



## *Rhode Island Department of Health*

### **PUBLIC NOTICE OF PROPOSED RULEMAKING**

Pursuant to the provisions of *Chapter 5-31.1* of the General Laws of Rhode Island, as amended, and in accordance with the Administrative Procedures Act, Chapter 42-35 of the General Laws, the Rhode Island Department of Health hereby gives notice of its intent to amend the *Rules and Regulations Pertaining to Dentists - Dental Hygienists - and Dental Assistants [R5-31.1-DHA]*. The purpose of this amendment is to adopt procedures consistent with current standards of practice.

Concurrent with the adoption of these amendments, the Director is also proposing to amend *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health [R23-1-17-Fee]* to adjust several license fees for consistency with the provisions of the amended *Rules and Regulations Pertaining to Dentists - Dental Hygienists - and Dental Assistants [R5-31.1-DHA]*.

Copies of the proposed amendments and concise summary of non-technical differences between existing and proposed amended rules are available for public inspection at the Cannon Building, Room #201, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, by e-mail to [cheryl.leclair@health.ri.gov](mailto:cheryl.leclair@health.ri.gov), by calling 401-222-5942 or on the Department's website: <http://www.health.ri.gov/regulations/index.php>.

In the development of the proposed amendments, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written comments concerning the proposed regulations by **10 FEBRUARY 2017** to: Sarah Harrigan, 3 Capitol Hill, Room 205, Providence, Rhode Island 02908-5097 or by e-mail to [Sarah.Harrigan@health.ri.gov](mailto:Sarah.Harrigan@health.ri.gov).

A public hearing to consider the proposed amendment shall be held on **MONDAY, JANUARY 30, 2017 AT 11:00 A.M.** in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The Department of Health is accessible to the handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Signed this 10<sup>th</sup> day of January 2017

*Original signed by Nicole Alexander-Scott, MD, MPH*

Nicole Alexander-Scott, M.D., MPH

Director of Health

**RULES AND REGULATIONS PERTAINING TO DENTISTS -  
DENTAL HYGIENISTS -  
AND DENTAL ASSISTANTS**

[R5-31.1-DHA]



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH  
BOARD OF EXAMINERS IN DENTISTRY

July 1959

***AS AMENDED:***

January 1964	November 2004
May 1977	February 2006
January 1986	January 2007 (re-filing in accordance with the provisions of §42-35-4.1 of the Rhode Island General Laws, as amended)
August 1988	September 2007
October 1989	September 2011
February 1991(E)	January 2012 (re-filing in accordance with the provisions of §42-35-4.1 of the Rhode Island General Laws, as amended)
June 1991(E)	September 2012
September 1991 (E)	<b>January 2017 (Proposed)</b>
January 1992 (E)	
April 1992	
February 1993	
April 1996	
July 1999	
November 2001	
January 2002 (re-filing in accordance with the provisions of §42-35-4.1 of the Rhode Island General Laws, as amended)	

**COMPILER'S NOTES:**

**Additions: Double-Underlined**

**Proposed Deletions: Strikeout**

***INTRODUCTION***

These amended *Rules and Regulations Pertaining to Dentists - Dental Hygienists -and Dental Assistants [R5-31.1-DHA]* are promulgated pursuant to the authority conferred under Chapter 5-31.1 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting prevailing standards governing the licensure of dentists and dental hygienists; the practice of dentistry as it pertains to dentists, dental hygienists and dental assistants; continuing education for dentists and dental hygienists; the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation and/or nitrous oxide analgesia; and to establish administrative procedures for the implementation of the statutory and regulatory provisions.

Pursuant to the provisions of § 42-35-3(a)(3) and ~~(a)(4)~~ § 42-35.1-4 of the General Laws of Rhode Island, as amended, the following were given consideration in arriving at the amended regulations:

- (1) Alternative approaches to the regulations;
- (2) Duplication or overlap with other state regulations; and
- (3) Significant economic impact on small business.

Based on the available information, no known overlap, duplication or alternative approach was identified.

Upon promulgation of these amendments, these amended regulations ~~shall~~ must supersede all previous *Rules and Regulations Pertaining to Dentists - Dental Hygienists and Dental Assistants* promulgated by the Rhode Island Department of Health and the Board of Examiners in Dentistry and filed with the Secretary of State.

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PART I *Definitions*

Section 1.0 *Definitions*<sup>1</sup>

Whenever used in these rules and Regulations the following terms shall must be construed as follows:

- 1.1 *"Act"* refers to Chapter 5-31.1 of the General Laws of Rhode Island, as amended, entitled "Dentists and Dental Hygienists". Also known as the Dental Practice Act.
- 1.2 *"Advisory consultants"* means those individuals appointed by the Board to serve as advisory consultants to the Board in determining compliance with the statutory and regulatory provisions herein, of applicants seeking a permit to administer or to permit the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia. Such consultants may be Diplomates of the American Board of Oral and Maxillofacial Surgery, Members or Fellows of the American Association of Oral and Maxillofacial Surgeons, or Fellows of the American Dental Society of Anesthesiology, and may include a Board Certified Anesthesiologist and a licensed dentist with experience in the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia.
- 1.3 *"Biennial"* means occurring every second (2<sup>nd</sup>) year.
- 1.4 *"Board"* refers to the Board of Examiners in Dentistry, or any committee or subcommittee thereof, established in the Rhode Island Department of Health pursuant to the provisions of the Act.
- 1.5 *"DAANCE-certified Maxillofacial Surgery Assistant"* means a person currently certified by the American Association of Oral and Maxillofacial Surgeons to provide supportive anesthesia care.
- 1.6 *"DANB-Certified dental assistant"* means a person currently certified by the Dental Assisting National Board, Inc. (DANB), or its successor agency, holding the certified Dental Assistant (CDA) certification in general dental assisting duties or another DANB certification in a specific area of advanced or specialty practice as a certified dental assistant in general dentistry or in one of the appropriate specialties, and employed for the purpose of assisting a dentist in the performance of procedures/duties related to dental care in accordance with the provisions of these Regulations.
- 1.7 *"Dental administrator"* means the Administrator of the Rhode Island Board of Examiners in Dentistry.
- 1.8 *"Deep sedation"* means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.
- 1.9 *"Dental assistant"* means a person not currently certified by the Dental Assisting National Board, Inc. (DANB), or its successor agency, holding the certified Dental Assistant (CDA) certification in general dental assisting duties or another DANB certification in a specific area of advanced or specialty practice as a certified dental assistant in general dentistry or in one of the appropriate specialties, and employed for the purpose of assisting a dentist in the performance of procedures/duties related to dental care in accordance with the provisions of these Regulations herein.

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<sup>1</sup> Compiler's Note: The proposed September 2016 amendments add some additional definitions, thus renumbering many of the definitions. To minimize confusion, these changes in numbering are not annotated. Only actual text changes have been annotated. References to specific definitions in the body of the Regulations have also been updated without annotation.

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- 1.10 **"Dental auxiliary personnel"** refers to a dental hygienist, a ~~public-health dental hygienist~~, a DANB-certified dental assistant, a DAANCE-certified maxillofacial surgery assistant or a dental assistant.
- 1.11 **"Dental hygienist"** means an individual licensed under the provisions of the Act to practice dental hygiene.
- 1.12 **"Dental office or Facility"** means a place, however named, where a dentist actively, regularly, and personally practices dentistry, pursuant to the provisions of §5-31.1-1(g) of the Act.
- 1.13 **"Dentist"** means an individual licensed under the provisions of the Act to practice dentistry in ~~this state~~ Rhode Island.
- 1.14 **"Dentistry"** means the evaluation, diagnosis, prevention and/or treatment (non-surgical, surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, cranio-maxillofacial area and/or the adjacent and associated structures and their impact on the human body, including any service or product that may change the anatomy, appearance or arrangement of teeth provided by a dentist, within the scope of his or her education, training and experience, in accordance with the ethics of the profession and applicable law.
- 1.15 **"Director"** means the Director of the Rhode Island Department of Health
- 1.16 **"General anesthesia"** means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.
- 1.17 **Homebound** means an individual "confined to his or her home" if the individual has a condition, due to illness or injury, that restricts the ability of the individual to leave his or her home except with the assistance of another individual or the aid of a supportive device or if an individual has a condition such that leaving his or her home is medically contraindicated. While an individual does not have to be bedridden to be considered "confined to his home", the condition of the individual should be such that there exists a normal inability to leave home and that leaving home requires a considerable and taxing effort by the individual and/or others.
- 1.18 **Infection Control** refers to policies and procedures used to minimize the risk of spreading infections within the dental healthcare setting. Compliance is based on conformance with recommendations developed by the Centers for Disease Control and Prevention (CDC) and published in the document entitled "Guidelines for Infection Control in Dental Health-Care Settings 2003" [Reference 3].
- 1.19 **"Inhalation"** means a technique of administration in which a gaseous or volatile agent is introduced into the pulmonary tree and whose primary effect is due to the absorption through the pulmonary bed.
- 1.20 **"License"**, as used ~~herein~~ in these Regulations, is not synonymous with "registration."
- 1.21 **"Local anesthesia"** means the injection of a local anesthetic agent (e.g., Lidocaine) into and around the operative site to eliminate sensory perception in the area where a procedure(s) is to be performed. This type of anesthesia does not involve any systemic sedation.
- 1.22 **"Minimal sedation"** means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.

