed dentist or physician in
113 a dental or medical school in this state or in any hospital, infirmary,
114 clinic or dispensary affiliated with such school; or to prevent a person

115 who holds the degree of doctor of dental medicine or doctor of dental
116 surgery or its equivalent and who has been issued a permit in
117 accordance with section 20-126b from receiving practical training
118 under the supervision of a licensed dentist or physician in an advanced
119 dental education program conducted by a dental or medical school in
120 this state or by a hospital operated by the federal government or
121 licensed pursuant to subsection (a) of section 19a-491; or to prevent
122 any regularly enrolled student in or graduate of an accredited school
123 of dental hygiene from receiving practical training in dental hygiene
124 under the supervision of a Connecticut licensed dentist or a
125 Connecticut licensed dental hygienist in any approved school of dental
126 hygiene in the state or in any hospital, infirmary, clinic or dispensary
127 affiliated with such school or to prevent controlled investigations or
128 innovative training programs related to the delivery of dental health
129 services within accredited dental schools or schools of dental hygiene,
130 provided such programs are under the supervision of a licensed
131 dentist or physician and are conducted within a program which is
132 accredited by the Commission on Dental Accreditation or such other
133 national professional accrediting body as may be recognized by the
134 United States Department of Education.]

135 (a) No person shall engage in the practice of dentistry unless he or
136 she is licensed pursuant to the provisions of this chapter. The practice
137 of dentistry or dental medicine is defined as the diagnosis, evaluation,
138 prevention or treatment by surgical or other means, of an injury,
139 deformity, disease or condition of the oral cavity or its contents, or the
140 jaws or the associated structures of the jaws. The practice of dentistry
141 does not include: (1) The treatment of dermatologic diseases or
142 disorders of the skin or face; (2) the performance of microvascular free
143 tissue transfer; (3) the treatment of diseases or disorders of the eye; (4)
144 ocular procedures; (5) the performance of cosmetic surgery or other
145 cosmetic procedures other than those related to the oral cavity, its
146 contents, or the jaws; or (6) nasal or sinus surgery, other than that
147 related to the oral cavity, its contents or the jaws.

148 (b) No person other than a person licensed to practice dentistry

149 under this chapter shall:

150 (1) Describe himself or herself by the word "Dentist" or letters
151 "D.D.S." or "D.M.D.", or in other words, letters or title in connection
152 with his or her name which in any way represents such person as
153 engaged in the practice of dentistry;

154 (2) Own or carry on a dental practice or business;

155 (3) Replace lost teeth by artificial ones, or attempt to diagnose or
156 correct malpositioned teeth;

157 (4) Directly or indirectly, by any means or method, furnish, supply,
158 construct, reproduce or repair any prosthetic denture, bridge,
159 appliance or any other structure to be worn in a person's mouth,
160 except upon the written direction of a licensed dentist, or place such
161 appliance or structure in a person's mouth or attempt to adjust such
162 appliance or structure in a person's mouth, or deliver such appliance
163 or structure to any person other than the dentist upon whose direction
164 the work was performed;

165 (5) Sell or distribute materials, except to a licensed dentist, dental
166 laboratory or dental supply house, with instructions for an individual
167 to construct, repair, reproduce or duplicate any prosthetic denture,
168 bridge, appliance or any other structure to be worn in a person's
169 mouth;

170 (6) Advertise to the public, by any method, to furnish, supply,
171 construct, reproduce or repair any prosthetic denture, bridge,
172 appliance or other structure to be worn in a person's mouth;

173 (7) Give estimates of the cost of dental treatment; or

174 (8) Advertise or permit it to be advertised by sign, card, circular,
175 handbill or newspaper, or otherwise indicate that such person, by
176 contract with others or by himself or herself, will perform any of the
177 functions specified in subdivisions (1) to (7), inclusive, of this
178 subsection.

179 (c) Notwithstanding the provisions of subsection (a) of this section,
180 a person who is licensed to practice dentistry under this chapter, who
181 has successfully completed a postdoctoral training program that is
182 accredited by the Commission on Dental Accreditation or its successor
183 organization, in the specialty area of dentistry in which such person
184 practices may: (1) Diagnose, evaluate, prevent or treat by surgical or
185 other means, injuries, deformities, diseases or conditions of the hard
186 and soft tissues of the oral and maxillofacial area, or its adjacent or
187 associated structures; and (2) perform any of the following procedures,
188 provided the dentist has been granted hospital privileges to perform
189 such procedures: (A) Surgical treatment of sleep apnea involving the
190 jaws; (B) salivary gland surgery; (C) the harvesting of donor tissue; (D)
191 frontal and orbital surgery and nasoethmoidal procedures to the extent
192 that such surgery or procedures are associated with trauma.

