

COMMITTEE ON HEALTH, HOSPITALS,
AND HUMAN SERVICES

12/28/2018-SPECIAL ORDERED

12/20/2018-HELD IN COMMITTEE

08/15/2018-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 32-0236

Thirty-Second Legislature of the Virgin Islands

July 17, 2018

An Act amending title 27 Virgin Islands Code, chapter 1, subchapter III relating to the practice of dental therapy in the Territory

PROPOSED BY: Senator Nereida Rivera-O'Reilly

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code, chapter 1, subchapter III is amended in the following instances:

(a) Section 61 is amended after both occurrences of “dentistry” by inserting “, dental therapy,”.

(b) Section 62 is amended by re-designating subsections (g) through (n) accordingly to insert new subsections (g) and (h) that read as follows: “(g) “Dental therapist” means a person licensed under this subchapter to perform dental therapy

pursuant to a written collaboration agreement with a dentist. (h) “Dental therapy” means the services specified in section 69a.(a).”

(c) Section 63 is amended in subsection (b) by inserting “, dental therapy,” after both instances of “dentistry”, and in subsection (e) by inserting “, dental therapist,” after “unrestricted dental”, and by inserting “, dental therapist,” after “dentist”.

(d) Section 64, paragraph (13) is amended by inserting “, dental therapists,” after both occurrences of “dentists”.

(e) Section 67 is amended as follows:

(1) In paragraph (3), insert “, dental therapy,” after “dentistry”, and insert “, dental therapists,” after “dental surgeons”;

(2) In paragraph (5), insert “or dental therapy” after the first occurrence of “dental hygiene”.

(3) In paragraph (6), insert “, dental therapy,” after “dentistry”, and insert “, dental therapists,” after both occurrences of “dentists”.

(4) In paragraph (9) insert “, dental therapy,” after “dentistry”.

(f) Subsection 69a is added and reads as follows:

“§69a. Dental Therapist-Licensing, scope of practice

(a) A dental therapist may perform the following oral health care services:

(1) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

(2) Periodontal charting, including a periodontal screening examination.

(3) Exposing radiographs.

(4) Oral evaluation and assessment of dental disease.

(5) Dental prophylaxis.

- 1 (6) Mechanical polishing.
- 2 (7) Applying topical preventive or prophylactic agents, including fluoride
- 3 varnishes, antimicrobial agents, and pit and fissure sealants.
- 4 (8) Pulp vitality testing.
- 5 (9) Applying desensitizing medication or resin.
- 6 (10) Fabricating athletic mouthguards.
- 7 (11) Suture removal.
- 8 (12) Changing periodontal dressings.
- 9 (13) Brush biopsies.
- 10 (14) Administering local anesthetic.
- 11 (15) Placement of temporary restorations.
- 12 (16) Interim therapeutic restorations.
- 13 (17) Placement of temporary and preformed crowns.
- 14 (18) Emergency palliative treatment of dental pain in accordance with the
- 15 other requirements of this subsection.
- 16 (19) Formulating an individualized treatment plan, including services within
- 17 the dental therapist's scope of practice and referral for services outside the dental
- 18 therapist's scope of practice.
- 19 (20) Minor repair of defective prosthetic devices.
- 20 (21) Cementing permanent crowns.
- 21 (22) Placement and removal of space maintainers.
- 22 (23) Prescribing, dispensing, and administering analgesics, anti-
- 23 inflammatories, and antibiotics, except Schedule II, III, or IV controlled substances.
- 24 (24) Administering nitrous oxide.

(25) Fabricating soft occlusal guards, except for treatment of temporomandibular joint disorders.

(26) Tissue conditioning and soft reline.

(27) Tooth re-implantation and stabilization.

(28) Extractions of primary teeth.

(29) Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility of +3.

(30) A dental therapist shall not extract a tooth if it is unerupted, impacted, fractured, or needs to be sectioned for removal.

(31) Cavity preparation.

(32) Restoring primary and permanent teeth, not including permanent tooth crowns, bridges, veneers, or denture fabrication.

(33) Preparation and placement of preformed crowns for primary teeth.

(34) Pulpotomies on primary teeth.

(35) Indirect and direct pulp capping on primary and permanent teeth.

(b) Except as provided otherwise, it is unlawful for a person to practice dental therapy or represent himself as a dental therapist without being licensed under this section.

(c) Every person who desires to practice as a dental therapist in this Territory shall file with the Board an application for a license on a form provided by the Board, verified by the oath of the applicant, and accompanied by a reasonable fee as established by the regulations of the Board.

(d) As part of the application process, the collaborating dentist and dental therapist must specify clearly those dental acts, tasks, or functions for which approval is being

sought. The specific dental acts, tasks, or functions must be included in the collaborative agreement, and the collaborative agreement must accompany the application.

(e) Every applicant for a license to practice as a dental therapist:

(1) Must be of good professional character and eighteen years of age or older;

(2) Shall have graduated from a dental therapist educational program administered by an accredited institution to train dental therapists;

(3) Shall submit to the Board proof of having successfully passed the following:

(A) A comprehensive, competency-based clinical examination approved by the Board and administered independently of an institution providing dental therapist education; and

(B) An examination testing the applicant's knowledge of the Virgin Islands statutes and regulations relating to the practice of dentistry approved by the Board.