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- 1.23 **Mobile Dental Facility (MDF)** means any self-contained facility where dentistry will be practiced which may be driven, moved, towed, or transported from one location to another. See related definition under Portable Dental Operation.
- 1.24 **“Mobile Dental Facility (MDF) or Portable Dental Operation (PDO) Director”**: means a dentist who is currently licensed to practice dentistry in the State of Rhode Island or a public health dental hygienist practicing pursuant to the purposes of providing dental hygiene services in public health settings who is responsible for dental services provided by the MDF or PDO.
- 1.25 **“Mobile Dental Facility (MDF) or Portable Dental Operation (PDO) Permit Holder”**: means a dentist who is currently licensed to practice dentistry in the State of Rhode Island or a public health dental hygienist in whose name the MDF and/or PDO Facility Permit is issued. Where the MDF or PDO is not wholly owned by a dentist(s) or public health dental hygienist licensed to practice in the State of Rhode Island, the owner(s) shall apply for a license to operate as a clinic unless the entity is exempt from such licensure.
- 1.26 **“Moderate sedation”** means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
- 1.27 **“Nitrous oxide analgesia”** means the administration of nitrous oxide to diminish or eliminate the sensibility to pain in the conscious patient, designating in particular the relief of pain without loss of consciousness.
- 1.28 **Portable Dental Operation (PDO)**: means any non-facility where dental equipment utilized in the practice of dentistry is transported to and utilized on a temporary basis at an out-of-office location. See related definitions under Mobile Dental Facility (MDF).
- 1.29 **Public Health Dental Hygienist (PHDH)**: means a registered dental hygienist who holds a valid license to practice in the State of Rhode Island and who has a minimum of three (3) years of full-time or an equivalent 4500 hours of clinical experience and who has fulfilled the necessary training requirements and who works in a public health setting pursuant to a written collaborative agreement with a local or state government agency or institution or a dentist who holds a valid license issued in the State of Rhode Island.
- 1.30 **Public Health Setting** includes, but is not limited to, residences of the homebound, schools, Head Start programs, nursing homes and long-term care facilities, licensed clinics, community health centers, hospitals, medical facilities, prisons, residential treatment facilities, federal, state or local public health programs, mobile dental facilities and portable dental programs.
- 1.31 **“RIGL”** means the General Laws of Rhode Island, as amended.
- 1.32 **“Supervision”** includes four (4) ~~five (5)~~ types of supervision for Dental Hygienists and Public Health Dental Hygienists all dental auxiliary personnel as follows:
- (a) **“Direct supervision”** means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure(s)/duty(ies), remains in the dental office while the procedure(s)/duty(ies) are being performed and examines the patient before his/her dismissal.
  - (b) **“General supervision”** means the dentist has authorized the procedure/duty and such is being carried out in accordance with his/her diagnosis and treatment plan. The dentist does not have to be physically present in the dental office when such treatment is being performed under general supervision.
  - (c) **“Indirect supervision”** means the dentist is in the dental office, personally diagnoses the condition

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to be treated, personally authorizes the procedure(s)/duty(ies), and remains in the dental office while the procedure(s)/duty(ies) is being performed by the dental auxiliary.

(d) ~~"Personal supervision" means the dentist is personally operating on a patient and authorizes the dental auxiliary to aid his/her treatment by concurrently performing a supportive procedure.~~  
"Direct visual supervision" means supervision by an oral and maxillofacial surgeon (with a permit to administer deep sedation and general anesthesia) by verbal command and under direct line of sight.

1.33 **"These Regulations"** mean all parts of Rhode Island *Rules and Regulations Pertaining to Dentists, Dental Hygienists and Dental Assistants* [R5-31.1-DHA].

1.34 **"Unprofessional conduct"** ~~shall~~ must include, but not be limited to, the provisions of § 5-31.1-10 of the Act, and is further defined as failure to conform to the Category IC recommendations of the Centers of Disease Control Guidelines for Infection Control in Dental Health-Care Settings, or its amendments. the current guidelines regarding Universal Precautions and Infection Control of the Centers for Disease Control [of Reference 3] in these Regulations

1.35 **Written Collaborative Agreement (WCA):** means a written agreement that complies with RIGL § 5-31.1-39 73 *Written Collaborative Agreement (WCA) with a Public Health Dental Hygienist* and is between a public health dental hygienist and a local or state government agency or institution or with a licensed dentist who holds a valid Rhode Island license and who agrees to provide the appropriate level of communication and consultation with the public health dental hygienist to ensure patient health and safety.

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PART II *Dentists/Licensing Requirements*

Section 2.0 *License Requirements*

2.1 No person shall perform any act which constitutes the practice of dentistry in ~~this state~~ Rhode Island unless such person is duly licensed in accordance with the regulatory and statutory provisions of the Act as a dentist, ~~or a dental hygienist, a public health dental hygienist, or a DAANCE-certified maxillofacial surgery assistant.~~ Furthermore, dental hygienists, public health dental hygienists ~~certified~~ dental assistants, DANB-certified assistants, and DAANCE-certified maxillofacial surgery assistants ~~shall~~ must perform only those auxiliary dental services, procedures and duties, and under the specified type of supervision, as set forth in ~~§13.0, Part IV~~ §17.0, Part V of these Regulations. Exempt from these requirements are those persons listed in §5-31.1-37 of the Act.

*Pain Assessment*

2.2 All health care providers licensed ~~by this state~~ in Rhode Island to provide health care services and all health care facilities licensed under RIGL Chapter 23-17 ~~shall~~ must assess patient pain in accordance with the requirements of the *Rules and Regulations Related to Pain Assessment [R5-37.6-PAIN]*, as well as the *Rules and Regulations for Pain Management, Opioid Use and the Registration of Distributors of Controlled Substances in Rhode Island* promulgated by the Department.

*Latex*

2.3 Any dentist who utilizes latex gloves ~~shall~~ must do so in accordance with the provisions of the *Rules and Regulations Pertaining to the Use of Latex Gloves by Health Care Workers, in Licensed Health Care Facilities, and by Other Persons, Firms, or Corporations Licensed or Registered by the Department* promulgated by the Department ~~of Health~~.

*Scheduled Controlled Substances*

2.4 All actions related to the ordering, prescribing, dispensing, administration, inventory and storage or administration of controlled substances ~~shall~~ must be in conformity with the provisions of RIGL Chapter 21-28 and 21 CFR sections 1300-1316, the “Controlled Substances Act” [Reference 9].

*Volunteer Dental/Dental Hygiene Permit*

2.5 Notwithstanding any other provision of the Act or these Regulations, the Board may issue a volunteer dental/dental hygiene permit that allows an out-of-state dentist/dental hygienist to provide dental or dental hygiene services in Rhode Island without obtaining a Rhode Island license.

- (a) Services provided pursuant to a volunteer dental/dental hygiene permit ~~shall~~ must be limited to:
- (1) A free clinic or similar charitable medical event providing free health care services; or
  - (2) The Special Olympics or similar athletic event attracting a large number of out-of-state participants; or

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- (3) Participation in ~~the~~ A Mission of Mercy program.
- (b) **Application:** An applicant for a volunteer dental/ dental hygiene permit ~~shall~~ must submit the following information to the Board at least sixty (60) days prior to the event:
- (1) A copy of the applicant's current dental/dental hygienist license or a letter of good standing from the state where the applicant is currently licensed; and
  - (2) A letter, signed by an authorized representative of the sponsoring agency, which specifies the date(s) and location(s) of the event, and the type(s) of volunteer dental or dental hygiene services that will be provided; and
  - (3) A notarized statement, signed by both the applicant and an authorized representative of the sponsoring agency, which specifies that it has been agreed between the parties that no compensation ~~shall~~ must be paid for any dentistry or dental hygiene services rendered in Rhode Island while in possession of a volunteer dental permit.

Section 3.0 ***Qualifications for Licensure for Dentists***

- 3.1 An applicant seeking licensure to practice dentistry in the state of Rhode Island must:
- (a) be of good moral character;
  - (b) be eighteen (18) years of age or over;
  - (c) be a graduate of a school of dentistry accredited by the American Dental Association Commission on Dental Accreditation or its designated agency and approved by the Board;
  - (d) have passed to the satisfaction of the Board the required examinations in accordance with § 5.0 of these Regulations or met the requirements for endorsement stipulated in §5.1.1(d) of these Regulations; and
  - (e) be in good standing in each state in which he/she holds a license, which must include a Board query to the National Practitioners Databank. -

Section 4.0 ***Application for License and Fee***

- 4.1 Application for license ~~shall~~ must be made on forms provided by the Board, which ~~shall~~ must be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting. Such application ~~shall~~ must be accompanied by the following documents (non-returnable):
- ~~(a) one (1) unmounted recent photograph of the applicant, head and shoulder front view, approximately 2 x 3 inches in size.~~
  - ~~(b) a certified copy of birth certificate;~~  
***For foreign nationals:*** if a certified copy of birth certificate cannot be obtained, immigration papers or resident alien card a state driver's license, a state-issued identification card or such other identification birth verifying papers acceptable to the Director that include birthdate and a picture;
  - (c) supporting official transcript of grades and/or verification of graduation signed by the

- dean or registrar of the dental school;
- (d) national board results in accordance with § 5.1.1(b) of these Regulations submitted either with application or submitted by the National Dental Examination Commission to the Board;
  - (e) the results of the ~~Northeast Regional Board of Dental Examiners, Inc., (NERB)~~American Board of Dental Examiners (ADEX) examination or other dental examination organizations (as required in § 5.1 of these Regulations) submitted directly ~~by the Board of the Northeast Regional Board of Dental Examiners, Inc. to the Board by the Commission on Dental Competency Assessment.~~ or by the board of the other dental examination organizations;
  - (f) verification that the licensee is in good standing in state(s) where licensed [if licensed in another state(s)];
  - (g) the application fee (non-refundable) as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* in accordance with §5-31.1-6 of the Act.