193 (d) Any person who, in practicing dentistry or dental medicine, as
194 defined in this section, employs or permits any other person except a
195 licensed dentist to so practice dentistry or dental medicine shall be
196 subject to the penalties provided in section 20-126.

197 (e) The provisions of this section do not apply to:

198 (1) Any practicing physician or surgeon who is licensed in
199 accordance with chapter 370;

200 (2) Any regularly enrolled student in a dental school approved as
201 provided in this chapter or a medical school approved as provided in
202 chapter 370 receiving practical training in dentistry under the
203 supervision of a licensed dentist or physician in a dental or medical
204 school in this state or in any hospital, infirmary, clinic or dispensary
205 affiliated with such school;

206 (3) A person who holds the degree of doctor of dental medicine or
207 doctor of dental surgery or its equivalent and who has been issued a
208 permit in accordance with section 20-126b and who is receiving
209 practical training under the supervision of a licensed dentist or
210 physician in an advanced dental education program conducted by a

211 dental or medical school in this state or by a hospital operated by the
212 federal government or licensed pursuant to subsection (a) of section
213 19a-491;

214 (4) Any regularly enrolled student in or graduate of an accredited
215 school of dental hygiene who is receiving practical training in dental
216 hygiene in an approved school of dental hygiene in the state or in any
217 hospital, infirmary, clinic or dispensary affiliated with such school,
218 under the supervision of a dentist licensed pursuant to this chapter or
219 a dental hygienist licensed pursuant to chapter 379a; or

220 (5) Controlled investigations or innovative training programs
221 related to the delivery of dental health services within accredited
222 dental schools or schools of dental hygiene, provided such programs
223 are (A) under the supervision of a dentist licensed pursuant to chapter
224 379 or physician licensed pursuant to chapter 370, and (B) conducted
225 within a program accredited by the Commission on Dental
226 Accreditation or such other national professional accrediting body as
227 may be recognized by the United States Department of Education.

228 Sec. 4. Subsection (a) of section 20-74ee of the general statutes is
229 repealed and the following is substituted in lieu thereof (*Effective*
230 *October 1, 2005*):

231 (a) (1) Nothing in subsection (c) of section 19a-14, sections 20-74aa to
232 20-74cc, inclusive, and this section shall be construed to require
233 licensure as a radiographer or to limit the activities of a physician
234 licensed pursuant to chapter 370, a chiropractor licensed pursuant to
235 chapter 372, a natureopath licensed pursuant to chapter 373, a
236 podiatrist licensed pursuant to chapter 375, a dentist licensed pursuant
237 to chapter 379 or a veterinarian licensed pursuant to chapter 384.

238 (2) Nothing in subsection (c) of section 19a-14, sections 20-74aa to
239 20-74cc, inclusive, and this section shall be construed to require
240 licensure as a radiographer or to limit the activities of a dental
241 hygienist licensed pursuant to chapter [379] 379a, provided [that] such
242 dental hygienist is engaged in the taking of dental x-rays under the

243 general supervision of a dentist licensed pursuant to chapter 379.

244 (3) Nothing in subsection (c) of section 19a-14, sections 20-74aa to
245 20-74cc, inclusive, and this section shall be construed to require
246 licensure as a radiographer or to limit the activities of a dental assistant
247 as defined in section 20-112a, provided such dental assistant is
248 engaged in the taking of dental x-rays under the supervision and
249 control of a dentist licensed pursuant to chapter 379 and can
250 demonstrate [by January 1, 1996,] successful completion of the dental
251 radiography portion of an examination prescribed by the Dental
252 Assisting National Board.

253 (4) Nothing in subsection (c) of section 19a-14, sections 20-74aa to
254 20-74cc, inclusive, and this section shall be construed to require
255 licensure as a radiographer or to limit the activities of a Nuclear
256 Medicine Technologist certified by the Nuclear Medicine Technology
257 Certification Board or the American Registry of Radiologic
258 Technologists, provided such individual is engaged in the operation of
259 a bone densitometry system under the supervision, control and
260 responsibility of a physician licensed pursuant to chapter 370.

261 (5) Nothing in subsection (c) of section 19a-14, sections 20-74aa to
262 20-74cc, inclusive, and this section shall be construed to require
263 licensure as a radiographer or to limit the activities of a podiatric
264 medical assistant, provided such podiatric assistant is engaged in
265 taking of podiatric x-rays under the supervision and control of a
266 podiatrist licensed pursuant to chapter 375 and can demonstrate
267 successful completion of the podiatric radiography exam as prescribed
268 by the Connecticut Board of Podiatry Examiners.