(4) Shall have successfully completed 500 hours of dental therapy clinical practice under the supervision of a dentist;

(f) An applicant who has failed the clinical examination twice is ineligible to retake the clinical examination until further education and training are obtained as established by the Board by rule.

(g) The Board shall grant a license to an applicant who has met the requirements of this section.

(h) A person licensed as a dental therapist under this subchapter is not required to maintain a dental hygienist license.

(i) A person who has not demonstrated continuing education, as required by the Board, is not eligible for issuance or renewal of an authorization to practice.

(j) Licenses must be renewed or reinstated pursuant to a schedule established by the Board by regulations. The Board may by regulations establish renewal fees, delinquency fees and continuing education requirements for renewal and reinstatement. If a person fails to renew the license pursuant to the schedule established by the Board, the license expires. Any person whose license has expired and continues to practice is subject to the penalties provided in this subchapter.

(k) The Board may grant a license as a dental therapist to an applicant who:

(1) is currently licensed in good standing to practice as a dental therapist in any jurisdiction of the United States or Canada that has licensing requirements deemed by the Board to be at least substantially equivalent to those of this territory;

(2) has successfully completed an emergency office procedure course approved by the Board;

(3) has met active practice requirements and any other requirements established by the Board by rule; and

(4) pays the application fee as established by the regulations of the Board.

(ℓ) A dental therapist may practice dental therapy only pursuant to a written collaborative agreement with a licensed dentist. The agreement must contain, at a minimum, the following elements:

(1) Practice settings where services and procedures may be provided;

(2) Any limitations on the services or procedures the dental therapist may provide;

(3) Age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(4) Procedures for creating and maintaining dental records for patients treated by the dental therapist;

(5) A plan to manage medical emergencies in each practice setting where the dental therapist provides care;

(6) A quality assurance plan for monitoring care provided by the dental therapist, including patient care review, referral follow-up, and a quality assurance chart review;

(7) Protocols for administering and dispensing medications, including the specific circumstances under which the medications may be dispensed and administered;

(8) Criteria relating to the provision of care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to the initiation of care;

(9) Specific written protocols governing situations where the dental therapist encounters a patient requiring treatment that exceeds the dental therapist's scope of practice or capabilities; and

(10) The services and procedures the dental therapist is authorized to provide.

(m) A dental therapist may practice without the direct supervision of a dentist. If, however, conditions are diagnosed that are beyond the scope of a dental therapist, the therapist shall refer the case to the collaborating dentist or specialist. A dental therapist is an agent of the collaborating dentist in the performance of all practice related activities, including, but not limited to, the ordering of diagnostic, therapeutic, and other dental

services. The collaborating dentist shall accept responsibility for all services and procedures authorized and provided by the dental therapist pursuant to the collaborative agreement. A collaborating dentist who knowingly permits a dental therapist to provide a service or procedure that is not authorized in the collaborative agreement, or any dental therapist who provides a service or procedure that is not authorized in the collaborative agreement, commits unprofessional conduct for purposes of this chapter.

(n) A dentist who enters into a written collaborative agreement with a dental therapist shall provide directly, or arrange for another dentist or specialist to provide, any necessary advanced procedures or services needed by the patient or any treatment which exceeds the dental therapist's scope of practice or capabilities and ensure that the collaborating dentist or another dentist is available to the dental therapist for timely consulting during treatment if needed.

(o) Collaborative agreements must be signed and maintained by both the collaborating dentist and the dental therapist. The agreements must be submitted to the Board on an annual basis. A collaborating dentist may enter into a collaborative agreement with no more than a total of five dental therapists at one time. If the collaborative agreement between a dental therapist and the collaborating dentist is terminated for any reason, the dental therapist and the collaborating dentist shall inform the Board immediately in writing of the termination, including the reasons for the termination. The approval of the practice setting terminates coterminous with the termination of the relationship, and practice must cease until a new collaborative agreement is submitted by a collaborating dentist.

(p) Nothing in this section prohibits or affects the practice of dental therapy by a licensed dentist performing services within the dentist's scope of practice or the practice

of dental therapy under the supervision of a dentist necessary to meet the clinical experience of subsection (b)(3)(D).”

(g) Section 70 is amended by inserting “, dental therapist,” after every occurrence of “dentist”, and inserting “, dental therapy,” after every occurrence of “dentistry”.

(h) Section 72 is amended by re-designating subsections (b) and (c) accordingly to insert a new subsection (b) that reads as follows: “(b) Any person who practices dental therapy or who attempts to practice dental therapy without first complying with the provisions of this subchapter or without being the holder of a license entitling the practitioner to practice dental therapy in the Territory is guilty of a misdemeanor for the first offense. Subsequent offenses constitute a felony. Each occurrence of practicing dental therapy or attempting to practice dental therapy without complying with this subchapter constitutes a separate violation.”

(i) Section 73, subsection (d) is amended by inserting “, dental therapy” after every occurrence of “dentistry”, and in paragraph (1) inserting “, dental therapy,” after “dental”.

(j) Section 74 is amended in subsection (b) by inserting “, dental therapist’s,” after “dentist’s”, and in subsection (f) by inserting “, dental therapist,” after “dental” and by striking “be” where it appears before “matters” in the third sentence.

BILL SUMMARY

This bill amends title 27 Virgin Islands Code, chapter 1, subchapter III by updating the Dental Healthcare Act, generally updating the Act to include the practice of dental therapy in the Territory.

BR18-1042B/May 24, 2018/GC