Section 5.0 ***Examination for Licensure as a Dentist***

5.1 ***By Examination:*** Applicants ~~shall~~ must be required to pass such examination(s) as the Board deems most practical and expeditious to test the applicant's knowledge and skills to practice dentistry in Rhode Island ~~this state~~ pursuant to § 5-31.1-6 of the Act; and:

5.1.1 The Board requires each applicant to:

- (a) have graduated from a school of dentistry in accordance with §3.1(c) of these Regulations; and
- (b) have successfully passed the national examination of the Joint Commission on National Dental Examination (Parts I and II); and
- (c) have successfully passed the ~~Northeast Regional Board of Dental Examiners, Inc., Examination~~ ADEX exam, including the periodontal examination portion, within five (5) years from the date of application for licensure in ~~this state~~ Rhode Island;

*or*

- (1) ~~have successfully passed an examination within five (5) years of the date of application for licensure offered by one of the following dental examination organizations: the Central Regional Dental Testing Service, the Southern Regional Testing Agency, Inc., or the Western Regional Examining Board, Inc., with an earned score of seventy five percent (75%) in each discipline, clinical skill, procedure or knowledge area that is tested on the NERB Examination using the internal weighting and scoring methods the NERB uses to score the NERB Examination in Dentistry;~~  
have successfully passed an examination, approved by the Board, other than a regional board that is similar to the examination for which the applicant is seeking waiver, with an earned score of seventy-five percent (75%) in each discipline, clinical skill, procedure or knowledge area that is tested on

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the ~~NERB ADEX~~ Examination, including the periodontal examination portion using the internal weighting and scoring methods the NERB CDCA uses to score the ~~NERB-ADEX~~ Examination in Dentistry; and

(2) have successfully passed a comprehensive examination in applied clinical diagnosis and treatment planning (NERB CDCA Dental Simulated Clinical Exercise {DSCE} written) with an earned score of seventy-five percent (75%);

*or*

(d) hold a current license in good standing to practice dentistry in another state for five (5) years immediately prior to submitting an application for licensure in RI; Said state must have required successful completion of a clinical exam, not part of the applicant's training program, to be considered for RI licensure. ~~that required the successful completion of a clinical board examination not part of the applicant's training program in order to be eligible for licensure.~~

5.1.2 Applicants must submit to the Board, the application accompanied with the appropriate documentation as set forth in § 4.0 of these Regulations.

5.1.3 Sites and schedules of examinations may be obtained directly from the examination service(s) referred to above or from the Board.

5.2 *Continuing Education---Dentists*

5.2.1 (a) Continuing education for dentists requires those professionals to maintain a systematic course of continual learning as a condition to maintain their professional license. In addition, continuing education is an effective way for dental professionals to sustain knowledge of current and evolving tools, techniques, technology, innovative medications and in-depth information on emerging topics that will enhance their professional skills and abilities.

(b) Pursuant to the provisions of §5-31.1-7 of the Act, all dentists licensed to practice in ~~this state~~ Rhode Island under the provisions of the Act and these Regulations, on or before the first (1<sup>st</sup>) day of May of each even-numbered year ~~shall~~ must maintain evidence that in the preceding two (2) years he or she has satisfactorily completed at least forty (40) hours of continuing dental education courses, according to the criteria ~~established by the Rhode Island Dental Association and approved by the Board in Appendix A of these Regulations.~~ Continuing education requirements cited in these Regulations ~~shall~~ must be prorated for a licensee whose license is in effect for a period of less than two (2) years (i.e., an average of twenty (20) hours of continuing education ~~shall~~ must be required each year the license is in effect).

(a)(c) ~~It shall~~ must be the sole responsibility of the individual dentist to obtain documentation from the approved sponsoring or co-sponsoring organization, agency or other, of his or her participation in a learning experience, including the date, and number of hours earned.

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(b)(d) At the time of license renewal, each licensee shall must be required to attest to the fact that he/she has complied with the continuing education requirements established by these Regulations. Course descriptions, proof of attendance, or other documentation of completion shall must be retained by the licensee for a minimum of five (5) years and is subject to random audit by the Board. Failure to produce satisfactory documentation of completion of requirements upon request of the Board may constitute grounds for disciplinary action.

5.2.2 (a) All dentists practicing in a dental setting shall must receive a minimum of one (1) hour per year of training on and shall must comply with the CDC Infection Control Guidelines, Category 1C (Reference 3) the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogen Standards (reference 1) in order to protect against occupational exposure to bloodborne pathogens and training in infection control procedures used to minimize the risk of spreading infections within the health care setting.

(b) ~~[Removed] Effective 1 July 2012, all dentists practicing in a dental setting shall hold a current certificate of completion from an approved course in Basic Cardiac Life Support (BCLS).~~

5.3 All dentists practicing in a dental setting shall must hold a current certificate of completion from an approved course in ~~Basic Cardiac Life Support (BCLS)~~ Basic Life Support (BLS) for Healthcare Providers that includes a hands-on skill component and conforms to the current American Heart Association Guidelines Update for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) AED) approved offered by any accredited agency approved by the Board.~~by the American Heart Association or American Red Cross.~~

5.2.3 5.3.1 If the applicant attests to completion of the prescribed course(s) of continuing dental education ~~established by the Rhode Island Dental Association as set forth in Appendix A of these Regulations,~~ as approved by the Board, and is in compliance with the provisions of § 5-31.1-7 of the Act, the Board shall must issue the applicant a license registration for a two (2) year period in accordance with the requirements of § 6.0 of these Regulations.

5.2.45.3.2 Licensure renewal shall must be denied to any applicant who fails to attest to completion continuing dental education as required by these Regulations.

(a) Notwithstanding the provisions of § ~~5.3.1~~ 5.2.3 of these Regulations, no license to practice dentistry in Rhode Island ~~this state~~ shall must be refused, nor shall must any license be suspended or revoked except as: (1) provided in the Act; and (2) for failure to attest to completion of continuing dental education as required by these Regulations.

5.2.5 5.3.3 The Board may, however, extend for only one (1) six (6) month period such educational requirements, if the Board is satisfied that the applicant has suffered hardship which prevented him/her from meeting the requirements of these Regulations

Section 6.0 *Issuance and Renewal of License*

- 6.1 A license ~~shall~~ must be issued by the Board to an applicant found to have satisfactorily met all requirements of these Regulations. Said license unless sooner suspended or revoked ~~shall~~ must expire biennially on the 30<sup>th</sup> of June of the even numbered years.
- 6.2 Every person so licensed who desires to renew his or her license ~~shall~~ must file with the Board before the first (1<sup>st</sup>) of May in each even-numbered year, a renewal application duly executed together with attestation to completion of continuing education requirement and the renewal fee as determined biennially by the Director of Health in consultation with the Board, and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*. Upon receipt of such application and payment of such fee, a license renewal ~~shall~~ must be granted effective for the biennial licensure period unless sooner suspended or revoked.
- 6.2.1 For those licensees who ~~shall~~ must have attained the age of not less than seventy (70) years ("emeritus active") as of June 30<sup>th</sup> of the year of licensure, the renewal fee (non-refundable) ~~shall~~ must be as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- 6.3 Pursuant to the provisions of §5-31.1-21 of the Act, the registration certificate of all dentists whose renewals accompanied by the prescribed fee are not filed on or before the first day of July of the even numbered years ~~shall~~ must be automatically revoked. The Board may in its discretion and upon the payment by the dentist of the current licensure (registration) fee plus an additional fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* reinstate any license (certificate) revoked under the provisions of the Act and these Regulations.

*Inactive Status*

- 6.4 (a) Dentists not intending to practice in ~~this state~~ Rhode Island may request on a biennial basis to be placed on inactive status. Such requests must be made in writing to the dental administrator and must be accompanied by a fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- (b) Persons on inactive status may be reinstated by paying the current annual registration fee and must meet such requirements established by the Act and as prescribed in these Regulations, including attesting to completion of the required continuing dental education courses as specified in § 5.2.1 of these Regulations.

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PART III *Dental Hygienists Licensing Requirements*

Section 7.0 *License Requirements*

7.1 No person ~~shall~~ must ~~shall~~ perform any act which constitutes the practice of dental hygiene or public health dental hygiene in ~~this state~~ Rhode Island unless such person is duly licensed in accordance with ~~the regulatory and statutory provisions of the Act and these regulations~~, as a dentist ~~or~~ dental hygienist, or a public health dental hygienist.

7.1.1 Furthermore, dental hygienists, ~~certified dental assistants and dental assistants,~~ DANB-certified dental assistants, a DAANCE-certified maxillofacial surgery assistants or a dental assistants, ~~shall~~ must perform only those auxiliary dental services, procedures/duties, and under the specified type of supervision, as set forth in Part IV of these Regulations. Exempt from these requirements, are those persons listed in § 5-31.1-37 of the Act.