269 Sec. 5. Section 20-107 of the general statutes is repealed and the
270 following is substituted in lieu thereof (*Effective October 1, 2005*):

271 (a) Each application for [such] a license to practice dentistry shall be
272 in writing and signed by the applicant and no license shall be issued to
273 any person unless he or she presents a diploma or other certificate of
274 graduation from some reputable dental college or from a department

275 of dentistry of a medical college conferring a dental degree, or unless
276 he or she is practicing as a legally qualified dentist in another state
277 having requirements for admission determined by the department to
278 be similar to or higher than the requirements of this state.

279 (b) The Dental Commission [is authorized] may, with the consent of
280 the Commissioner of Public Health, [to] determine the colleges which
281 shall be considered reputable dental or medical colleges for the
282 purposes of this chapter. The commission shall consult [where] when
283 possible with nationally recognized accrediting agencies when making
284 such determinations. [Each applicant for such license shall also present
285 a certificate from the State Board of Education that he has completed a
286 four-year course at an approved high school, or has an equivalent
287 academic education, but this requirement shall not apply to an
288 applicant who is practicing as a legally qualified dentist in another
289 state as above provided.]

290 (c) Notwithstanding the provisions of subsections (a) and (b) of this
291 section, the department may issue a license to practice dentistry to any
292 applicant holding a diploma from a foreign dental school, provided
293 the applicant (1) is a graduate of a dental school located outside the
294 United States and has received the degree of doctor of dental medicine
295 or surgery, or its equivalent; (2) has passed the written and practical
296 examinations required in section 20-108, as amended by this act; (3)
297 has successfully completed not less than two years of graduate dental
298 training as a resident dentist in a program accredited by the
299 Commission on Dental Accreditation; and (4) has successfully
300 completed, at a level greater than the second postgraduate year, not
301 less than two years of a residency or fellowship training program
302 accredited by the Commission on Dental Accreditation in a community
303 or school-based health center affiliated with and under the supervision
304 of a school of dentistry in this state, or has served as a full-time faculty
305 member of a school of dentistry in this state pursuant to the provisions
306 of section 20-120 for not less than three years.

307 Sec. 6. Section 20-112a of the general statutes is repealed and the

308 following is substituted in lieu thereof (*Effective October 1, 2005*):

309 A licensed dentist may delegate to dental assistants such dental
310 procedures as [he] the dentist may deem advisable, including the
311 taking of dental x-rays if the dental assistant can demonstrate
312 successful completion of the dental radiography portion of an
313 examination prescribed by the Dental Assisting National Board, but
314 such procedures shall be performed under [his] the dentist's
315 supervision and control and [he] the dentist shall assume
316 responsibility for such procedures; provided such assistants may not
317 engage in: (1) Diagnosis for dental procedures or dental treatment; (2)
318 the cutting or removal of any hard or soft tissue or suturing; (3) the
319 prescribing of drugs or medications [which] that require the written or
320 oral order of a licensed dentist or physician; (4) the administration of
321 local, parenteral, inhalation or general anesthetic agents in connection
322 with any dental operative procedure; (5) the taking of any impression
323 of the teeth or jaws or the relationship of the teeth or jaws for the
324 purpose of fabricating any appliance or prosthesis; (6) the placing,
325 finishing and adjustment of temporary or final restorations, capping
326 materials and cement bases; or (7) the practice of dental hygiene as
327 defined in section 20-126l, as amended by this act.

328 Sec. 7. Section 20-126l of the general statutes is repealed and the
329 following is substituted in lieu thereof (*Effective October 1, 2005*):

330 (a) As used in this section:

331 (1) "General supervision of a licensed dentist" means supervision
332 that authorizes dental hygiene procedures to be performed with the
333 knowledge of said licensed dentist, whether or not the dentist is on the
334 premises when such procedures are being performed;

335 (2) "Public health facility" means an institution, as defined in section
336 19a-490, a community health center, a group home, a school, a
337 preschool operated by a local or regional board of education or a head
338 start program; and

339 (3) The "practice of dental hygiene" means the performance of
340 educational, preventive and therapeutic services including: Complete
341 prophylaxis; the removal of calcerous deposits, accretions and stains
342 from the supragingival and subgingival surfaces of the teeth by
343 scaling, root planing and polishing; the application of pit and fissure
344 sealants and topical solutions to exposed portions of the teeth; dental
345 hygiene examinations and the charting of oral conditions; dental
346 hygiene assessment, treatment planning and evaluation; the
347 administration of local anesthesia in accordance with the provisions of
348 subsection (d) of this section; and collaboration in the implementation
349 of the oral health care regimen.

350 (b) No person shall engage in the practice of dental hygiene unless
351 such person (1) has a dental hygiene license issued by the Department
352 of Public Health and (A) is practicing under the general supervision of
353 a licensed dentist, or (B) has been practicing as a licensed dental
354 hygienist for at least two years, is practicing in a public health facility
355 and complies with the requirements of subsection (e) of this section, or
356 (2) has a dental license.

