AN ACT CONCERNING SERVICES PROVIDED BY DENTAL PROFESSIONALS AND CERTIFICATION FOR ADVANCED DENTAL HYGIENE PRACTITIONERS.

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

Section 1. Subsections (a) and (b) of section 20-126l of the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) As used in this section:

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

(2) "Public health facility" means an institution, as defined in section 19a-490, a community health center, a group home, a school, a preschool operated by a local or regional board of education or a head start program or a program offered or sponsored by the federal Special Supplemental Food Program for Women, Infants and Children; and
(3) The "practice of dental hygiene" means the performance of educational, preventive and therapeutic services including: Complete prophylaxis; the removal of [calcerous] calcareous deposits, accretions and stains from the supragingival and subgingival surfaces of the teeth by scaling, root planing and polishing; the application of pit and fissure sealants and topical solutions to exposed portions of the teeth; dental hygiene examinations and the charting of oral conditions; dental hygiene assessment, diagnosis, treatment planning and evaluation; dental triage; the administration of local anesthesia in accordance with the provisions of subsection (d) of this section; and collaboration in the implementation of the oral health care regimen.

(b) No person shall engage in the practice of dental hygiene unless such person (1) has a dental hygiene license issued by the Department of Public Health and (A) is practicing under the general supervision of a licensed dentist, [or] (B) has been practicing as a licensed dental hygienist for at least two years, is practicing in a public health facility and complies with the requirements of subsection (e) of this section, or (C) has an advanced dental hygiene practitioner certification issued by the department and is practicing under a collaborative management agreement with a licensed dentist, or (2) has a dental license.

Sec. 2. Section 20-112a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) As used in this section:

(1) "Direct supervision" means that a licensed dentist has authorized that certain procedures be performed on a patient by a dental assistant with such dentist remaining on-site in the dental office while such procedures are performed and that, prior to the patient's departure from the dental office, such dentist reviews and approves the treatment performed by the dental assistant;

(2) "Dental assistant" means an entry level dental assistant, certified dental assistant, noncertified dental assistant and an expanded
function dental auxiliary;

(3) "Certified dental assistant" means a person who passes the certified dental assistant or certified orthodontic assistant examination of the Dental Assisting National Board and maintains a current Dental Assisting National Board Certified Dental Assistant or Certified Orthodontic Assistant credential. Documentation of current certification shall be maintained on the premises by the employing dentist and made available to the Department of Public Health upon request;

(4) "Entry level dental assistant" means a person who has completed on-the-job training in dental assisting under the direct supervision, control and responsibility of an employing, licensed dentist and who successfully completes the infection control examination of the Dental Assisting National Board not later than six months after the date of commencing employment, provided any person employed as an entry level dental assistant on or before October 1, 2012, shall successfully complete said examination not later than October 1, 2013. An affidavit that supports the successful completion of said examination by any such entry level dental assistant shall be maintained on the premises by the employing dentist and made available to the Department of Public Health upon request;

(5) "Expanded function dental auxiliary" means a certified dental assistant, dental hygienist licensed under chapter 379a or a person holding a diploma from a foreign dental school who has successfully completed an expanded function dental auxiliary program at an institution that offers an education program accredited by the Commission on Dental Accreditation of the American Dental Association that includes: (A) Not less than seventy hours of clinical and laboratory instruction and not less than forty-three hours of clinical instruction in each area of expanded function dental auxiliary certification; (B) a comprehensive clinical examination; and (C) a standardized comprehensive written and clinical proficiency
examination in expanded functions according to Dental Assisting National Board standards, provided prior to working as an expanded function dental auxiliary, the employing dentist shall verify that the expanded function dental auxiliary has successfully completed the required education and training and passed the required examinations. Documentation that the expanded function dental auxiliary has met such requirements shall be maintained on the premises by the employing dentist and made available to the Department of Public Health upon request; and

(6) "Noncertified dental assistant" means a person who has successfully completed a dental assistant education program accredited by the Commission on Dental Accreditation of the American Dental Association, or a person who has not less than three thousand hours of experience as an entry level dental assistant, and who has passed the infection control examination and the radiation health and safety examination of the Dental Assisting National Board. An affidavit that supports the successful completion of said examinations by any such noncertified level dental assistant shall be maintained on the premises by the employing dentist and made available to the Department of Public Health upon request.