Section 8.0 *Qualifications for Licensure for Dental Hygienist's*

8.1 An applicant seeking licensure to practice dental hygiene in ~~this state~~ Rhode Island must:

- (a) be of good moral character;
- (b) be eighteen (18) years of age or over;
- (c) have graduated from a program for dental hygienists accredited by the Commission on Dental Accreditation or its designated agency and approved by the Board;
- (d) have passed to the satisfaction of the Board the required examinations in accordance with § 10.0 of these Regulations or met the requirements for endorsement stipulated in § 10.1.1(d) of these Regulations; and
- (e) be in good standing in each state in which he/she holds a license.

Section 9.0 *Application for Licensure and Fee*

9.1 Application for licensure ~~shall~~ must be made on forms provided by the Board which ~~shall~~ must be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting. Such application ~~shall~~ must be accompanied by the following documents (non-returnable):

- ~~(a) a certified copy of birth certificate;~~  
***For foreign nationals:*** if a certified copy of birth certificate cannot be obtained, immigration papers or resident alien card a state driver's license, a state-issued identification card or such other identification birth verifying papers acceptable to the Director that include birthdate and a picture;
- (b) ~~One (1) unmounted photograph of the applicant, head and shoulder front view, approximately 2 x 3 inches in size;~~
- (c) Supporting official transcript of education credentials signed by the dean or registrar of the program of dental hygiene;
- (d) National board results in accordance with § 10.1.1(a) of these Regulations, (submitted

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either with the application or submitted by the National Board Dental Hygiene Examination to the Board);

- (e) The results of the American Board of Dental Examiners (ADEX) examination (formerly Northeast Regional Board of Dental Examiners, Inc., examination (NERB) or other dental examination organizations (as required in §10.1 of these Regulations) submitted directly by the Commission on Dental Competency Assessment (CDCA) (formerly the Board of Northeast Regional Board of Dental Examiners, Inc. or by the board of the other dental examination organizations;
- (f) Verification that the licensee is in good standing in state(s) where licensed [if licensed in another state(s)]; and
- (g) The application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* in accordance with §5-31.1-6 of the Act.

Section 10.0 ***Examination for Licensure as a Dental Hygienist***

10.1 ***By Examination:*** Applicants shall must be required to pass such examination(s) as the Board deems most practical and expeditious to test the applicant's knowledge and skills to practice dental hygiene in ~~this state~~ Rhode Island pursuant to § 5-31-12 of the Act, and:

10.1.1 The Board requires each applicant to:

- (a) have graduated from an accredited program for dental hygienists in accordance with §8.1(c) of these Regulations; and
- (b) have ~~successfully~~ passed the National Board Dental Hygiene Examination; and
- (c) have ~~successfully~~ passed ADEX examination given by the Commission on Dental Competency Assessment (CDCA) on Dental Hygiene (formerly the Northeast Regional Board Examination in Dental Hygiene (NERB)) including the computer simulation Northeast Regional Board Examination in Dental Hygiene within five (5) years prior to from the date of application for licensure in Rhode Island; the Northeast Regional Board Examination in Dental Hygiene within five (5) years from the date of application for licensure in this state;

*or*

- (d) ~~(1) have successfully passed an examination within five (5) years of the date of application for licensure offered by any of the following dental examination organizations: the Central Regional Dental Testing Service, the Southern Regional Testing Agency, Inc., or the Western Regional Examining Board, Inc., with an earned score of seventy five percent (75%) using the internal weighting and scoring methods the NERB uses to score the NERB Examination in Dental Hygiene; or have successfully have passed an examination, approved by the Board, other than a regional board that is similar to the examination for which the applicant is seeking waiver, with an earned score of seventy-five percent (75%) using the internal weighting and scoring methods that the Commission on Dental Competency~~



Assessment (CDCA, formerly the NERB-), uses to score the NERB ADEX Examination in Dental Hygiene, and

- (2) have ~~successfully~~ passed a simulated patient clinical exercise (~~NERB CDCA~~ Computer Simulated Clinical Examination {CSCE} written) with an earned score of seventy-five percent (75%);

*or*

- (~~e~~) hold a current license in good standing to practice dental hygiene in another state for five (5) years that required the successful completion of a clinical board examination in order to be eligible for licensure;

10.1.2 Applicants must submit to the Board, the application accompanied with the appropriate documentation as set forth in § 9.0 of these Regulations.

10.1.3 Sites and schedules of examinations may be obtained directly from the examination service(s) referred to above.

## 10.2 *Continuing Education--Dental Hygienists*

10.2.1 (a) Continuing education for dental hygienists requires those professionals to maintain a systematic course of continual learning as a condition to maintain their professional license. In addition, continuing education is an effective way for dental professionals to sustain obtain knowledge of current and evolving tools, techniques, technology, innovative medications and in-depth information on emerging topics that will enhance their professional skills and abilities.

(b) Pursuant to the provisions of §5-31.1-7 of the Act, all dental hygienists licensed to practice in Rhode Island ~~this state~~ under the provisions of the Act and these Regulations, ~~shall must~~, on or before the first (1<sup>st</sup>) day of May of each even-numbered year maintain evidence that in the preceding two (2) years he or she has satisfactorily completed at least twenty (20) hours of continuing education courses relevant to the practice of dental hygiene, according to the criteria in established by the Rhode Island Dental Hygienists Association Appendix A of these Regulations and approved by the Board. Continuing education requirements cited in these Regulations ~~shall must~~ be prorated for a licensee whose license is in effect for a period of less than two (2) years (i.e., an average of ten (10) hours of continuing education ~~shall must~~ be required each year the license is in effect).

10.2.2 (a) All dental hygienists practicing in a dental setting ~~shall must~~ receive a minimum of one (1) hour per year of training on and ~~shall must~~ comply with the the CDC Infection Control Guidelines, Category 1C (Reference 3) the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogen Standards (reference 1) in order to protect against occupational exposure to bloodborne pathogens and training in infection control procedures used to minimize the risk of spreading infections within the health care setting.

(b) ~~Effective 1 July 2012.~~ All dental hygienists practicing in a dental setting ~~shall~~

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must hold a current certificate of completion of ~~an approved course in Basic Cardiac Life Support (BCLS).~~ Basic Life Support (BLS) for the Healthcare Provider that includes a hands-on skill component and conforms to the current American Heart Association Guidelines Update for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) AED) ~~approved~~ offered by any accredited agency approved by the Board. ~~by the American Heart Association or American Red Cross~~

- 10.2.3 If the applicant attests to completion of prescribed course(s) of continuing education and is in compliance with the provisions of §5-31.1-6 of the Act, the Board ~~shall~~ must issue the applicant a license registration for a two (2) year period in accordance with the requirements of § 6.0 of these Regulations.
- 10.2.4 It ~~shall~~ must be the sole responsibility of the individual dental hygienist to obtain documentation from the approved sponsoring or co-sponsoring organization, agency or other, of his or her participation in the learning experience, including the date and number of hours earned.
- (a) These documents must be safeguarded by the dental hygienist for a minimum of five (5) years for random audit by the Board, if requested. At the time of license renewal, each licensee ~~shall~~ must be required to attest that he/she has complied with the continuing education requirements stated herein. Failure to produce satisfactory documentation of completion of continuing education requirements upon request by the Board may constitute grounds for disciplinary action.
- 10.2.5 Licensure renewal ~~shall~~ must be denied to any applicant who fails to attest to completion of continuing education courses relevant to the practice of dental hygiene as required by these Regulations.
- (a) Notwithstanding the provisions of §10.2.4(a) of these Regulations, no license to practice dentistry or dental hygiene in ~~this state~~ Rhode Island ~~shall~~ must be refused, nor ~~shall~~ must any license be suspended or revoked, except as: (1) provided for in the Act; and (2) failure to attest to completion of continuing education as provided by these Regulations.
- 10.2.6 The Board may, however, extend for only one (1) six (6) month period such educational requirements, if the Board is satisfied that the applicant has suffered hardship which prevented the applicant from meeting the requirements of these Regulations.

