



General Assembly

**Amendment**

January Session, 2015

LCO No. 6805



Offered by:

REP. MORRIS, 140<sup>th</sup> Dist.  
REP. CONROY, 105<sup>th</sup> Dist.  
REP. SAYERS, 60<sup>th</sup> Dist.  
REP. COOK, 65<sup>th</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.

REP. DEMICCO, 21<sup>st</sup> Dist.  
REP. KINER, 59<sup>th</sup> Dist.  
REP. RYAN, 139<sup>th</sup> Dist.  
REP. RILEY, 46<sup>th</sup> Dist.

To: Subst. House Bill No. 6814

File No. 664

Cal. No. 440

**"AN ACT CONCERNING DENTAL ASSISTANTS AND EXPANDED  
FUNCTION DENTAL AUXILIARY."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsections (a) and (b) of section 20-126l of the general  
4 statutes are repealed and the following is substituted in lieu thereof  
5 (*Effective October 1, 2015*):

6 (a) As used in this section:

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

11 (2) "Public health facility" means an institution, as defined in section  
12 19a-490, a community health center, a group home, a school, a  
13 preschool operated by a local or regional board of education or a head  
14 start program or a program offered or sponsored by the federal Special  
15 Supplemental Food Program for Women, Infants and Children; and

16 (3) The "practice of dental hygiene" means the performance of  
17 educational, preventive and therapeutic services including: Complete  
18 prophylaxis; the removal of [calcerous] calcareous deposits, accretions  
19 and stains from the supragingival and subgingival surfaces of the teeth  
20 by scaling, root planing and polishing; the application of pit and  
21 fissure sealants and topical solutions to exposed portions of the teeth;  
22 dental hygiene examinations and the charting of oral conditions;  
23 dental hygiene assessment, diagnosis, treatment planning and  
24 evaluation; dental triage; the administration of local anesthesia in  
25 accordance with the provisions of subsection (d) of this section; and  
26 collaboration in the implementation of the oral health care regimen.

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

36 Sec. 502. Subsection (a) of section 20-13j of the general statutes is  
37 repealed and the following is substituted in lieu thereof (*Effective*  
38 *October 1, 2015*):

39 (a) For the purposes of this section:

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

41 (2) "Other health care provider" means: (A) A dentist licensed under

42 chapter 379; (B) a chiropractor licensed under chapter 372; (C) an  
43 optometrist licensed under chapter 380; (D) a podiatrist licensed under  
44 chapter 375; (E) a naturopath licensed under chapter 373; (F) a dental  
45 hygienist licensed under chapter 379a; [or] (G) a physical therapist  
46 licensed under chapter 376; or (H) an advanced dental hygiene  
47 practitioner certified in accordance with sections 503 and 504 of this  
48 act;

49 (3) "Advanced practice registered nurse" means an advanced  
50 practice registered nurse licensed under chapter 378; and

51 (4) "Physician" means a physician licensed under this chapter.

52 Sec. 503. (NEW) (*Effective October 1, 2015*) No person shall engage in  
53 advanced dental hygiene practice unless such person holds and  
54 maintains a dental hygiene license in good standing and an advanced  
55 dental hygiene practitioner certification issued by the Department of  
56 Public Health under section 504 of this act. An advanced dental  
57 hygiene practitioner certification shall be renewed annually in  
58 accordance with the provisions of section 19a-88 of the general  
59 statutes.

60 Sec. 504. (NEW) (*Effective October 1, 2015*) (a) Each application for an  
61 advanced dental hygiene practitioner certification shall be in writing  
62 on forms prescribed by the Department of Public Health, signed by the  
63 applicant and accompanied by an application fee of two hundred  
64 dollars. An applicant shall have graduated from a master's degree  
65 program in advanced dental hygiene practice from an institution of  
66 higher learning accredited by the State Board of Education in  
67 accordance with the provisions of section 10a-34 of the general  
68 statutes. Any such master's degree program accredited by the State  
69 Board of Education shall include a curriculum that incorporates  
70 advanced dental hygiene practitioner competencies as adopted by the  
71 American Dental Hygienists' Association.

72 (b) An applicant for an advanced dental hygiene practitioner

73 certification shall be examined as to his or her professional knowledge  
74 and skill prior to the granting of such certification, through a  
75 comprehensive, competency-based examination, prescribed by the  
76 Department of Public Health and administered independently of any  
77 institution of higher education that offers a master's degree program in  
78 advanced dental hygiene practice.

