



House of Representatives

General Assembly

File No. 143

February Session, 2008

Substitute House Bill No. 5540

House of Representatives, March 25, 2008

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

AN ACT CONCERNING CHARITABLE DENTAL CARE.

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

1 Section 1. Subsection (e) of section 20-123 of the general statutes is
2 amended by adding subdivision (6) as follows (*Effective from passage*):

3 (NEW) (6) A dentist who holds a current license in good standing in
4 another state or territory of the United States, but who is not licensed
5 in this state, when such dentist is providing uncompensated dental
6 care to medically underserved populations for a period of time that
7 does not exceed fifteen days per year during the Mission of Mercy or
8 other similarly sponsored charitable event, provided such dentist: (1)
9 Maintains professional liability insurance or other indemnity against
10 liability for professional malpractice in amounts equal to or greater
11 than those required by section 20-126d of the 2008 supplement to the
12 general statutes, (2) does not represent himself or herself to be a
13 Connecticut licensed dentist, (3) only provides care and services as
14 part of the Mission of Mercy or similarly sponsored charitable event,
15 and (4) verifies to the entity sponsoring the charitable event that he or

16 she holds the required license and maintains the required professional
17 liability insurance. In accordance with section 20-112a, such dentist
18 may delegate dental procedures to a dental assistant.

19 Sec. 2. Section 20-126l of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) As used in this section:

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

26 (2) "Public health facility" means an institution, as defined in section
27 19a-490 of the 2008 supplement to the general statutes, a community
28 health center, a group home, a school, a preschool operated by a local
29 or regional board of education or a head start program; and

30 (3) The "practice of dental hygiene" means the performance of
31 educational, preventive and therapeutic services including: Complete
32 prophylaxis; the removal of calcerous deposits, accretions and stains
33 from the supragingival and subgingival surfaces of the teeth by
34 scaling, root planing and polishing; the application of pit and fissure
35 sealants and topical solutions to exposed portions of the teeth; dental
36 hygiene examinations and the charting of oral conditions; dental
37 hygiene assessment, treatment planning and evaluation; the
38 administration of local anesthesia in accordance with the provisions of
39 subsection (d) of this section; and collaboration in the implementation
40 of the oral health care regimen.

41 (b) [No] Except as provided in subsection (h) of this section, no
42 person shall engage in the practice of dental hygiene unless such
43 person (1) has a dental hygiene license issued by the Department of
44 Public Health and (A) is practicing under the general supervision of a
45 licensed dentist, or (B) has been practicing as a licensed dental
46 hygienist for at least two years, is practicing in a public health facility

47 and complies with the requirements of subsection (e) of this section, or
48 (2) has a dental license.

49 (c) A dental hygienist licensed under sections 20-126h to 20-126w,
50 inclusive, shall be known as a "dental hygienist" and no other person
51 shall assume such title or use the abbreviation "R.D.H." or any other
52 words, letters or figures which indicate that the person using such
53 words, letters or figures is a licensed dental hygienist. Any person who
54 employs or permits any other person except a licensed dental hygienist
55 to practice dental hygiene shall be subject to the penalties provided in
56 section 20-126t.

57 (d) A licensed dental hygienist may administer local anesthesia,
58 limited to infiltration and mandibular blocks, under the indirect
59 supervision of a licensed dentist, provided the dental hygienist can
60 demonstrate successful completion of a course of instruction
61 containing basic and current concepts of local anesthesia and pain
62 control in a program accredited by the Commission on Dental
63 Accreditation, or its successor organization, that includes: (1) Twenty
64 hours of didactic training, including, but not limited to, the psychology
65 of pain management; a review of anatomy, physiology, pharmacology
66 of anesthetic agents, emergency precautions and management, and
67 client management; instruction on the safe and effective administration
68 of anesthetic agents; and (2) eight hours of clinical training which
69 includes the direct observation of the performance of procedures. For
70 purposes of this subsection, "indirect supervision" means a licensed
71 dentist authorizes and prescribes the use of local anesthesia for a
72 patient and remains in the dental office or other location where the
73 services are being performed by the dental hygienist.

74 (e) A licensed dental hygienist shall not perform the following
75 dental services: (1) Diagnosis for dental procedures or dental
76 treatment; (2) the cutting or removal of any hard or soft tissue or
77 suturing; (3) the prescribing of drugs or medication which require the
78 written or oral order of a licensed dentist or physician; (4) the
79 administration of parenteral, inhalation or general anesthetic agents in

80 connection with any dental operative procedure; (5) the taking of any
81 impression of the teeth or jaws or the relationship of the teeth or jaws
82 for the purpose of fabricating any appliance or prosthesis; (6) the
83 placing, finishing and adjustment of temporary or final restorations,
84 capping materials and cement bases.