**Continuing Education and Training of Dental Assistants**

- 10.3 All dental assistants practicing in a dental setting must hold a current certificate of completion of an approved course in Basic Cardiac Life Support (BCLS) Cardiopulmonary Resuscitation (CPR) approved by the American Heart Association or American Red Cross. Basic Life Support (BLS) for the Healthcare Provider that includes a hands-on skill component and conforms to the current American Heart Association Guidelines Update for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) AED) approved offered by any accredited agency approved by the Board. ~~by the American~~

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~~Heart Association or American Red Cross All dental assistants practicing in a dental setting shall receive a minimum of one (1) hour per year of training on and shall comply with the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogen Standards (reference 1) in order to protect against occupational exposure to bloodborne pathogens. Additionally, all dental assistants practicing in a dental setting must receive a minimum of one (1) hour per year of training on the CDC Infection Control Guidelines, Category C1 (Reference 3). and must comply with the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogen Standards [Reference 1] in order to protect against occupational exposure to bloodborne pathogens and training in infection control procedures used to minimize the risk of spreading infections within the health care setting~~

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Section 11.0 *Issuance and Renewal of License – Dental Hygienists*

- 11.1 A license ~~shall~~ must be issued by the Board to an applicant found to have satisfactorily met all the requirements of these Regulations. Said license unless sooner suspended or revoked ~~shall~~ must expire biennially on the 30<sup>th</sup> of June of each even-numbered year.
- 11.2 Every person so licensed who desires to renew his or her license ~~shall~~ must file with the Board by the 1<sup>st</sup> of May in each even-numbered year, a renewal application duly executed together with attestation to completion of continuing education requirements and the renewal fee as determined biennially by the Director of Health in consultation with the Board, and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*. Upon receipt of such application and payment of said fee, a license renewal ~~shall~~ must be granted effective for the biennial licensure period unless sooner suspended or revoked.
- 11.2.1 for those licensees who ~~shall~~ must have attained the age of not less than seventy (70) years ("emeritus active") as of June 30<sup>th</sup> of the year of licensure, the renewal fee (non-refundable) ~~shall~~ must be as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- 11.3 Pursuant to the provisions of section § 5-31.1-21 of the Act, the registration certificate of all dental hygienists whose renewals accompanied by the prescribed fee are not filed on or before the first day of July of each even numbered year, ~~shall~~ must be automatically revoked. The Board may in its discretion and upon the payment by the dental hygienist of the current licensure (registration) fee plus an additional fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* reinstate any license (certificate) revoked under the provisions of the Act and these Regulations.

*Inactive Status*

- 11.4 (a) Dental hygienists not intending to practice in this state may request on a biennial basis to be placed on inactive status. Such requests must be made in writing to the dental administrator and must be accompanied by a fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- (b) Persons on inactive status may be reinstated by paying the current annual registration fee and must meet such requirements established by the Act and as prescribed in these Regulations, including attesting to completion of the required continuing dental education courses relevant to the practice of dental hygiene as specified in §13.0 of these Regulations.

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**PART IV DAANCE-Certified Maxillofacial Surgery Assistant Licensing Requirements**

**Section 12.0 License Requirements<sup>2</sup>**

12.1 No person must perform any act which constitutes the practice of certified maxillofacial surgery assisting in Rhode Island unless such person is duly licensed in accordance with the Act and these Regulations as a DAANCE- certified maxillofacial surgery assistant.

12.1.1 Furthermore, dental hygienists, public health dental hygienists, DAANCE-certified maxillofacial surgery assistants, DANB-certified ~~dental~~ assistants and dental assistants, must perform only those auxiliary dental services, procedures/duties, and under the specified type of supervision, as set forth in Part IV of these Regulations. Those persons listed in § 5- 31.1-37 of the Act are exempt from these requirements.

**Section 13.0 Qualifications for Licensure- DAANCE-certified Maxillofacial Surgery Assistant**

13.1 An applicant seeking licensure to practice maxillofacial surgery assisting in Rhode Island must:

- (a) be of good moral character;
- (b) be eighteen (18) years of age or over;
- (c) have successfully completed an approved program for Dental Anesthesia Assistants National Certification Examination (DAANCE) accredited by the American Association of Oral and Maxillofacial Surgeons or its designated agency;
- (d) be certified as a dental anesthesia assistant by the American Association of Oral and Maxillofacial Surgeons or its designated agency;
- (e) hold a current certificate of completion of an approved course in Advanced Cardiac Life Support (ACLS); and be in good standing in each state in which he/she holds a license.

**Section 14.0 Application for Licensure and Fee**

14.1 Application for licensure must be made on forms provided by the Board which must be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting. Such application must be accompanied by the following documents (non-returnable):

- (a) — a certified copy of birth certificate;  
~~For foreign nationals: if a certified copy of birth certificate cannot be obtained, immigration papers or resident alien card, a state driver's license, a state-issued identification card or such other identification birth-verifying papers acceptable to the Director that include birthdate and a picture;~~

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<sup>2</sup> Compiler's Note: New Part IV, containing §§ 12.0 through 15.0 and Part V, containing §§ 16.0 through 24.0, have been added. Existing Part IV, containing §§ 12.0 through 14.0, Part V, containing §§ 15.0 through 24.0, Part VI, containing §§ 25.0 and 26.0, and Part VII, containing §§ 27.0 through 29.0, have been redesignated as Part VI, containing §§ 25.0 through 27.0, Part VII, containing §§ 28.0 through 37.0, Part VIII, containing §§ 38.0 and 39.0, and Part IX, containing §§ 40.0 through 42.0, respectively (without annotation). Internal cross-references have also been updated without annotation. Only actual text changes have been annotated.

⋮

- (a) One (1) unmounted photograph of the applicant, head and shoulder front view, approximately 2 x 3 inches in size;
- (b) Supporting official documentation of certification by Dental Anesthesia Assistants National Certification Examination;
- (c) Supporting documentation of certificate of completion of an approved course in Advanced Cardiac Life Support (ACLS).
- (d) Verification that the licensee is in good standing in state(s) where licensed [if licensed in another state(s)]; and
- (f) The application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department* in accordance with § 5-31.1-6 of the Act.

**14.2 Continuing Education--DAANCE-Certified maxillofacial surgery assistants**

14.2.1 (a) Continuing education for DAANCE-certified maxillofacial surgery assistants requires those professionals to maintain a systematic course of continual learning as a condition to maintain their professional license. In addition, continuing education is an effective way for dental professionals to sustain knowledge of current and evolving tools, techniques, technology, innovative medications and in-depth information on emerging topics that will enhance their professional skills and abilities.

(b) Pursuant to the provisions of § 5-31.1-7 of the Act, all DAANCE-certified maxillofacial surgery assistants licensed to practice in Rhode Island under the provisions of the Act and these Regulations, must, on or before the first (1<sup>st</sup> day of May of each even-numbered year, maintain evidence that in the preceding two (2) years he or she has satisfactorily completed at least twenty (20) hours of continuing education courses relevant to the practice of certified maxillofacial surgery assistants, according to the criteria in Appendix A of these Regulations. Continuing education requirements cited in these Regulations must be pro-rated for a licensee whose license is in effect for a period of less than two (2) years (i.e., an average of ten (10) hours of continuing education must be required each year the license is in effect).

14.2.2 (a) All DAANCE-certified maxillofacial surgery assistants practicing in a dental setting must receive a minimum of one (1) hour per year of training on the CDC Infection Control Guidelines, Category C1 (Reference 3). ~~on safety and must comply with the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogen Standards [Reference 1] in order to protect against occupational exposure to blood-borne pathogens.~~

(b) All DAANCE-certified maxillofacial surgery assistants practicing in a dental setting must hold a current certificate of completion of an approved course in Basic Life Support (BLS) for the Healthcare Provider that includes a hands-on skill component and conforms to the current American Heart Association Guidelines Update for Cardiopulmonary Resuscitation (CPR) and Emergency

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Cardiovascular Care (ECC) AED) approved offered by any accredited agency approved by the Board. ~~Advanced Cardiac Life Support (ACLS) for Healthcare Providers (CPR and AED) approved by the American Heart Association or American Red Cross.~~

14.2.3 If the applicant attests to completion of prescribed course(s) of continuing education and is in compliance with the provisions of § 5-31.1-6 of the Act, the Board must issue the applicant a license registration for a two (2) year period in accordance with the requirements of § 6.0 of these Regulations.

14.2.4 (a) It must be the sole responsibility of the individual DAANCE-certified maxillofacial surgery assistant to obtain documentation from the approved sponsoring or co- sponsoring organization, agency or other, of his or her participation in the learning experience, including the date and number of hours earned.

(b) These documents must be safeguarded by the DAANCE-certified maxillofacial surgery assistant for a minimum of five (5) years for random audit by the Board, if requested. At the time of license renewal, each licensee must be required to attest that he/she has complied with the continuing education requirements stated in these Regulations. Failure to produce satisfactory documentation of completion of continuing education requirements upon request by the Board may constitute grounds for disciplinary action.

14.2.5 (a) Licensure renewal must be denied to any applicant who fails to attest to completion of continuing education courses relevant to the practice of maxillofacial surgery assisting as required by these Regulations.

(b) Notwithstanding the provisions of § 14.2.4(a) of these Regulations, no license to practice dentistry or dental hygiene or maxillofacial surgery assisting in Rhode Island must be refused, nor must any license be suspended or revoked, except as:

(1) Provided for in the Act; and

(2) Failure to attest to completion of continuing education as provided by these Regulations.

14.2.6 The Board may, however, extend for only one (1) six (6) month period such educational requirements, if the Board is satisfied that the applicant has suffered hardship which prevented the applicant from meeting the requirements of these Regulations.

**Section 15.0 *Issuance and Renewal of License – DAANCE- Certified Maxillofacial Surgery Assistant***

15.1 A license must be issued by the Board to an applicant found to have satisfactorily met all the requirements of these Regulations. Said license unless sooner suspended or revoked must expire biennially on the 30<sup>th</sup> of June of each even-numbered year.

15.2 Every person so licensed who desires to renew his or her license must file with the Board

by the 1<sup>st</sup> of May in each even-numbered year, a renewal application duly executed together with attestation to completion of continuing education requirements and the renewal fee as determined biennially by the Director in consultation with the Board, and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*. Upon receipt of such application and payment of said fee, a license renewal must be granted effective for the biennial licensure period unless sooner suspended or revoked.