79 Sec. 505. (NEW) (*Effective October 1, 2015*) (a) As used in this section:

80 (1) "Advanced dental hygiene practitioner" means a licensed dental  
81 hygienist who satisfies the requirements of sections 503 and 504 of this  
82 act and is authorized to perform all services set forth in section 20-126/  
83 of the general statutes, as amended by this act, pursuant to a  
84 collaborative management agreement;

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

93 (3) "Public health facility" means an institution, as defined in section  
94 19a-490 of the general statutes, a community health center, group  
95 home, school, preschool operated by a local or regional board of  
96 education or head start program.

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

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

- 103 (2) Administer local anesthesia;
- 104 (3) Diagnose and treat for oral diseases and conditions within the  
105 advanced dental hygiene practitioner scope of practice;
- 106 (4) Provide diagnostic, educational, palliative, therapeutic,  
107 prescriptive and minimally invasive restorative oral health services  
108 including: (A) Preparation and restoration of primary and permanent  
109 teeth using direct placement of appropriate dental materials; (B)  
110 temporary placement of crowns and restorations; (C) placement of  
111 preformed crowns; (D) pulpotomies on primary teeth; (E) direct and  
112 indirect pulp capping in primary and permanent teeth; and (F)  
113 placement of atraumatic temporary restorations;
- 114 (5) Prescribe, dispense and administer only the following drugs  
115 within the parameters of the collaborative management agreement and  
116 within the scope of practice of the advanced dental hygiene  
117 practitioner: Analgesics, fluorides, anti-inflammatories, antimicrobials  
118 and antibiotics;
- 119 (6) Perform removal of mobile or exfoliating primary teeth and  
120 mobile permanent teeth;
- 121 (7) Place and remove sutures;
- 122 (8) Prevent or intercept potential orthodontic problems and  
123 parafunctional habits by early identification of such problems, space  
124 maintenance services and appropriate referral to other health care  
125 professionals;
- 126 (9) Provide temporary reparative services to patients with defective  
127 prosthetic appliances;
- 128 (10) Consult, collaborate and coordinate care with other health care  
129 professionals;
- 130 (11) Provide referrals to patients as needed for further dental

131 procedures or other health care needs;

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

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

139 (c) An advanced dental hygiene practitioner, certified in accordance  
140 with the provisions of sections 503 and 504 of this act, may practice in  
141 settings that include, but are not limited to, a public health facility or a  
142 dental health professional workforce shortage area as designated by  
143 the federal Health Resources and Services Administration.

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

163 methods for disclosing the relationship covered by such agreement to  
164 the patient; and (E) methods for reviewing patient outcomes.

165 (e) All advanced dental hygiene practitioners shall participate in  
166 continuing education programs prescribed by the Commissioner of  
167 Public Health pursuant to section 513 of this act.

168 Sec. 506. (NEW) (*Effective October 1, 2015*) An advanced dental  
169 hygiene practitioner's certificate along with such practitioner's dental  
170 hygiene license for the current year shall be displayed conspicuously  
171 in the public health facility, office, place of business or place of  
172 employment of such practitioner. Each advanced dental hygiene  
173 practitioner shall promptly notify the department of any change of  
174 address or employment subsequent to his or her licensure and  
175 certification.

176 Sec. 507. (NEW) (*Effective October 1, 2015*) (a) The Department of  
177 Public Health may take any of the actions set forth in section 19a-17 of  
178 the general statutes for any of the following causes: (1) The  
179 presentation to the department of any diploma, certificate or license  
180 illegally or fraudulently obtained, obtained from an institution that is  
181 not accredited or from an unrecognized or irregular institution or state  
182 board, or obtained by the practice of any fraud or deception; (2) illegal  
183 conduct; (3) negligent, incompetent or wrongful conduct in  
184 professional activities; (4) conviction of the violation of any of the  
185 provisions of sections 20-126h to 20-126w, inclusive, of the general  
186 statutes, as amended by this act, by any court of criminal jurisdiction;  
187 (5) violation of any of the provisions of said sections of the general  
188 statutes or of the regulations adopted hereunder; (6) aiding or abetting  
189 a person not certified or licensed to practice advanced dental hygiene  
190 in this state; (7) engaging in fraud or material deception in the course  
191 of professional activities; (8) the effects of physical or mental illness,  
192 emotional disorder or loss of motor skill, including, but not limited to,  
193 deterioration through the aging process, upon the certificate or license  
194 holder; (9) abuse or excessive use of drugs, including alcohol, narcotics  
195 or chemicals; (10) failure to comply with mandatory continuing