357 (c) A dental hygienist licensed under sections 20-126h to 20-126w,
358 inclusive, shall be known as a "dental hygienist" and no other person
359 shall assume such title or use the abbreviation "R.D.H." or any other
360 words, letters or figures which indicate that the person using such
361 words, letters or figures is a licensed dental hygienist. Any person who
362 employs or permits any other person except a licensed dental hygienist
363 to practice dental hygiene shall be subject to the penalties provided in
364 section 20-126t. [Licensed dental hygienists may provide dental
365 hygiene services in any office of a licensed dentist or in any public or
366 private institution or in any convalescent home under the general
367 supervision of a licensed dentist.]

368 (d) A licensed dental hygienist may administer local anesthesia,
369 limited to infiltration and mandibular blocks, under the indirect
370 supervision of a licensed dentist, provided the dental hygienist can
371 demonstrate successful completion of a course of instruction

372 containing basic and current concepts of local anesthesia and pain
373 control in a program accredited by the Commission on Dental
374 Accreditation, or its successor organization, that includes: (1) Twenty
375 hours of didactic training, including, but not limited to, the psychology
376 of pain management; a review of anatomy, physiology, pharmacology
377 of anesthetic agents, emergency precautions and management, and
378 client management; instruction on the safe and effective administration
379 of anesthetic agents; and (2) eight hours of clinical training which
380 includes the direct observation of the performance of procedures. For
381 purposes of this subsection, "indirect supervision" means a licensed
382 dentist authorizes and prescribes the use of local anesthesia for a
383 patient and remains in the dental office or other location where the
384 services are being performed by the dental hygienist.

385 [(d)] (e) A licensed dental hygienist shall [in no event] not perform
386 the following dental services: (1) Diagnosis for dental procedures or
387 dental treatment; (2) the cutting or removal of any hard or soft tissue
388 or suturing; (3) the prescribing of drugs or medication which require
389 the written or oral order of a licensed dentist or physician; (4) the
390 administration of [local,] parenteral, inhalation or general anesthetic
391 agents in connection with any dental operative procedure; (5) the
392 taking of any impression of the teeth or jaws or the relationship of the
393 teeth or jaws for the purpose of fabricating any appliance or prosthesis;
394 (6) the placing, finishing and adjustment of temporary or final
395 restorations, capping materials and cement bases.

396 [(e)] (f) Each dental hygienist practicing in a public health facility
397 shall (1) refer for treatment any patient with needs outside the dental
398 hygienist's scope of practice, and (2) coordinate such referral for
399 treatment to dentists licensed pursuant to chapter 379.

400 [(f)] (g) All licensed dental hygienists applying for license renewal
401 shall be required to participate in continuing education programs. The
402 commissioner shall adopt regulations in accordance with the
403 provisions of chapter 54 to: (1) Define basic requirements for
404 continuing education programs, (2) delineate qualifying programs, (3)

405 establish a system of control and reporting, and (4) provide for waiver
406 of the continuing education requirement by the commissioner for good
407 cause.

408 Sec. 8. Section 20-113b of the general statutes is repealed and the
409 following is substituted in lieu thereof (*Effective October 1, 2005*):

410 Any person who practices dentistry for no fee, for at least one
411 hundred hours per year at a public health facility, as defined in section
412 20-126l, as amended by this act, and does not otherwise engage in the
413 practice of dentistry, shall be eligible to renew a license, as provided in
414 subsection (a) of section 19a-88, as amended by this act, [for a fee of
415 one hundred dollars] without payment of the professional services fee
416 specified in said subsection (a).

417 Sec. 9. Subsection (a) of section 20-114 of the general statutes is
418 repealed and the following is substituted in lieu thereof (*Effective*
419 *October 1, 2005*):

420 (a) The Dental Commission may take any of the actions set forth in
421 section 19a-17 for any of the following causes: (1) The presentation to
422 the department of any diploma, license or certificate illegally or
423 fraudulently obtained, or obtained from an institution that is not
424 reputable or from an unrecognized or irregular institution or state
425 board, or obtained by the practice of any fraud or deception; (2) proof
426 that a practitioner has become unfit or incompetent or has been guilty
427 of cruelty, incompetence, negligence or indecent conduct toward
428 patients; (3) conviction of the violation of any of the provisions of this
429 chapter by any court of criminal jurisdiction, provided no action shall
430 be taken under section 19a-17 because of such conviction if any appeal
431 to a higher court has been filed until the appeal has been determined
432 by the higher court and the conviction sustained; (4) the employment
433 of any unlicensed person for other than mechanical purposes in the
434 practice of dental medicine or dental surgery subject to the provisions
435 of section 20-122a; (5) the violation of any of the provisions of this
436 chapter or of the regulations adopted hereunder or the refusal to
437 comply with any of said provisions or regulations; (6) the aiding or