15.2.1 For those licensees who must have attained the age of not less than seventy (70) years ("emeritus active") as of June 30<sup>th</sup> of the year of licensure, the renewal fee (non-refundable) must be as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

15.3 Pursuant to the provisions of section § 5-31.1-21 of the Act, the registration certificate of all DAANCE-certified maxillofacial surgery assistants whose renewals accompanied by the prescribed fee are not filed on or before the 1st day of July of each even numbered year, must be automatically revoked. The Board may in its discretion and upon the payment by the DAANCE-certified maxillofacial surgery assistant of the current licensure (registration) fee plus an additional fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* reinstate any license (certificate) revoked under the provisions of the Act and these Regulations.

15.4 ***Inactive Status***

- (a) DAANCE-Certified maxillofacial surgery assistants not intending to practice in Rhode Island may request on a biennial basis to be placed on inactive status. Such requests must be made in writing to the dental administrator and must be accompanied by a fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- (b) Persons on inactive status may be reinstated by paying the current annual registration fee and must meet such requirements established by the Act and as prescribed in these Regulations, including attesting to completion of the required continuing dental education courses relevant to the practice of maxillofacial surgery assisting as specified in § 15.0 of these Regulations.

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**PART V Public Health Dental Hygiene Practice**

Section 16.0 *Qualifications.* A public health dental hygienist may provide dental services which are educational, ~~preventative~~ preventive, therapeutic, prophylactic and intra-oral in nature as may be authorized by the Board and may perform all tasks as set forth under the Act and these Regulations.

16.1 Educational requirements for the Public Health Dental Hygiene Practitioner

(a) Prior to practicing as a public health dental hygienist a dental hygienist must complete a minimum of twelve (12) hours of continuing education as follows:

(1) A minimum of six (6) hours of hands-on experience in a public health setting.

(2) Successful completion of the following courses within twenty-four (24) months prior to license issuance: Public Health Fundamentals, CDC Guidelines (Infection Control), Risk management for practice in a public health setting and Management of medical emergencies, which are offered by an educational institution with a program accredited by the Commission on Dental Accreditation.

(b) The public health dental hygienist must permanently retain documentation demonstrating compliance of continuing educational requirement including a signed affidavit that confirms successful completion.

16.2 A public health dental hygienist practicing in a public health setting may perform those services which are authorized by the Board to be provided in a public health setting, pursuant to a written collaborative agreement (WCA).

16.3 A registered dental hygienist practicing in a public health setting may provide dental hygiene services including placement of sealants, without first having a dentist examine the patient, either pursuant to a written collaborative agreement (WCA).

16.4 Public health dental hygienists must ~~have~~ maintain current malpractice insurance.

Section 17.0 Application Process

17.1 Application for licensure must be made on forms provided by the Board ~~which must be completed and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting.~~

17.2 Rhode Island Registered Dental Hygienists must provide the following documents with their application:

(a) Verification that their license is in good standing in state(s) where licensed [if licensed in another state(s)];

(b) Verification that they have worked full time as a Registered Dental Hygienist for at least three (3) years full time or have completed at least 4500 hours of clinical experience;

(c) Verification of additional training as set forth in § 16.1 of these Regulations;

(d) The application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the*

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Department of Health in accordance with § 5-31.1-6 of the Act.

17.3 Applicants holding a Dental Hygienist License from another state must provide the following documents with their application:

- ~~(h) a certified copy of birth certificate;  
*For foreign nationals:* if a certified copy of birth certificate cannot be obtained, immigration papers or resident alien card a state driver's license, a state-issued identification card or such other identification birth-verifying papers acceptable to the Director that include birthdate and a picture;~~
- ~~(a) One (1) unmounted photograph of the applicant, head and shoulder front view, approximately 2 x 3 inches in size;~~
- ~~(b) Supporting official transcript of education credentials signed by the dean or registrar of the program of dental hygiene; National board results in accordance with § 10.1.1(a) of these Regulations, (submitted either with the application or submitted by the National Board Dental Hygiene Examination to the Board);~~
- ~~(c) The results of the American Board of Dental Examiners (ADEX) examination (formerly Northeast Regional Board of Dental Examiners, Inc., examination (NERB) or other dental examination organizations (as required in § 10.1 of these Regulations) submitted directly by the Commission on Dental Competency Assessment (CDCA) (formerly the Board of Northeast Regional Board of Dental Examiners, Inc. or by the board of the other dental examination organizations;~~
- ~~(d) Verification that the licensee is in good standing in state(s) where licensed [if licensed in another state(s)];~~
- ~~(e) Verification that they have worked full time as a Registered Dental Hygienist for at least three (3) years full time or have completed at least 4500 hours of clinical experience;~~
- ~~(f) Verification of additional training as set forth in § 16.1 of these Regulations; and the application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* in accordance with § 5-31.1-6 of the Act.~~

**Section 18.0 *Written Collaborative Agreement (WCA) with a Public Health Dental Hygienist***

18.1 A public health dental hygienist must:

- ~~(a) Enter into a written collaborative agreement (WCA) which complies with the requirements before rendering treatment to provide any dental hygiene services in a public health setting pursuant to the collaborative agreement;~~
- ~~(b) Maintain contact and document communication with the dentist with whom the public health dental hygienist has entered into a written collaborative agreement (WCA) as set forth within that agreement.~~
- ~~(c) Practice in accordance with these Regulations;~~
- ~~(d) Practice in accordance with systems, policies and procedures established pursuant to the Board, the Act and these Regulations.~~

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- (e) Obtain written and signed informed consent from the patient or legal representative which complies with RIGL § 23-4.6-1 and the Board regulations which informs the patient or legal representative that the services provided by the public health dental hygienist are not a substitute for a dental examination by a dentist and informs the patient that the patient or legal representative should obtain, or should have had a dental examination by a dentist within ninety (90) days.
- (f) Provide each patient with a written Information Sheet at the conclusion of the patient's visit. Said Information Sheet must, at a minimum, include the following:
  - (1) Results of the dental hygiene evaluation;
  - (2) The name(s) of the public health dental hygienists and any licensed dentist and other dental auxiliaries who provided services;
  - (3) A description of the treatment rendered including, but not limited to, billable service codes and fees associated with treatment, and tooth numbers, when appropriate;
  - (4) Information on how to contact the public health dental hygienist, public health setting's program director, mobile dental facility or portable dental operation permit holder;
  - (5) If necessary, provide a referral for emergency assessment by a dentist;
  - (6) When a referral is made, the patient or legal representative must be referred to the patient's regular dentist if one is identified. If none is identified, then the patient or legal representative must be provided with the names of dentist(s), community health center(s) or dental school clinic(s) located within a reasonable geographic distance from the patient's home and with whom the public health dental hygienist or dental health services program has communicated with regarding the acceptance of referrals;
  - (7) The name and signature of the public health dental hygienist; and
  - (8) If the patient or legal representative has given consent for an institutional facility (e.g. school, nursing home) to access the patient's dental health records, then the dental hygienist must also provide the institution with a copy of the Information Sheet for each patient.

18.2 A dentist entering into a written collaborative agreement (WCA) with a public health dental hygienist may, but is not required to, provide subsequent dental treatment to patients served under said agreement.

18.3 **Written Collaborative Agreement (WCA).** A collaborative agreement between a public health dental hygienist and a municipality or state agency or institution, or with a licensed dentist who holds a valid Rhode Island dental license must, at a minimum address all of the following:

- (a) Identify by name(s) the dentist(s) who must be available to provide the appropriate level of communications and consultation with the public health dental hygienist to ensure patient health and safety;

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- (b) Describe, with specificity how communication and consultation between the dentist and public health dental hygienist will be accomplished including the frequency and arrangements for back-up coverage when the dentist is not accessible to provide communication and consultation (e.g. during vacation, illness);
- (c) Provide the names, license numbers, address(es), telephone and facsimile number(s) and emergency contact information for the dentist(s) and public health dental hygienist;
- (d) Identify entity(ies) and geographic area(s) where public health dental hygienist services will be provided pursuant to the collaborative agreement;
- (e) Specify the dental hygiene procedures to be provided and the populations to be served pursuant to the collaborative agreement;
- (f) Specify and describe responsibilities for creating, maintaining, storing, retrieving and providing for the confidentiality of patient records;
- (g) Specify and describe responsibilities for establishing systems, policies and procedures to ensure compliance with Board regulations, including but not limited to requirements of Mobile and Portable Dentistry as may be applicable;
- (h) Specify and describe responsibilities for developing, implementing, and maintaining emergency medical protocols and for the provision of periodic review and training on same;
- (i) include any considerations for age-related procedure-specific protocols as may be deemed necessary by the dentist or public health dental hygienist;
- (j) Include any considerations for medically-compromised patients as may be deemed necessary by the dentist or public health dental hygienist;
- (k) Outline responsibilities for billing and reimbursement for services rendered by the dental hygienist in the public health setting, if indicated;
- (l) Identify a process for the public health dental hygienist to legally obtain prescription products (e.g. chemotherapeutics, fluoride varnish) pertinent to the provision of dental hygiene services and which are to be utilized when rendering services in a public health setting; and
- (m)Term of the collaborative agreement, if applicable.

18.4 The dentist and public health dental hygienist must review and update the written collaborative agreement on an annual basis, as a minimum frequency.

18.5 The dentist and public health dental hygienist must immediately notify each other and, if applicable, the municipality, state agency or institution involved in the collaborative agreement of any disciplinary action imposed by the Board or any other governmental agency against his/her license to practice dentistry or dental hygiene in the State of Rhode Island.