(b) A licensed dentist may delegate to dental assistants such dental procedures as the dentist may deem advisable, including the taking of dental x-rays if the dental assistant can demonstrate successful completion of the dental radiography portion of an examination prescribed by the Dental Assisting National Board, but such procedures shall be performed under the dentist's supervision and control and the dentist shall assume responsibility for such procedures; provided such assistants may not engage in: (1) Diagnosis for dental procedures or dental treatment; (2) the cutting or removal of any hard or soft tissue or suturing; (3) the prescribing of drugs or medications that require the written or oral order of a licensed dentist or physician; (4) the administration of local, parenteral, inhalation or general anesthetic agents in connection with any dental operative
procedure; (5) the taking of any impression of the teeth or jaws or the
relationship of the teeth or jaws for the purpose of fabricating any
appliance or prosthesis; (6) the placing, finishing and adjustment of
[temporary or] final restorations, capping materials and cement bases;
[or] (7) the practice of dental hygiene as defined in section 20-126l, as
amended by this act; or (8) coronal polishing, unless the dental
assistant is certified as an expanded function dental auxiliary and the
procedure is not represented or billed as prophylaxis.

(c) An expanded function dental auxiliary shall: (1) Maintain in
good standing certified dental assisting status with the Dental
Assisting National Board or state dental hygiene licensure as
prescribed in chapter 379a; (2) conspicuously display such certificate or
license in the place of employment where such expanded function
dental auxiliary services shall be performed; (3) maintain professional
liability insurance or other indemnity against liability for professional
malpractice while employed in such capacity in an amount that is not
less than five hundred thousand dollars for one person, per
occurrence, with an aggregate of not less than one million five
hundred thousand dollars; and (4) limit his or her practice to
providing services under the direct supervision of a licensed dentist,
provided no dentist shall supervise more than two expanded function
dental auxiliaries who are providing services at one time. An
expanded function dental auxiliary may practice in settings that
include, but are not limited to (A) a public health facility, as defined in
section 20-126l, as amended by this act, or (B) a dental health
professional shortage area as designated by the federal Health
Resources and Services Administration.

(d) The Commissioner of Public Health, in consultation with the
State Dental Commission, shall adopt regulations, in accordance with
chapter 54, to implement the provisions of this section. Such
regulations shall minimally: (1) Identify the types of procedures that
may be performed by a certified dental assistant, entry level dental
assistant, expanded function dental auxiliary and a noncertified dental
assistant; (2) delineate the levels of supervision required for such
procedures; and (3) prescribe that a dental assistant may work under
the supervision of a licensed dental hygienist in a public health facility,
as defined in section 20-126l, as amended by this act, or a dental health
professional shortage area as designated by the federal Health
Resources and Services Administration.

Sec. 3. Subsection (a) of section 20-13j of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2012):

(a) For the purposes of this section:

(1) "Department" means the Department of Public Health; and

(2) "Health care provider" means: (A) A physician licensed under
this chapter; (B) a dentist licensed under chapter 379; (C) a chiropractor
licensed under chapter 372; (D) an optometrist licensed under chapter
380; (E) a podiatrist licensed under chapter 375; (F) a natureopath
licensed under chapter 373; (G) a dental hygienist licensed under
chapter 379a; (H) an advanced dental hygiene practitioner certified in
accordance with sections 4 and 5 of this act; (I) an advanced practice
registered nurse licensed under chapter 378; or (J) a physical
therapist licensed under chapter 376.

Sec. 4. (NEW) (Effective October 1, 2012) No person shall engage in
advanced dental hygiene practice unless such person holds and
maintains a dental hygiene license in good standing and an advanced
dental hygiene practitioner certification issued by the Department of
Public Health under section 5 of this act. An advanced dental hygiene
practitioner certification shall be renewed annually in accordance with
the provisions of section 19a-88 of the general statutes.

Sec. 5. (NEW) (Effective October 1, 2012) (a) Each application for an
advanced dental hygiene practitioner certification shall be in writing
on forms prescribed by the Department of Public Health, signed by the
applicant and accompanied by an application fee of two hundred dollars. An applicant shall have graduated from a master's degree program in advanced dental hygiene practice from an institution of higher learning accredited by the State Board of Education in accordance with the provisions of section 10a-34 of the general statutes. Any such master's degree program accredited by the State Board of Education shall include a curriculum that incorporates advanced dental hygiene practitioner competencies as adopted by the American Dental Hygienists' Association.

(b) An applicant for an advanced dental hygiene practitioner certification shall be examined as to his or her professional knowledge and skill prior to the granting of such certification, through a comprehensive, competency-based examination, prescribed by the Department of Public Health and administered independently of any institution of higher education that offers a master's degree program in advanced dental hygiene practice.

