



House of Representatives

General Assembly

File No. 664

January Session, 2015

Substitute House Bill No. 6814

House of Representatives, April 16, 2015

The Committee on Public Health reported through REP. RITTER of the 1st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DENTAL ASSISTANTS AND EXPANDED FUNCTION DENTAL AUXILIARY.

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

1 Section 1. Section 20-112a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) As used in this section:

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

10 (2) "Indirect supervision" means a licensed dentist is in the dental
11 office or treatment facility, has personally diagnosed the condition,
12 planned the treatment, authorized the procedures to be performed and

13 remains in the dental office or treatment facility while the procedures
14 are being performed by the dental assistant and evaluates the
15 performance of the dental assistant;

16 (3) "Dental assistant" means a noncredentialed dental assistant, a
17 credentialed dental assistant or an expanded function dental auxiliary;

18 (4) "Noncredentialed dental assistant" means a person who (A) has
19 completed on-the-job training in dental assisting under the direct
20 supervision, control and responsibility of an employing, licensed
21 dentist, or (B) has successfully completed a dental assistant education
22 program accredited by the American Dental Association's Commission
23 on Dental Accreditation, or (C) has successfully completed a dental
24 assistant program that is accredited or recognized by the New England
25 Association of Schools and Colleges, and (D) has met any requirements
26 established by the Commissioner of Public Health;

27 (5) "Credentialed dental assistant" means a person who has
28 successfully completed the Dental Assisting National Board's certified
29 dental assistant or certified orthodontic assistant examination and
30 maintains current certification by the Dental Assisting National Board;
31 and

32 (6) "Expanded function dental auxiliary" means a credentialed
33 dental assistant, dental hygienist licensed under chapter 379a, a person
34 who has served as an expanded function dental auxiliary for a period
35 of not less than three years in the United States armed forces or the
36 United States Department of Health and Human Services' United
37 States Public Health Service Commissioned Corps or Indian Health
38 Service, or a person holding a diploma from a foreign dental school
39 who has successfully completed (A) an expanded function dental
40 auxiliary program at an institution of higher education that is
41 accredited by the Commission on Dental Accreditation of the
42 American Dental Association and that includes: (i) A curriculum with
43 courses relating to didactic and laboratory preclinical objectives for
44 skills used by an expanded function dental auxiliary and that requires
45 demonstration of such skills prior to advancing to clinical practice; (ii)

46 not less than four hours of education in the areas of law and ethics
47 applicable to the dental profession; and (iii) a comprehensive clinical
48 examination, and (B) a comprehensive written examination in
49 expanded functions administered by the Dental Assisting National
50 Board.

51 (b) A licensed dentist may delegate to dental assistants such dental
52 procedures as the dentist may deem advisable, including the taking of
53 dental x-rays if the dental assistant can demonstrate successful
54 completion of the dental [radiography portion of an examination
55 prescribed] radiation health and safety examination administered by
56 the Dental Assisting National Board and the taking of impressions of
57 the teeth for study models and fabrication of orthodontic appliances,
58 but such procedures shall be performed under the dentist's
59 supervision and control and the dentist shall assume responsibility for
60 such procedures; provided such assistants may not engage in: (1)
61 Diagnosis for dental procedures or dental treatment; (2) the cutting or
62 removal of any hard or soft tissue or suturing; (3) the prescribing of
63 drugs or medications that require the written or oral order of a
64 licensed dentist or physician; (4) the administration of local, parenteral,
65 inhalation or general anesthetic agents in connection with any dental
66 operative procedure; (5) the taking of any final impression of the teeth
67 or jaws or the relationship of the teeth or jaws for the purpose of
68 fabricating any appliance or prosthesis; (6) the placing, finishing and
69 adjustment of [temporary or final restorations] temporary restorations
70 and long-term individual fillings, capping materials and cement bases
71 unless the dental assistant is an expanded function dental auxiliary;
72 [or] (7) the practice of dental hygiene as defined in section 20-126l; or
73 (8) coronal polishing, unless such dental assistant is an expanded
74 function dental auxiliary and the procedure is not represented or billed
75 as prophylaxis.

76 (c) An expanded function dental auxiliary shall: (1) Maintain dental
77 assistant or orthodontic assistant certification by the Dental Assisting
78 National Board or dental hygiene licensure in accordance with chapter
79 379a; (2) conspicuously display such certificate or license in the place

80 of employment where such expanded function dental auxiliary
81 services are performed; (3) maintain professional liability insurance or
82 other indemnity against liability for professional malpractice while
83 employed in such capacity in an amount that is not less than five
84 hundred thousand dollars for one person, per occurrence, with an
85 aggregate liability of not less than one million five hundred thousand
86 dollars; and (4) limit his or her practice to providing services under the
87 indirect supervision or direct supervision of a licensed dentist.