18.6 A copy of the written collaborative agreement must be maintained by the municipality, state agency or institution, licensed dentist and the public health dental hygienist. Upon written request, said agreement must be made available to the Board, or to a patient who

received treatment pursuant to the agreement or his/her legal representative.

18.7 Each public health dental hygienist must maintain the following data to be reported to the Rhode Island Department of Health Oral Health Program on forms and in accordance with procedures and timelines established by that program:

(a) The dates of each session with name and address of the site where public health dental hygiene services were provided; and

(b) The number of ~~patients~~ patients served and the type(s) and quantity (ies) of each service provided.

#### Section 19.0 *Availability of Dental Records*

19.1 **Request for Copy of Dental Record.** The public health dental hygienist must provide upon request by a patient or a specifically authorized person, a complete copy of the patient’s dental record in accordance with RIGL § 31.1-10 (10) A copy of the patient record including radiographs and other images, must be provided within a reasonable amount of time not to exceed thirty (30) calendar days from the date of the request. The public health dental hygienist may charge a reasonable fee for the expense of providing a patient’s dental record, not to exceed the cost of either labor and/or material incurred in the copying of the patient record, radiographs and models. The Public Health Dental Hygienist must not require payment for dental services rendered as a condition of providing a copy of the dental record.

19.2 **Treatment in a School Setting.** Where consent has been granted by the patient or legal representative, a copy of the patient’s summary of care or other written summary of the screening, examination, or treatment must be provided to the official designated by the school.

19.3 **Treatment in a Nursing Home or Residential Treatment Facility.** A copy of the patient’s summary of care or other written summary of the screening, examination, or treatment must be provided to the official designated by the facility or institution and must be made part of the patient record maintained by the nursing home or residential facility

19.4 Electronic patient records must comply with the requirements of HIPAA (Public Law 104-191 and the Confidentiality of Health Care Communications and Information Act, RIGL § 5-37.3 and must be unalterable and producible in paper form upon request.

#### Section 20.0 *Content of Patient Records*

20.1 The patient record must be a complete record of all patient contact, including, but not limited to, a general description of the patient’s medical and dental history and status at time of examination, assessments and/or diagnosis provided by a dentist, patient education, treatment plan, referral for specialty treatment, medications administered and prescribed, pre- and post-treatment instructions and information conveyed to the patient. Patient records must be legible and clear in meaning to a subsequent examining or treating dentist, the patient, dental auxiliary or other authorized persons.

20.2 Public health dental hygienist proprietary forms must include language as approved by the Board:

Section 21.0 *Required Referrals*

Public health dental hygienists will refer patients without a dental provider to a public or private dentist with the goal of establishing a dental home for the patient. When the public health dental hygienist determines at a subsequent appointment that there are conditions present which require evaluation for treatment, and the patient has not seen a dentist as referred, the dental hygienist will make every practical or reasonable effort to schedule the patient with a Rhode Island dentist or local private dentist volunteer for an examination, treatment plan and follow up care, or a community health center if available.

Section 22.0 *Radiograph*

Digital radiographs are recommended and follow the current ADA guidelines for taking radiographs. The collaborating and currently licensed Rhode Island dentist must evaluate the radiographs within thirty (30) days of exposure.

Section 23.0 *Temporary Restorative Procedures*

A public health dental hygienist, as defined by these Regulations may perform reversible procedures including but not limited to temporary restorative procedures without a dentist present under protocols developed by the Board of Dentistry as outlined in Appendix B -titled “Protocols for the Placement of Temporary Restorations by a Public Health Dental Hygienist.

Section 24.0 *Continuing Education Requirements*

Public health dental hygienists; must obtain a minimum of six (6) hours of continuing education in courses related to public health. These six (6) hours are included in the required twenty (20) hours of continuing education required every ~~six (6)~~ two (2) years following the criteria listed in Appendix A. The following public health topics are recommended:

24.1 *Home & Community – Based Care*

(a) *Youth Services*

(1) *School-based care*

(2) *Head Start & Early Head Start*

(3) *Day Care*

(b) *Eldercare Services*

(1) *Community- based settings (e.g. nursing homes, assisted living)*

(c) *Homebound – All Populations (including individuals with disabilities)*

24.2 *Third Party Payment Models & Business 101*

24.3 *Grant Writing 101*

24.4 *Diversity Training & Case Management Concepts*

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PART VI *Delegable Procedures/Duties to Dental Hygienists, Public Health Dental Hygienists, DANB-Certified Dental Assistants and Dental Assistants, DAANCE-Certified Maxillofacial Surgery Assistants and Dental Assistants with Specific Type of Supervision*

Section 25.0 *General Requirements*

25.1 *Dental Hygienists.* Pursuant to § 5-31.1-33 of the Act, any licensed dentist, public institution or school authority may employ any licensed dental hygienist whose activities ~~shall~~ must be confined to those dental services, procedures/duties that licensed dental hygienist he/she has been educated to perform and which are authorized by the Board, and under the specific type of supervision as set forth in § 26.0 of these Regulations. Such dental procedures/duties may be delegated by the dentist and performed under the direction of the dentist, in accordance with the provisions of the Act and these Regulations ~~statutory and regulatory provisions herein.~~

~~1625.1.1~~ Nothing in this section ~~shall~~ must ~~shall~~ be construed to authorize a licensed dental hygienist or public health dental hygienist to perform any of the non-delegable (exclusionary) procedures/ duties as set forth in § 27.0 of these Regulations.

25.2 *DANB-Certified Dental Assistants, DANNCE-Certified Maxillofacial Surgery Assistants and Dental Assistants.* A dentist may delegate to a DANB-certified dental assistant, DANNCE-certified maxillofacial surgery assistant or a dental assistant, based on the individual's competency and/or training, reversible intraoral dental services, procedures or duties which are to be performed under the supervision of the dentist as approved by the Board and set forth in § 26.0 of these Regulations. Provided, however, oral prophylaxis ~~shall~~ must be performed only by a licensed dentist or a licensed dental hygienist.

25.2.1 Nothing in this section shall authorize a DANB- certified ~~dental~~ assistant or a dental assistant to perform any of the non-delegable (exclusionary) procedures/duties as set forth in § 27.0 of these Regulations.

25.3 All procedures/duties performed by dental auxiliaries ~~shall~~ must be performed under the direct supervision of a dentist, unless otherwise specified in § 26.0 of these Regulations.

25.4 Any reversible intraoral procedure not specifically enumerated as delegable or non-delegable (exclusionary) pursuant to § 26.0 and § 27.0 of these Regulations, may be delegated to any category of dental auxiliary, (dental hygienist, public health dental hygienist, DANB-certified dental assistant, DANNCE-certified maxillofacial surgery assistant and dental assistant) based on the discretion of the delegating dentist, the education and training and competency of the dental auxiliary.

25.5 The supervising dentist ~~shall~~ must be accountable and fully responsible for all dental services, procedures and duties performed by any dental auxiliary under his or her supervision. However, a dental auxiliary is responsible for his/her own professional behavior and ~~shall~~ must be guided by existing professional standards.

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Section 26.0 ***Delegation of Duties Delegable Procedures/Duties***

26.1 A dentist may delegate to auxiliary personnel those procedures which the dentist may deem advisable, except for those procedures excluded in § 27.0 of these Regulations. Any delegated procedures ~~shall~~ must be both the responsibility of and under the specified supervision of the dentist.

26.1.1 ***Dental Hygienist and Public Health Dental Hygienist***. A dental hygienist or a public health dental hygienist, may remove calculus, accretions and stains from both supragingival and subgingival tooth surfaces by scaling and root planing, as well as any duties performed by a DANB-certified ~~dental~~ assistant or a dental assistant. These procedures may be accomplished under general supervision, in a dental office, and under general supervision of the dentist.

26.1.2 ***DANB-Certified Dental Assistant***

(a) A DANB-certified ~~dental~~ assistant may perform reversible intraoral procedures under the direct supervision of the dentist.

(b) Such procedures may include the application of pit and fissure sealants, coronal polishing, placing and/or removing retraction cord; and fluoride treatments; and placement or removal of bonded orthodontic attachments and/or cementation or removal of orthodontic bands provided:

(1) Such procedures were incorporated into the academic training from which the DANB- certified ~~dental~~ assistant graduated; OR

(2) provided he/she has completed academic clinical training to clinical competence.

(c) The DANB- certified ~~dental~~ assistant may not perform any of the procedures specifically listed for a dental hygienist, nor any irreversible intraoral procedures.

26.1.3 ***Dental Assistant***. A dental assistant may perform reversible intraoral procedures under the ~~personal~~ direct supervision of the dentist. He/she may not perform any of the procedures listed specifically for a licensed dental hygienist or DANB-certified ~~dental~~ assistant nor any irreversible intraoral procedures.

26.2 Dentists licensed pursuant to § 5-31.1-6 of the Act may delegate to any dental hygienists licensed pursuant to § 5-31.1-6 of the Act who are employed on a regular basis by such dentists any procedures which he or she may deem advisable; including those procedures specified under § 26.0 of these Regulations pertaining to dentists and dental hygienists and any such dental hygienists may engage in the practice of dental hygiene outside of such dentists' office in order to render to residents of nursing facilities licensed pursuant to RIGL Chapter 23-17 without the on-site direct supervision of a dentist licensed pursuant to § 5-31.1-6 of the Act, those dental services, procedures and duties that he or she has been educated to perform and which are authorized by the Board or through § 5-31.1-39 of the Act.