438 abetting in the practice of dentistry, dental medicine or dental hygiene
439 of a person not licensed to practice dentistry, dental medicine or dental
440 hygiene in this state; (7) designating a limited practice, except as
441 provided in section 20-106a; (8) engaging in fraud or material
442 deception in the course of professional activities; (9) the effects of
443 physical or mental illness, emotional disorder or loss of motor skill,
444 including but not limited to, deterioration through the aging process,
445 upon the license holder; (10) abuse or excessive use of drugs, including
446 alcohol, narcotics or chemicals; [or] (11) failure to comply with the
447 continuing education requirements set forth in section 11 of this act; or
448 (12) failure of a holder of a dental anesthesia or conscious sedation
449 permit to successfully complete an on-site evaluation conducted
450 pursuant to subsection (c) of section 20-123b. A violation of any of the
451 provisions of this chapter by any unlicensed employee in the practice
452 of dentistry or dental hygiene, with the knowledge of [his] the
453 employer, shall be deemed a violation [thereof] by [his] the employer.
454 The Commissioner of Public Health may order a license holder to
455 submit to a reasonable physical or mental examination if his or her
456 physical or mental capacity to practice safely is the subject of an
457 investigation. Said commissioner may petition the superior court for
458 the judicial district of Hartford to enforce such order or any action
459 taken pursuant to section 19a-17.

460 Sec. 10. Section 20-126i of the general statutes is repealed and the
461 following is substituted in lieu thereof (*Effective October 1, 2005*):

462 (a) Each application for a license to practice dental hygiene shall be
463 in writing and signed by the applicant and accompanied by
464 satisfactory proof that such person has received a diploma or
465 certificate of graduation from a dental hygiene program with a
466 minimum of two academic years of curriculum provided in a college
467 or institution of higher education the program of which is accredited
468 by the Commission on Dental Accreditation or such other national
469 professional accrediting body as may be recognized by the United
470 States Department of Education, and a fee of seventy-five dollars.

471 (b) Notwithstanding the provisions of subsection (a) of this section,
472 each application for a license to practice dental hygiene from an
473 applicant who holds a diploma from a foreign dental school shall be in
474 writing and signed by the applicant and accompanied by satisfactory
475 proof that such person has (1) graduated from a dental school located
476 outside the United States and received the degree of doctor of dental
477 medicine or surgery, or its equivalent; (2) passed the written and
478 practical examinations required in section 20-126j; and (3) enrolled in a
479 dental hygiene program in this state that is accredited by the
480 Commission on Dental Accreditation or its successor organization and
481 successfully completed not less than one year of clinical training in a
482 community health center affiliated with and under the supervision of
483 such dental hygiene program.

484 Sec. 11. (NEW) (*Effective October 1, 2005*) (a) As used in this section:

485 (1) "Commissioner" means the Commissioner of Public Health;

486 (2) "Contact hour" means a minimum of fifty minutes of continuing
487 education activity;

488 (3) "Department" means the Department of Public Health;

489 (4) "Licensee" means any person who receives a license from the
490 department pursuant to chapter 379 of the general statutes; and

491 (5) "Registration period" means the one-year period for which a
492 license renewed in accordance with section 19a-88 of the general
493 statutes and is current and valid.

494 (b) Except as otherwise provided in this section, for registration
495 periods beginning on and after October 1, 2007, a licensee applying for
496 license renewal shall earn a minimum of twenty-five contact hours of
497 continuing education within the preceding twenty-four-month period.
498 Such continuing education shall (1) be in an area of the licensee's
499 practice; (2) reflect the professional needs of the licensee in order to
500 meet the health care needs of the public; and (3) include at least one
501 contact hour of training or education in infectious diseases, including,

502 but not limited to, acquired immune deficiency syndrome and human
503 immunodeficiency virus, access to care, risk management, care of
504 special needs patients and domestic violence, including sexual abuse.
505 Qualifying continuing education activities include, but are not limited
506 to, courses, including on-line courses, offered or approved by the
507 American Dental Association or state, district or local dental
508 associations and societies affiliated with the American Dental
509 Association; national, state, district or local dental specialty
510 organizations or the American Academy of General Dentistry; a
511 hospital or other health care institution; dental schools and other
512 schools of higher education accredited or recognized by the Council on
513 Dental Accreditation or a regional accrediting organization; agencies
514 or businesses whose programs are accredited or recognized by the
515 Council on Dental Accreditation; local, state or national medical
516 associations; a state or local health department; or the Accreditation
517 Council for Graduate Medical Education. Eight hours of volunteer
518 dental practice at a public health facility, as defined in section 20-126/
519 of the general statutes, as amended by this act, may be substituted for
520 one contact hour of continuing education, up to a maximum of ten
521 contact hours in one twenty-four-month period.