Sec. 6. (NEW) (Effective October 1, 2012) (a) As used in this section:

(1) "Advanced dental hygiene practitioner" means a licensed dental hygienist who satisfies the requirements of sections 4 and 5 of this act and is authorized to perform all services set forth in section 20-126l of the general statutes, as amended by this act, pursuant to a collaborative management agreement;

(2) "Collaborative management agreement" means a written agreement between an advanced dental hygiene practitioner and a dentist, licensed in accordance with the provisions of chapter 379 of the general statutes, that outlines a mutually agreed upon relationship in which the advanced dental hygiene practitioner and the dentist agree to the parameters of practice provided by such advanced dental hygiene practitioner that does not allow the advanced dental hygiene practitioner to practice independently; and

(3) "Public health facility" means an institution, as defined in section
19a-490 of the general statutes, a community health center, group
home, school, preschool operated by a local or regional board of
education or head start program.

(b) Pursuant to a collaborative management agreement with a
licensed dentist, an advanced dental hygiene practitioner may:

(1) Formulate an individualized care plan based on scientific
rationale, evidence-based standards of care, and practice guidelines in
collaboration with the patient and other licensed health care
professionals, as necessary;

(2) Administer local anesthesia;

(3) Diagnose and treat for oral diseases and conditions within the
advanced dental hygiene practitioner scope of practice;

(4) Provide diagnostic, educational, palliative, therapeutic,
prescriptive and minimally invasive restorative oral health services
including: (A) Preparation and restoration of primary and permanent
teeth using direct placement of appropriate dental materials; (B)
temporary placement of crowns and restorations; (C) placement of
preformed crowns; (D) pulpotomies on primary teeth; (E) direct and
indirect pulp capping in primary and permanent teeth; and (F)
placement of atraumatic temporary restorations;

(5) Prescribe, dispense and administer only the following drugs
within the parameters of the collaborative management agreement and
within the scope of practice of the advanced dental hygiene
practitioner: Analgesics, fluorides, anti-inflammatories, antimicrobials
and antibiotics;

(6) Perform removal of mobile or exfoliating primary teeth and
mobile permanent teeth;

(7) Place and remove sutures;
(8) Prevent or intercept potential orthodontic problems and parafunctional habits by early identification of such problems, space maintenance services and appropriate referral to other health care professionals;

(9) Provide temporary reparative services to patients with defective prosthetic appliances;

(10) Consult, collaborate and coordinate care with other health care professionals;

(11) Provide referrals to patients as needed for further dental procedures or other health care needs;

(12) Utilize emerging technologies in assessment, evaluation, diagnosis, prognosis, intervention and prevention of disease or conditions that impair oral or systemic health and wellness; and

(13) Use electronic technology to transfer digital radiography, photography, clinical assessment data and fiber optic imaging in collaboration with other health care professionals when warranted for the health of the patient.

(c) An advanced dental hygiene practitioner, certified in accordance with the provisions of sections 4 and 5 of this act, may practice in settings that include, but are not limited to, a public health facility or a dental health professional workforce shortage area as designated by the federal Health Resources and Services Administration.

(d) A collaborative management agreement entered into in accordance with the provisions of this section shall be in writing, signed by the parties to the agreement and maintained by the advanced dental hygiene practitioner at the location where such practitioner is employed and shall be available for inspection by the Department of Public Health upon request. A collaborative management agreement shall be reviewed by the parties involved on an annual basis and shall minimally include: (1) A description of the
a supervisory relationship between the advanced dental hygiene practitioner and the licensed dentist; (2) specific protocols for prescribing, administering and dispensing medications, including, the types of medications to be prescribed, administered and dispensed and the conditions and circumstances under which such medications are to be prescribed, dispensed and administered subject to the limitations set forth in subsection (b) of this section; and (3) an emergency protocol that addresses situations under which the following shall occur: (A) Consultation with a licensed dentist or other licensed health care provider; (B) transfer of patient care to a licensed dentist or other licensed health care provider; (C) the provision of emergency care; (D) methods for disclosing the relationship covered by such agreement to the patient; and (E) methods for reviewing patient outcomes.

(e) All advanced dental hygiene practitioners shall participate in continuing education programs prescribed by the Commissioner of Public Health pursuant to section 14 of this act.

Sec. 7. (NEW) (Effective October 1, 2012) An advanced dental hygiene practitioner's certificate along with such practitioner's dental hygiene license for the current year shall be displayed conspicuously in the public health facility, office, place of business or place of employment of such practitioner. Each advanced dental hygiene practitioner shall promptly notify the department of any change of address or employment subsequent to his or her licensure and certification.