88 (d) Each dentist employing or engaging the services of an expanded
89 function dental auxiliary shall: (1) Before hiring or otherwise engaging
90 the services of an expanded function dental auxiliary, verify that the
91 expanded function dental auxiliary has successfully completed the
92 requirements for an expanded function dental auxiliary, as described
93 in this section; (2) maintain documentation of the expanded function
94 dental auxiliary's completion of such requirements on the premises
95 where the expanded function dental auxiliary provides services; (3)
96 make such documentation available to the Department of Public
97 Health upon request; and (4) provide indirect supervision or direct
98 supervision to not more than two expanded function dental auxiliaries
99 who are providing services at one time or, if the dentist's practice is
100 limited to orthodontics, provide indirect supervision or direct
101 supervision to not more than four expanded function dental auxiliaries
102 who are providing services at one time.

103 (e) An expanded function dental auxiliary shall be permitted to
104 practice in settings that include, but are not limited to, (1) a public
105 health facility, as defined in section 20-126l; and (2) a dental health
106 professional shortage area as designated by the federal Health
107 Resources and Services Administration.

108 (f) The Commissioner of Public Health, in consultation with the
109 State Dental Commission, established under section 20-103a, may
110 adopt regulations, in accordance with chapter 54, to implement the
111 provisions of this section. Such regulations, if adopted, shall include,
112 but need not be limited to: (1) Identification of the types of procedures

113 that may be performed by a noncredentialed dental assistant,
 114 credentialed dental assistant and an expanded function dental
 115 auxiliary; (2) identification of the appropriate number of didactic,
 116 preclinical and clinical hours or number of procedures to be evaluated
 117 for clinical competency for each skill employed by an expanded
 118 function dental auxiliary; and (3) identification of the level of
 119 supervision, including direct supervision, indirect supervision or a
 120 description of another level of supervision that is required for each
 121 procedure to be performed by an expanded function dental auxiliary.

122 (g) The State Dental Commission shall publish on its Internet web
 123 site a list of the types of procedures that may be performed by a
 124 noncredentialed dental assistant, credentialed dental assistant or
 125 expanded function dental auxiliary. Said commission shall update the
 126 list not less than once every three years.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2015	20-112a
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Statement of Legislative Commissioners:

In Section 1(f) "regulations shall include, but shall not be limited to" was changed to "regulations, if adopted, shall include, but need not be limited to" for internal consistency.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which requires the Department of Public Health to promulgate regulations, in consultation with the State Dental Commission, has no fiscal impact as DPH has expertise in this area.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6814

AN ACT CONCERNING DENTAL ASSISTANTS AND EXPANDED FUNCTION DENTAL AUXILIARY.

SUMMARY:

This bill establishes expanded function dental auxiliaries (“auxiliaries”), a designation that permits dental assistants to perform more dentistry functions than allowed under current law.

The bill defines dental assistants and includes auxiliaries and credentialed and noncredentialed dental assistants in the definition. Thus, the bill authorizes auxiliaries to perform any duties a dental assistant can perform. It specifies the required credentials and training for auxiliaries.

Under the bill, a dentist can delegate (1) one additional duty to a dental assistant as well as (2) several new duties if the dental assistant is an auxiliary. The bill also places a number of requirements on auxiliaries and the dentists that hire them.

It authorizes auxiliaries to practice in settings that include (1) a public health facility (see BACKGROUND) and (2) a dental health professional shortage area as designated by the federal Health Resources and Services Administration.

The bill also (1) authorizes the public health (DPH) commissioner, in consultation with the State Dental Commission, to adopt regulations to implement the bill, and (2) requires the commission to publish on its website a list of procedures auxiliaries can perform.

EFFECTIVE DATE: October 1, 2015

PERMITTED DUTIES AND PROCEDURES OF DENTAL ASSISTANTS

The bill changes some of the duties or procedures a dentist can delegate to a dental assistant, and allows a dentist to delegate more procedures if the assistant is an auxiliary. By law and the bill, any such procedures must be performed under the dentist's supervision.

The bill permits a dental assistant to take impressions of a patient's teeth for study models and fabrication of orthodontic appliances, but maintains the prohibition against taking final impressions. If the assistant is an auxiliary, the bill permits him or her to perform coronal polishing, as long as the procedure is not represented or billed as prophylaxis.

Under current law, dental assistants may not place, finish, or adjust temporary or final restorations. The bill (1) prohibits dental assistants from placing, finishing, or adjusting long-term fillings instead of final restorations and (2) exempts auxiliaries from these prohibitions.