522 (c) Each licensee applying for license renewal pursuant to section
523 19a-88 of the general statutes shall sign a statement attesting that he or
524 she has satisfied the continuing education requirements of subsection
525 (b) of this section on a form prescribed by the department. Each
526 licensee shall retain records of attendance or certificates of completion
527 that demonstrate compliance with the continuing education
528 requirements of said subsection (b) for a minimum of three years
529 following the year in which the continuing education activities were
530 completed and shall submit such records to the department for
531 inspection not later than forty-five days after a request by the
532 department for such records.

533 (d) A licensee applying for the first time for license renewal
534 pursuant to section 19a-88 of the general statutes, as amended by this
535 act, is exempt from the continuing education requirements of this

536 section.

537 (e) A licensee who is not engaged in active professional practice in
538 any form during a registration period shall be exempt from the
539 continuing education requirements of this section, provided the
540 licensee submits to the department, prior to the expiration of the
541 registration period, a notarized application for exemption on a form
542 prescribed by the department and such other documentation as may
543 be required by the department. The application for exemption
544 pursuant to this subsection shall contain a statement that the licensee
545 may not engage in professional practice until the licensee has met the
546 continuing education requirements of this section.

547 (f) In individual cases involving medical disability or illness, the
548 commissioner may, in the commissioner's discretion, grant a waiver of
549 the continuing education requirements or an extension of time within
550 which to fulfill the continuing education requirements of this section to
551 any licensee, provided the licensee submits to the department an
552 application for waiver or extension of time on a form prescribed by the
553 department, along with a certification by a licensed physician of the
554 disability or illness and such other documentation as may be required
555 by the commissioner. The commissioner may grant a waiver or
556 extension for a period not to exceed one registration period, except that
557 the commissioner may grant additional waivers or extensions if the
558 medical disability or illness upon which a waiver or extension is
559 granted continues beyond the period of the waiver or extension and
560 the licensee applies for an additional waiver or extension.

561 (g) Any licensee whose license has become void pursuant to section
562 19a-88 of the general statutes, as amended by this act, and who applies
563 to the department for reinstatement of such license pursuant to section
564 19a-14 of the general statutes shall submit evidence documenting
565 successful completion of twelve contact hours of continuing education
566 within the one-year period immediately preceding application for
567 reinstatement.

568 Sec. 12. Subsection (a) of section 19a-88 of the general statutes is

569 repealed and the following is substituted in lieu thereof (*Effective*
570 *October 1, 2005*):

571 (a) Each person holding a license to practice dentistry, optometry,
572 midwifery or dental hygiene shall, annually, during the month of such
573 person's birth, register with the Department of Public Health, upon
574 payment of the professional services fee for class I, as defined in
575 section 33-182l in the case of a dentist, except as provided in section
576 19a-88b, as amended by this act, and section 20-113b, as amended by
577 this act, the professional services fee for class H, as defined in section
578 33-182l in the case of an optometrist, five dollars in the case of a
579 midwife, and fifty dollars in the case of a dental hygienist, on blanks to
580 be furnished by the department for such purpose, giving such person's
581 name in full, such person's residence and business address and such
582 other information as the department requests.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	19a-88b
Sec. 2	<i>October 1, 2005</i>	20-108
Sec. 3	<i>October 1, 2005</i>	20-123
Sec. 4	<i>October 1, 2005</i>	20-74ee(a)
Sec. 5	<i>October 1, 2005</i>	20-107
Sec. 6	<i>October 1, 2005</i>	20-112a
Sec. 7	<i>October 1, 2005</i>	20-126l
Sec. 8	<i>October 1, 2005</i>	20-113b
Sec. 9	<i>October 1, 2005</i>	20-114(a)
Sec. 10	<i>October 1, 2005</i>	20-126i
Sec. 11	<i>October 1, 2005</i>	New section
Sec. 12	<i>October 1, 2005</i>	19a-88(a)

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Health, Dept.	GF - Revenue Impact	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

Passage of this bill may result in a minimal revenue gain to the state as additional individuals may seek licensure as either a dentist or a dental hygienist. It extends to certain foreign-trained dentists the ability to obtain a license as a dentist or dental hygienist. Additionally, it allows individuals completing certain post graduate training to be licensed as a dentist without examination. The Department of Public Health (DPH) will collect a \$450 initial and renewal licensure fee from persons seeking dentist licensure, and a \$75 initial and \$50 renewal licensure fee from persons seeking licensure as a dental hygienist.

A minimal revenue loss of \$100 would ensue when a dentist who practices for no fee and volunteers for at least one hundred hours per year at a public health facility seeks licensure renewal, as the bill eliminates this fee.

The bill makes failure to comply with continuing education requirements a cause for disciplinary action by the Dental Commission. Per Section 19a-17 CGS, disciplinary action may include assessment of a civil penalty of up to \$10,000.