Sec. 8. (NEW) (Effective October 1, 2012) (a) The Department of Public Health may take any of the actions set forth in section 19a-17 of the general statutes for any of the following causes: (1) The presentation to the department of any diploma, certificate or license illegally or fraudulently obtained, obtained from an institution that is not accredited or from an unrecognized or irregular institution or state board, or obtained by the practice of any fraud or deception; (2) illegal conduct; (3) negligent, incompetent or wrongful conduct in professional activities; (4) conviction of the violation of any of the
provisions of sections 20-126h to 20-126w, inclusive, of the general statutes, as amended by this act, by any court of criminal jurisdiction;

(5) violation of any of the provisions of said sections of the general statutes or of the regulations adopted hereunder; (6) aiding or abetting a person not certified or licensed to practice advanced dental hygiene in this state; (7) engaging in fraud or material deception in the course of professional activities; (8) the effects of physical or mental illness, emotional disorder or loss of motor skill, including, but not limited to, deterioration through the aging process, upon the certificate or license holder; (9) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (10) failure to comply with mandatory continuing education requirements; (11) failure to maintain professional liability insurance; (12) practicing without a collaborative management agreement; (13) failure to properly supervise dental assistants; or (14) failure to provide information to the Department of Public Health required to complete a health care profile, as set forth in section 20-13j of the general statutes, as amended by this act. A violation of any of the provisions of sections 4 to 14, inclusive, of this act, by any noncertified or unlicensed advanced dental hygiene practitioner, with the knowledge of such practitioner's employer, shall be deemed a violation thereof by such employer. The Commissioner of Public Health may order a certificate or license holder to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is the subject of an investigation. The commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to said section 19a-17.

(b) For purposes of subdivision (7) of subsection (a) of this section, fraud or material deception shall include, but not be limited to, the following practices: (1) Submission of a claim form to a third party intentionally reporting incorrect treatment dates for the purpose of assisting a patient in obtaining benefits under a dental plan, which benefits would otherwise be disallowed; (2) increasing a fee to a patient for a service in excess of the fee charged solely because the
patient has dental insurance; (3) intentionally describing a procedure
incorrectly on a third-party claim form in order to receive a greater
payment or reimbursement or intentionally misrepresenting a
procedure not otherwise eligible for payment or reimbursement on
such claim form for the purpose of receiving payment or
reimbursement; and (4) intentionally accepting payment from a third
party as payment in full for patient services rendered when (A) the
patient has been excused from payment of any applicable deductible
by the certificate or license holder, and (B) such certificate or license
holder fails to notify the third party of such action.

Sec. 9. (NEW) (Effective October 1, 2012) No person shall falsely claim
to hold a license, certificate, diploma or degree granted by a society,
school or by the Department of Public Health, or, with intent to
deceive the public, pretend to be a graduate of any advanced dental
hygiene practice program or college, or append the letters "A.D.H.P."
to his or her name, without having the degree indicated by such letters
conferred upon him or her by diploma from a college, a school, a
board of examiners, or other agency empowered to confer the same.

Sec. 10. (NEW) (Effective October 1, 2012) Payment for advanced
dental hygiene practice care rendered to patients in chronic and
convalescent hospitals or convalescent homes shall be made directly to
the certified advanced dental hygiene practitioner rendering such care.
The Commissioner of Social Services shall not be required to recognize
the cost of employing or contracting with an advanced dental hygiene
practitioner in the rates established for convalescent homes pursuant
to section 17b-340 of the general statutes.

Sec. 11. (NEW) (Effective October 1, 2012) Any person who violates
any provision of sections 4 to 14, inclusive, of this act shall be fined not
more than five thousand dollars in aggregate. Any person who
continues to practice as an advanced dental hygiene practitioner or
engage as an advanced dental hygiene practitioner, after his or her
license, certificate or authority to so do has been suspended or revoked
and while such disability continues, shall be fined not more than five thousand dollars in aggregate. For purposes of this section, each instance of patient contact or consultation which is in violation of any provision of this section shall constitute a separate offense. Failure to renew a license or certificate in a timely manner shall not constitute a violation for the purposes of this section.

Sec. 12. (NEW) (Effective October 1, 2012) Nothing in sections 4 to 14, inclusive, of this act shall be construed to: (1) Allow a certified advanced dental hygiene practitioner to practice independently or beyond the parameters of the collaborative management agreement with the collaborating licensed dentist; or (2) prevent a licensed dentist from providing advanced dental hygiene practice services.