196 education requirements; (11) failure to maintain professional liability  
197 insurance; (12) practicing without a collaborative management  
198 agreement; (13) failure to properly supervise dental assistants; or (14)  
199 failure to provide information to the Department of Public Health  
200 required to complete a health care profile, as set forth in section 20-13j  
201 of the general statutes, as amended by this act. A violation of any of  
202 the provisions of sections 503 to 513, inclusive, of this act, by any  
203 noncertified or unlicensed advanced dental hygiene practitioner, with  
204 the knowledge of such practitioner's employer, shall be deemed a  
205 violation thereof by such employer. The Commissioner of Public  
206 Health may order a certificate or license holder to submit to a  
207 reasonable physical or mental examination if his or her physical or  
208 mental capacity to practice safely is the subject of an investigation. The  
209 commissioner may petition the superior court for the judicial district of  
210 Hartford to enforce such order or any action taken pursuant to said  
211 section 19a-17.

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

229       Sec. 508. (NEW) (*Effective October 1, 2015*) No person shall falsely  
230 claim to hold a license, certificate, diploma or degree granted by a  
231 society, school or by the Department of Public Health, or, with intent  
232 to deceive the public, pretend to be a graduate of any advanced dental  
233 hygiene practice program or college, or append the letters "A.D.H.P."  
234 to his or her name, without having the degree indicated by such letters  
235 conferred upon him or her by diploma from a college, a school, a  
236 board of examiners, or other agency empowered to confer the same.

237       Sec. 509. (NEW) (*Effective October 1, 2015*) Payment for advanced  
238 dental hygiene practice care rendered to patients in chronic and  
239 convalescent hospitals or convalescent homes shall be made directly to  
240 the certified advanced dental hygiene practitioner rendering such care.  
241 The Commissioner of Social Services shall not be required to recognize  
242 the cost of employing or contracting with an advanced dental hygiene  
243 practitioner in the rates established for convalescent homes pursuant  
244 to section 17b-340 of the general statutes.

245       Sec. 510. (NEW) (*Effective October 1, 2015*) Any person who violates  
246 any provision of sections 503 to 513, inclusive, of this act shall be fined  
247 not more than five thousand dollars in aggregate. Any person who  
248 continues to practice as an advanced dental hygiene practitioner or  
249 engage as an advanced dental hygiene practitioner, after his or her  
250 license, certificate or authority to so do has been suspended or revoked  
251 and while such disability continues, shall be fined not more than five  
252 thousand dollars in aggregate. For purposes of this section, each  
253 instance of patient contact or consultation which is in violation of any  
254 provision of this section shall constitute a separate offense. Failure to  
255 renew a license or certificate in a timely manner shall not constitute a  
256 violation for the purposes of this section.

257       Sec. 511. (NEW) (*Effective October 1, 2015*) Nothing in sections 503 to  
258 513, inclusive, of this act shall be construed to: (1) Allow a certified  
259 advanced dental hygiene practitioner to practice independently or  
260 beyond the parameters of the collaborative management agreement  
261 with the collaborating licensed dentist; or (2) prevent a licensed dentist

262 from providing advanced dental hygiene practice services.

263 Sec. 512. (NEW) (*Effective October 1, 2015*) (a) Each certified  
264 advanced dental hygiene practitioner who provides direct patient care  
265 services shall maintain professional liability insurance or other  
266 indemnity against liability for professional malpractice. The amount of  
267 insurance that each such person shall maintain as insurance or  
268 indemnity against claims for injury or death for professional  
269 malpractice shall not be less than five hundred thousand dollars for  
270 one person, per occurrence, with an aggregate of not less than one  
271 million five hundred thousand dollars.

272 (b) Each insurance company that issues professional liability  
273 insurance, as defined in subdivision (4) of subsection (b) of section 38a-  
274 393 of the general statutes, as amended by this act, shall, on and after  
275 January 1, 2016, render to the Commissioner of Public Health a true  
276 record of the names, according to classification, of cancellations of and  
277 refusals to renew professional liability insurance policies and the  
278 reasons for such cancellations or refusal to renew said policies for the  
279 year ending on the thirty-first day of December next preceding.

280 Sec. 513. (NEW) (*Effective October 1, 2015*) The Commissioner of  
281 Public Health shall adopt regulations, in accordance with chapter 54 of  
282 the general statutes, to: (1) Define basic requirements for continuing  
283 education programs; (2) delineate qualifying programs; (3) establish a  
284 system of control and reporting; (4) provide for waiver of the  
285 continuing education requirement by the commissioner for good  
286 cause; and (5) implement the provisions of sections 503 to 512,  
287 inclusive, of this act.