85 (f) Each dental hygienist practicing in a public health facility shall
86 (1) refer for treatment any patient with needs outside the dental
87 hygienist's scope of practice, and (2) coordinate such referral for
88 treatment to dentists licensed pursuant to chapter 379.

89 (g) All licensed dental hygienists applying for license renewal shall
90 be required to participate in continuing education programs. The
91 commissioner shall adopt regulations in accordance with the
92 provisions of chapter 54 to: (1) Define basic requirements for
93 continuing education programs, (2) delineate qualifying programs, (3)
94 establish a system of control and reporting, and (4) provide for waiver
95 of the continuing education requirement by the commissioner for good
96 cause.

97 (h) A dental hygienist who holds a current license in good standing
98 in another state or territory of the United States, but who is not
99 licensed in this state, may provide uncompensated dental care to
100 medically underserved populations for a period of time that does not
101 exceed fifteen days per year during the Mission of Mercy or other
102 similarly sponsored charitable event, provided such dental hygienist
103 (1) maintains professional liability insurance or other indemnity
104 against liability for professional malpractice in amounts equal to or
105 greater than those required by section 20-126x, (2) does not represent
106 himself or herself to be a Connecticut licensed dental hygienist, (3)
107 only provides care and services as part of the Mission of Mercy or
108 similarly sponsored charitable event, (4) provides only the care and
109 services authorized under chapter 379a while under the supervision of
110 a Connecticut licensed dental hygienist, and (5) verifies to the entity
111 sponsoring the charitable event that he or she holds the required
112 license and maintains the required professional liability insurance.

113 Sec. 3. (*Effective from passage*) Not later than thirty days following the
 114 conclusion of the Mission of Mercy or any other similarly sponsored
 115 event that provides charitable dental care to residents of the state
 116 during the 2008 calendar year, the entity sponsoring such event shall
 117 provide a written report to the joint standing committee of the General
 118 Assembly having cognizance of matters relating to public health that
 119 minimally includes: The number of persons served by such event; the
 120 number of dentists, dental assistants and dental hygienists that
 121 participated in such event; and any tracking or treatment follow-up
 122 measures established by the entity as relates to persons who received
 123 dental care during the event.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	20-123(e)
Sec. 2	<i>from passage</i>	20-126l
Sec. 3	<i>from passage</i>	New section

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5540*****AN ACT CONCERNING CHARITABLE DENTAL CARE.*****SUMMARY:**

This bill allows out-of-state dentists and dental hygienists to provide charitable dental care in Connecticut for a limited time under certain conditions. The care must be uncompensated and provided to medically underserved populations for up to 15 days per year during the "Mission of Mercy" or similar charitable event.

The bill also establishes reporting requirements.

EFFECTIVE DATE: Upon passage

PARTICIPATING DENTISTS

Participating out-of-state dentists must have a current license in good standing from another state or U.S. territory and:

1. have professional liability insurance or other indemnity against liability for professional malpractice of at least \$500,000 per incident per individual, with an aggregate of at least \$1.5 million;
2. must not represent him or herself as a Connecticut-licensed dentist;
3. only provide care to patients participating in the Mission of Mercy or similar event; and
4. verify to the sponsoring entity of the event that he or she has the required license and malpractice insurance.

The bill allows the dentist to delegate dental procedures to a dental

assistant as allowed by law.

DENTAL HYGIENISTS

A participating out-of-state dental hygienist must have a current license in good standing from another state or territory and

1. maintain malpractice insurance as described above for a dentist;
2. not represent him or herself as a Connecticut-licensed dental hygienist;
3. only provide services as part of the Mission of Mercy or similar event;
4. only provide dental hygienist care as authorized by law and under the supervision of a Connecticut-licensed dental hygienist; and
5. verify to the sponsoring entity that he or she has the required license and malpractice insurance.

REPORTING REQUIREMENT

The bill requires the sponsoring entity to provide a written report, within 30 days of the event, to the Public Health Committee. The report must include the number of individuals served by the event; the number of dentists, dental assistants, and dental hygienists who participated; and any tracking or treatment follow-up measures established by the entity concerning those who received care.

BACKGROUND

Mission of Mercy

The “Mission of Mercy” is expected to be a large scale, multi-chair dental clinic that travels around the state annually to underserved areas. The first state event is scheduled for April 12-13, 2008 at Tolland High School. Services will be provided by volunteer dentists, UConn dental students, dental hygienists, and dental assistants. All services are on a first-come, first-serve basis.

Other Mission of Mercy programs exist in other states, including Virginia, Maryland, Colorado, Texas, Kansas, and Nebraska.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/07/2008)