The DPH will be able to modify existing licensure documents and

participate in the creation of new forms required by the bill within its anticipated budgetary resources.

Other changes in the bill are technical in nature or eliminate obsolete references and result in no fiscal impact.

OLR Bill Analysis

sHB 6819

AN ACT CONCERNING ACCESS TO ORAL HEALTH CARE**SUMMARY:**

This bill revises the scope of practice for dentists, dental hygienists, and dental assistants, including establishing conditions under which licensed dentists can practice oral and maxillofacial surgery. It allows a candidate for a dentist's license to substitute a year of post-graduate training for the practical portion of the licensing exam and provides a way for foreign-trained dentists to become licensed as dentists or dental hygienists. And it creates continuing education requirements for dentists.

EFFECTIVE DATE: October 1, 2005

DENTAL SCOPE OF PRACTICE (§ 3)***General Scope***

The bill redefines a dentist's scope of practice as the diagnosis, evaluation, prevention, or treatment, by surgery or other means, of an injury, deformity, disease, or condition of the oral cavity or its contents or the jaws or structures associated with them. (The oral cavity is the area of the mouth behind the teeth and gums that is bounded above by the hard and soft palettes and below by the tongue and mucous membrane connecting it to the inner part of the jaw.) Under current law, a dentist examines, diagnoses, treats diseases or lesions of, and performs operations in, the mouth and surrounding and associated structures.

The bill specifies that dentistry does not include:

1. treating dermatological diseases or disorders of the skin or face;
2. performing microvascular free tissue transfer;
3. treating eye diseases or disorders or performing ocular

procedures;

4. performing cosmetic surgery or other cosmetic procedures anywhere but the oral cavity, its contents, or the jaws; or
5. nasal or sinus surgery unrelated to the oral cavity, its contents, or the jaws.

It exempts licensed physicians from the dental scope of practice law. Current law permits physicians to treat lesions or diseases of the mouth and remove teeth.

Oral-Maxillofacial Practice

The bill permits a licensed dentist who successfully completes a post-doctoral training program in his practice specialty to:

1. diagnose, evaluate, prevent, or treat, surgically or by other means, injuries, deformities, diseases, or conditions of the hard and soft tissues of the oral and maxillofacial area (the maxillofacial area covers the upper portion of the face);
2. perform surgical treatment of sleep apnea involving the jaws;
3. perform salivary gland surgery;
4. harvest donor tissue; and
5. perform frontal and orbital surgery and nasoethmoidal procedures to the extent they are associated with trauma.

In order to perform sleep apnea, salivary gland, frontal, or orbital surgery or harvest tissue, the dentist must have hospital privileges permitting him to do so. By law, a dentist must complete at least two years of advanced or post-doctoral education in a specialty area approved by the American Dental Association before he can designate that he is limiting his practice to that specialty.

The bill requires qualifying post-doctoral training programs to be accredited by the Commission on Dental Accreditation or its successor.

CONTINUING EDUCATION FOR DENTISTS (§§ 11, 1, & 9)

Requirements

Dentists must renew their licenses every year during their birth month. The bill requires dentists applying to renew a license after October 1, 2007 to show they have completed at least 25 contact hours of continuing education during the previous 24 months. Under the bill, a "contact hour" is 50 minutes or more.

All continuing education must be in an area of the dentist's practice and reflect his professional needs in order to meet the public's health care needs. At least one of the 25 contact hours must be in infectious diseases, which can include HIV and AIDS; access to care; risk management; care for special needs patients; and domestic violence, including sexual abuse. A dentist can substitute eight hours of volunteer work at a public health facility (any licensed health care institution such as a hospital, nursing home, outpatient clinic, or substance abuse treatment facility; community health center; group home; school or public school-operated preschool; or Head Start center) for one contact hour, up to 10 contact hours during a 24-month period.

Qualifying continuing education activities under the bill include courses, including on-line courses, offered or approved by:

1. the American Dental Association or its state, district, or local affiliates;
2. the American Academy of General Dentistry or national, state, district, or local specialty organizations;
3. dental schools and other colleges accredited or recognized by the Council on Dental Accreditation or a regional accrediting agency;
4. hospitals and other health care institutions;
5. agency or business programs accredited or recognized by the Council on Dental Accreditation;
6. local, state, or national medical associations;

7. state or local health departments; and
8. the Accreditation Council for Graduate Medical Education.

The bill makes failure to comply with its continuing education requirements grounds for the Dental Commission to discipline a dentist.

Procedures

A dentist applying for license renewal must attest in writing on a form the Department of Public Health (DPH) prescribes that he has satisfied these continuing education requirements. He must maintain attendance records or certificates of course completion for at least three years after the year in which the activity occurred and must submit them to DPH for inspection within 45 days if it asks for them.