288 Sec. 514. Subsection (c) of section 19a-14 of the general statutes is  
289 repealed and the following is substituted in lieu thereof (*Effective*  
290 *October 1, 2015*):

291 (c) No board shall exist for the following professions that are  
292 licensed or otherwise regulated by the Department of Public Health:

- 293 (1) Speech and language pathologist and audiologist;
- 294 (2) Hearing instrument specialist;
- 295 (3) Nursing home administrator;
- 296 (4) Sanitarian;
- 297 (5) Subsurface sewage system installer or cleaner;
- 298 (6) Marital and family therapist;
- 299 (7) Nurse-midwife;
- 300 (8) Licensed clinical social worker;
- 301 (9) Respiratory care practitioner;
- 302 (10) Asbestos contractor and asbestos consultant;
- 303 (11) Massage therapist;
- 304 (12) Registered nurse's aide;
- 305 (13) Radiographer;
- 306 (14) Dental hygienist;
- 307 (15) Dietitian-Nutritionist;
- 308 (16) Asbestos abatement worker;
- 309 (17) Asbestos abatement site supervisor;
- 310 (18) Licensed or certified alcohol and drug counselor;
- 311 (19) Professional counselor;
- 312 (20) Acupuncturist;
- 313 (21) Occupational therapist and occupational therapist assistant;

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

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

320 (24) Paramedic;

321 (25) Athletic trainer;

322 (26) Perfusionist;

323 (27) Master social worker subject to the provisions of section 20-  
324 195v;

325 (28) Radiologist assistant, subject to the provisions of section 20-74tt;

326 (29) Homeopathic physician;

327 (30) Certified water treatment plant operator, certified distribution  
328 system operator, certified small water system operator, certified  
329 backflow prevention device tester and certified cross connection  
330 survey inspector, including certified limited operators, certified  
331 conditional operators and certified operators in training; [and]

332 (31) Tattoo technician; and

333 (32) Advanced dental hygiene practitioner.

334 The department shall assume all powers and duties normally vested  
335 with a board in administering regulatory jurisdiction over such  
336 professions. The uniform provisions of [this chapter] sections 503 to  
337 513, inclusive, of this act and chapters 368v, 369 to 381a, inclusive, 383  
338 to 388, inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not  
339 limited to, standards for entry and renewal; grounds for professional  
340 discipline; receiving and processing complaints; and disciplinary

341 sanctions, shall apply, except as otherwise provided by law, to the  
342 professions listed in this subsection.

343 Sec. 515. Subsection (a) of section 19a-12a of the general statutes is  
344 repealed and the following is substituted in lieu thereof (*Effective*  
345 *October 1, 2015*):

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

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

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

351 (3) "Health care professionals" includes any person licensed or who  
352 holds a certificate or permit pursuant to chapter 370, 372, 373, 375,  
353 375a, 376, 376a, 376b, 376c, 377, 378, 379, 379a, 380, 381, 381a, 383, 383a,  
354 383b, 383c, 384, 384a, 384b, 384c, 384d, 385, 398 or 399 or sections 503 to  
355 513, inclusive, of this act;

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

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

365 Sec. 516. Section 38a-393 of the general statutes is repealed and the  
366 following is substituted in lieu thereof (*Effective October 1, 2015*):

367 (a) Each insurance company doing business in this state shall,  
368 annually, on or before the first day of March, render to the Insurance

369 Commissioner a true record of the number, according to classification,  
 370 of cancellations of and refusals to renew professional liability  
 371 insurance policies for the year ending on the thirty-first day of  
 372 December next preceding.

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2015</i>	20-126l(a) and (b)
Sec. 502	<i>October 1, 2015</i>	20-13j(a)
Sec. 503	<i>October 1, 2015</i>	New section
Sec. 504	<i>October 1, 2015</i>	New section
Sec. 505	<i>October 1, 2015</i>	New section
Sec. 506	<i>October 1, 2015</i>	New section
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Sec. 508	<i>October 1, 2015</i>	New section
Sec. 509	<i>October 1, 2015</i>	New section
Sec. 510	<i>October 1, 2015</i>	New section
Sec. 511	<i>October 1, 2015</i>	New section
Sec. 512	<i>October 1, 2015</i>	New section
Sec. 513	<i>October 1, 2015</i>	New section
Sec. 514	<i>October 1, 2015</i>	19a-14(c)
Sec. 515	<i>October 1, 2015</i>	19a-12a(a)
Sec. 516	<i>October 1, 2015</i>	38a-393