Current law permits dental assistants to take dental x-rays if the assistant has successfully completed the dental radiography portion of an exam the Dental Assisting National Board (DANB) prescribes. The bill changes this to a DANB-administered radiation health and safety exam.

EXPANDED FUNCTION DENTAL AUXILIARIES

Under the bill, an auxiliary means a:

1. credentialed dental assistant,
2. licensed dental hygienist,
3. person who served as an expanded function dental auxiliary for at least three years in the U.S. armed forces or the U.S. Department of Health and Human Services' U.S. Public Health Service Commissioned Corps or Indian Health Service, or
4. person with a foreign dental school diploma who has

successfully completed (a) an expanded function dental auxiliary program at an institution of higher education accredited by the Commission on Dental Accreditation of the American Dental Association that includes (i) courses relating to didactic and laboratory preclinical objectives for skills used by an expanded function dental auxiliary and that requires demonstration of these skills before advancing to clinical practice; (ii) at least four hours of law and ethics education applicable to the dental profession; and (iii) a comprehensive clinical examination, and (b) a DANB-administered comprehensive written examination in expanded functions.

Dental Assistant Definitions

Under the bill “dental assistant” means a noncredentialed dental assistant, a credentialed dental assistant, or an auxiliary. The bill defines noncredentialed and credentialed dental assistants as follows:

1. "noncredentialed dental assistant" means a person who has completed (a) on-the-job training in dental assisting under the direct supervision, control and responsibility of an employing, licensed dentist, (b) an American Dental Association's Commission on Dental Accreditation accredited dental assistant program or a dental assistant program accredited or recognized by the New England Association of Schools and Colleges, and (c) has met any requirements established by the Commissioner of Public Health and
2. "credentialed dental assistant" means a person who has successfully completed the DANB's certified dental assistant or certified orthodontic assistant examination and maintains current DANB certification.

Noncredentialed and credentialed dental assistants can perform the same services under the bill, except the credential dental assistants can, by becoming auxiliaries, perform some additional services.

AUXILIARY REQUIREMENTS

The bill establishes numerous requirements for auxiliaries. They must:

1. maintain dental assistant or orthodontic assistant DANB certification or dental hygiene state licensure;
2. conspicuously display the certificate or license in the place of employment where he or she performs auxiliary services;
3. maintain professional liability insurance or other indemnity against liability for professional malpractice of at least \$500,000 for one person, per occurrence, with an aggregate liability of at least \$1.5 million; and
4. limit his or her practice to providing services under the indirect supervision or direct supervision of a licensed dentist.

DENTIST REQUIREMENTS

Under the bill, each dentist employing or engaging an auxiliary must:

1. before hiring or otherwise engaging an auxiliary's services, verify that he or she has successfully completed the bill's requirements for an auxiliary;
2. maintain, on the premises, documentation of the auxiliary's completed requirements;
3. make the documentation available to DPH; and
4. provide direct or indirect supervision to no more than (a) two auxiliaries, who are providing services at one time or (b) four auxiliaries, who are providing services at one time if the dentist's practice is limited to orthodontics.

Under the bill:

1. "direct supervision" means a licensed dentist has authorized a dental assistant to perform certain procedures with the dentist

remaining on-site in the dental office or facility while the procedures are performed and, prior to the patient's departure from the office or facility, he or she reviews and approves the dental assistant's treatment and

2. "indirect supervision" means a licensed dentist that has personally diagnosed the condition, planned the treatment, authorized the procedures to be performed and remains in the dental office or facility while the dental assistant performs the procedures, and evaluates the performance of the dental assistant.

REGULATIONS

The bill authorizes the DPH commissioner to, in consultation with the State Dental Commission, adopt regulations to implement the bill, which must include identification of the:

1. types of procedures that a noncredentialed dental assistant, credentialed dental assistant, and an auxiliary can perform;
2. appropriate number of didactic, preclinical, and clinical hours or number of procedures to be evaluated for clinical competency for each skill an auxiliary can employ; and
3. level of direct and indirect supervision, or a description of another level of supervision, that is required for each procedure an auxiliary can perform.

LIST OF PROCEDURES

The bill requires the dental commission to publish on its website a list of the procedures that a noncredentialed dental assistant, credentialed dental assistant, and an auxiliary can perform. The commission must update the list at least once every three years.

BACKGROUND

Public Health Facility

The law defines a public health facility as a hospital, nursing home, residential care home, home health care agency, outpatient surgical facility, school infirmary, mental health facility, among other institutions; community health center; group home; school, publicly operated preschool, or a head start center (CGS § 20-126l).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 1 (03/30/2015)