A dentist who applies to have his license reinstated after it has lapsed must show DPH that he completed 12 contact hours during the preceding year. The bill gives a dentist whose license lapsed while he was on active military service one year from his date of discharge to complete 12 contact hours. Under current law dentists and other health care providers must complete all continuing education requirement within six months of discharge.

Exemptions

The bill exempts from its continuing education requirements first-time license renewal applicants and dentists who are not engaged in active practice. The latter must submit a notarized exemption application to the DPH plus any other documentation DPH requires before the end of the month when he must renew his license. The exemption application, which must follow a form DPH prescribes, must state that the individual will not practice until he has met the bill's continuing education requirements.

The bill permits the DPH commissioner to waive continuing education requirements or extend the time for fulfilling them for a dentist who is ill or disabled. The individual must submit a waiver application and other documentation the commissioner may require. A waiver or extension can be for up to one year, and the commissioner can grant additional waivers or extensions if the illness or disability continues

and the dentist applies again.

OTHER DENTAL LICENSURE PROVISIONS (§§ 2, 5, 8)

Post-Graduate Training in Lieu of Testing

The bill allows a person to use successful completion of a year of postgraduate training as a dental resident to qualify for a license instead of taking the practical portion of the dental licensing exam. The training must be at a program accredited by the Commission on Dental Accreditation, and the resident's supervising dentist must attest that he (the resident) is competent in all areas tested in the practicum. The bill requires the Dental Commission, by December 1, 2005 and in consultation with DPH, to develop a form that applicants can use to submit documentation.

Foreign-Trained Dentists

The bill allows someone trained in a foreign dental school to obtain a Connecticut dentist license. The individual must:

1. have received a doctor of dental medicine or dental surgery degree or its equivalent;
2. pass Connecticut's written and practical dentistry exam;
3. successfully complete at least two years of graduate training as a resident in a program accredited by the Commission on Dental Accreditation; and
4. (a) successfully complete at least two more years of training as a resident or fellow, at a third year or higher postgraduate level, in a program accredited by the Commission on Dental Accreditation in a community- or school-based health center affiliated with or supervised by the UConn Dental School or (b) serve for at least three years as a full-time faculty member at UConn Dental School. (By law, a graduate of a foreign dental school can work in a state institution only if the Dental Commission finds that he has exceptional qualifications.)

Volunteer Dentists

The bill eliminates the \$100 reduced license renewal fee for a dentist

who provides at least 100 hours a year of free care at a licensed health care institution such as a hospital, nursing home, outpatient clinic, or substance abuse treatment facility; community health center; group home; school or public school-operated preschool; or Head Start center. The regular license renewal fee is \$450.

High School Graduation

The bill eliminates the requirement that applicants for a dentist's license show proof that they graduated from high school or have an equivalency diploma unless they have been practicing dentistry in another state.

DENTAL HYGIENISTS (§§ 7, 10)

Scope of Practice

The bill permits licensed dental hygienists to administer certain kinds of local anesthesia—infiltration and mandibular blocks—under a dentist's indirect supervision. "Indirect supervision," under the bill, means that the dentist prescribed the use of the anesthetic and is in the office or location where the hygienist is administering it. In all other situations hygienists work under a dentist's "general supervision," which means that a dentist knows what procedures the hygienist is performing but does not have to be on the premises while the hygienist performs it.

The bill specifies the training a hygienist must complete before being allowed to administer these local anesthetics. He must successfully complete a course containing basic and current concepts of local anesthesia and pain control in a program accredited by the Commission on Dental Accreditation or its successor. The course must include:

1. 20 hours of classroom training in psychology of pain management, anatomy, physiology, anesthetic pharmacology, emergency precautions and management, client management, and safe and effective anesthetic administration, among other topics and
2. eight hours of clinical training that includes direct observation of students' performance.

The bill eliminates the statutory restriction on where dental hygienists can practice. Current law limits their practice locations to dentists' offices, institutional settings, and convalescent homes. By eliminating the locational restriction, the bill appears to permit hygienists to practice anywhere, as long as they work under a dentist's general supervision.

Foreign-Trained Dentists

The bill allows someone trained in a foreign dental school to obtain a Connecticut dental hygienist license. The person must show he has (1) received a doctor of dental medicine or surgery degree or its equivalent; (2) passed Connecticut's written and practical dental hygienist exam; (3) enrolled in a dental hygiene program in Connecticut accredited by the Commission on Dental Accreditation; and (4) successfully completed at least one year of clinical training in a community health center affiliated with or supervised by that program.

DENTAL ASSISTANTS (§ 6)

The bill allows a dental assistant who has passed the dental radiography portion of an exam prescribed by the Dental Assisting National Board to take dental x-rays. The dentist under whom the assistant works must supervise and control the procedure.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 2