Sec. 13. (NEW) (Effective October 1, 2012) (a) Each certified advanced dental hygiene practitioner who provides direct patient care services shall maintain professional liability insurance or other indemnity against liability for professional malpractice. The amount of insurance that each such person shall maintain as insurance or indemnity against claims for injury or death for professional malpractice shall not be less than five hundred thousand dollars for one person, per occurrence, with an aggregate of not less than one million five hundred thousand dollars.

(b) Each insurance company that issues professional liability insurance, as defined in subdivision (4) of subsection (b) of section 38a-393 of the general statutes, as amended by this act, shall, on and after January 1, 2013, render to the Commissioner of Public Health a true record of the names, according to classification, of cancellations of and refusals to renew professional liability insurance policies and the reasons for such cancellations or refusal to renew said policies for the year ending on the thirty-first day of December next preceding.

Sec. 14. (NEW) (Effective October 1, 2012) The Commissioner of Public Health shall adopt regulations, in accordance with chapter 54 of the general statutes, to: (1) Define basic requirements for continuing
(c) No board shall exist for the following professions that are licensed or otherwise regulated by the Department of Public Health:

(1) Speech and language pathologist and audiologist;

(2) Hearing instrument specialist;

(3) Nursing home administrator;

(4) Sanitarian;

(5) Subsurface sewage system installer or cleaner;

(6) Marital and family therapist;

(7) Nurse-midwife;

(8) Licensed clinical social worker;

(9) Respiratory care practitioner;

(10) Asbestos contractor and asbestos consultant;

(11) Massage therapist;

(12) Registered nurse's aide;

(13) Radiographer;

(14) Dental hygienist;
(15) Dietitian-Nutritionist;

(16) Asbestos abatement worker;

(17) Asbestos abatement site supervisor;

(18) Licensed or certified alcohol and drug counselor;

(19) Professional counselor;

(20) Acupuncturist;

(21) Occupational therapist and occupational therapist assistant;

(22) Lead abatement contractor, lead consultant contractor, lead consultant, lead abatement supervisor, lead abatement worker, inspector and planner-project designer;

(23) Emergency medical technician, advanced emergency medical technician, emergency medical responder and emergency medical services instructor;

(24) Paramedic;

(25) Athletic trainer;

(26) Perfusionist;

(27) Master social worker subject to the provisions of section 20-195v; [and]

(28) Advanced dental hygiene practitioner; and

[(28) On and after July 1, 2011, a] (29) A radiologist assistant, subject to the provisions of section 20-74tt.

The department shall assume all powers and duties normally vested with a board in administering regulatory jurisdiction over such professions. The uniform provisions of [this chapter] sections 4 to 14,
Raised Bill No.  5541

Sec. 16. Subsection (a) of section 19a-12a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) As used in this section and section 19a-12b:

(1) "Chemical dependency" means abusive or excessive use of drugs, including alcohol, narcotics or chemicals, that results in physical or psychological dependence;

(2) "Department" means the Department of Public Health;

(3) "Health care professionals" includes any person licensed or who holds a certificate or permit pursuant to chapter 370, 372, 373, 375, 375a, 376, 376a, 376b, 376c, 377, 378, 379, 379a, 380, 381, 381a, 383, 383a, 383b, 383c, 384, 384a, 384b, 384c, 384d, 385, 398 or 399 or sections 4 to 14, inclusive, of this act;

(4) "Medical review committee" means any committee that reviews and monitors participation by health care professionals in the assistance program, including a medical review committee described in section 19a-17b; and

(5) "Assistance program" means the program established pursuant to subsection (b) of this section to provide education, prevention, intervention, referral assistance, rehabilitation or support services to health care professionals who have a chemical dependency, emotional or behavioral disorder or physical or mental illness.

Sec. 17. Section 38a-393 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2012):

(a) Each insurance company doing business in this state shall, annually, on or before the first day of March, render to the Insurance Commissioner a true record of the number, according to classification, of cancellations of and refusals to renew professional liability insurance policies for the year ending on the thirty-first day of December next preceding.

(b) For purposes of sections 38a-393 to 38a-395, inclusive, "professional liability insurance" means professional liability contracts for: (1) Physicians and surgeons, (2) hospitals, (3) lawyers, (4) dentists and other dental professionals, (5) architects and engineers, (6) chiropractors, (7) licensed natureopaths, (8) podiatrists, (9) advanced practice registered nurses, and (10) physical therapists and such other categories as the Insurance Commissioner, in the commissioner's discretion, shall adopt by regulations in accordance with chapter 54.

This act shall take effect as follows and shall amend the following sections:

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Statement of Purpose:
To describe services that may be performed by certain dental professionals and to increase access to and utilization of dental care for underserved populations through the use of advanced dental hygiene practitioners.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]