Section 27.0 ***Non-Delegable (Exclusionary) Procedures/Duties***

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- 27.1 Notwithstanding the provisions of § 25.0 and § 26.0 of these Regulations, nothing in these Regulations ~~shall~~ must authorize a dental hygienist, public health dental hygienist, DANB- certified ~~dental~~ assistant or dental assistant, to perform any of the following procedures or duties:
- (a) Diagnosis and treatment planning;
  - (b) Surgical procedures on hard or soft tissue;
  - (c) Prescribing medications;
  - (d) Administering general anesthesia/deep sedation, moderate sedation and/or minimal sedation, or nitrous oxide plus medication;
  - (e) Administering inhalants ~~or inhalation conscious sedation agents. [Not applicable to dental hygienists licensed pursuant to §22.1.1 of these Regulations.];~~
  - (f) Taking impressions for models upon which full or partial dentures, or permanent crowns, bridges, inlays, onlays, posts and cores will be fabricated including but not limited to, conventional or digital impressions;
  - (g) Adjusting occlusion of fixed and removable prosthodontic appliances;
  - (h) Final cementation of permanent crowns, bridges, inlays, onlays and posts and cores; and insertion of final prosthesis.
  - (i) Condensing and carving restorative materials in teeth, except temporary restoratives;
  - (j) ~~Placement or removal of bonded orthodontic attachments and/or cementation or removal of orthodontic bands;~~
  - (k) Placement of sutures;
  - (l) Exposure of radiographs without successful completion of a course in dental radiography which is offered by an education institution with a program accredited by the Commission on Dental Accreditation and which fulfills institutional requirements as set forth in § F.2.3 of the *Rules and Regulations for the Control of Radiation (R23-1.3-RAD)*, Rhode Island Department of Health Center for Health Facilities Regulation, Radiation Control Program;
  - (m) Perform direct pulp capping procedures;
  - (n) Orthodontic arch wire activation with the exception of minor adjustments to eliminate pain or discomfort;
  - (o) Flush root canal;
  - (p) Temporary wire ligation; and
  - (q) Use of a rotary instrument in the oral cavity unless licensed or certified under the provisions of the Act and these Regulations. (See also § 26.1.2(b) of these Regulations).

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PART VII *Administration of Anesthesia in Dental Offices*

Section 28.0 *General Requirements*

28.1 Any dentist licensed in ~~this state~~ Rhode Island who is administering, permitting the administration of, or intending to administer general anesthesia/deep sedation, moderate sedation, minimal sedation, or nitrous oxide analgesia in his or her dental office, must meet the statutory and regulatory requirements herein, and must hold a permit granted by the Board to administer or to permit the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia in his or her dental office.

28.2 Any licensed dentist permitted to administer general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia who intends to do so in a dental office in this state that does not have a facility permit allowing the administration of these anesthesia services on the premises, as required by § 36.3 of these Regulations, ~~shall~~ must be allowed to do so only with prior approval of the Board.

28.2.1 As a condition for this approval, the Board, or its designee, may inspect all equipment utilized for the purpose of administering general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia. Said equipment ~~shall~~ must meet all applicable requirements of § 36.1 and § 36.2 of these Regulations.

28.2.2 The Board's written approval ~~shall~~ must be obtained by the licensed dentist prior to commencing the anesthesia services described in this section.

28.2.3 Those licensed dentists approved by the Board to engage in the practice of administering general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia in those dental offices that do not possess a facility permit allowing the administration of these anesthesia services on the premises ~~shall~~ must submit a written schedule at intervals required by the Board describing the frequency and location(s) of anesthesia services rendered.

Section 29.0 *Qualifications for Permit*

29.1 An applicant seeking a permit to administer or to permit the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia must:

29.1.1 *For General Anesthesia/Deep Sedation:*

- (a) be licensed as a dentist in ~~this state~~ Rhode Island; and
- (b) have completed an advanced training program in anesthesia and related subjects beyond the undergraduate dental curriculum that satisfies the requirements described in the American Dental Association *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students* (October 2007) [Reference 7];

*or*

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- (c) have completed an American Dental Association accredited post-doctoral training program (e.g., oral and maxillofacial surgery) which affords comprehensive and appropriate training necessary to administer and manage deep sedation/general anesthesia, commensurate with the American Dental Association *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students* (October 2007) [References 7];

**or**

- (d) be employed or practice in conjunction with a Board certified or Board eligible anesthesiologist.

**29.1.2 For Moderate Sedation:**

- (a) be licensed as a dentist in ~~this state~~ Rhode Island; and
- (b) satisfy one of the following education and training requirements:
  - (1) completion of a comprehensive training program in moderate sedation consistent with that prescribed in the ADA *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students* (October 2007) [References 7]; or
  - (2) completion of an ADA accredited post-doctoral training program which affords comprehensive and appropriate training necessary to administer and manage moderate sedation; or,
  - (3) meet one of the requirements as set forth in §§ 20.1.1(b) through (d) of these Regulations.

**29.1.3 For Minimal Sedation:**

- (a) be licensed as a dentist in ~~this state~~ Rhode Island; and
- (b) satisfy one of the following education and training requirements:
  - (1) completion of a comprehensive training program in minimal sedation that satisfies the requirements described in the ADA *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students* (October 2007) [References 7];
  - (2) Completion of an ADA accredited post-doctoral training program (e.g., general practice residency) which affords comprehensive and appropriate training necessary to administer and manage minimal sedation; or,
  - (3) meet one of the requirements as set forth in §§ 20.1.1(b) through (d) or §§ 20.1.2(b) through (d) of these Regulations.

**29.1.4 [REMOVED]**

**29.1.5 For Nitrous Oxide Analgesia:**

- (a) be licensed as a dentist in ~~this state~~ Rhode Island; and
- (b) meet one of the requirements as set forth in §§ 20.1.1(b) through (d) or §§ 20.1.2(b) through (d) or §§ 20.1.3(b) through (d) of these Regulations;

*or*

- (c) have satisfactorily completed a nitrous oxide analgesia training program from a school accredited by the American Dental Association, and whose training program is consistent with the provisions of the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students* (October 2007) [Reference 7] of the American Dental Association, Council on Dental Education and which includes clinical experience in the administration of nitrous oxide analgesia.

Section 30.0 *Application*

- 30.1 Application for a permit ~~shall~~ must be made on forms provided by the Board which ~~shall~~ must be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting. Such application ~~shall~~ must be accompanied by the following documents (non-returnable and non-refundable):
- (a) Supporting official transcripts of verification of the qualification requirements as set forth in § 29.1.1 or § 29.1.2 or § 29.1.3 or § 29.1.5 of these Regulations;
  - (b) A statement attesting that he or she has or has not been involved in any morbidity or mortality secondary to the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia; and
  - (c) The permit fee, where applicable, as determined annually by the Director of Health in consultation with the Board and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*; and
  - (d) Such other information as may be deemed necessary and as may be requested by the Board.

Section 31.0 *Issuance and Renewal of Permit*

- 31.1 Upon receipt of an application for a permit to administer or to permit the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia, the Board with the advice of the advisory consultant(s), may issue a permit to an applicant found to meet all the prescribed requirements herein. Said permit unless sooner suspended or revoked ~~shall~~ must expire on June 30 of each even numbered year.
- 31.2 Every person issued a permit who desires to renew his or her permit ~~shall~~ must file with the Board one (1) month before the date of expiration of permit, a renewal application duly executed together with the renewal fee, where applicable, as determined biennially by the Director ~~of Health~~ in consultation with the Board and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*. Upon receipt of such renewal application and payment of any fee, a renewal ~~shall~~ must be issued effective for two (2) years from the date of renewal, unless sooner suspended or revoked.

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31.3 Any person who allows his or her permit to lapse through accident, mistake or unforeseen cause by failing to renew the permit on or before the expiration date, may be reinstated upon filing an application with payment of the current renewal fee, where applicable, in accordance with § 31.2 of these Regulations.

**Section 32.0 *Inspections***

32.1 The Board may, through appointed advisory consultants, conduct such inspections and investigations as deemed necessary by the Board to ensure compliance with the requirements of these Regulations herein.

32.2 Refusal to permit inspection ~~shall~~ must constitute a valid ground for permit denial, suspension or revocation.

32.3 Every applicant ~~shall~~ must be given notice by the Board of all deficiencies reported as a result of an inspection or investigation.

**Section 33.0 *Inactive Status***

33.1 A dentist who holds a permit for the administration of or to permit the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia in his or her dental office and who desires to withdraw from the practice of dental anesthesia in his or her office, may request from the Board that his or her permit be withdrawn and placed on an inactive status.

33.2 A dentist whose permit has been inactive for more than one (1) year may be reactivated upon application to the Board and submission of any current application fee, as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*. The Board ~~shall~~ must determine, at its discretion, whether or not to reactivate the permit or require renewed proof of competency or need for additional educational requirements.

**Section 34.0 *General Anesthesia/Deep Sedation, Moderate Sedation, Minimal Sedation, or Nitrous Oxide Analgesia Services***

**34.1 *Personnel***

34.1.1 A dentist administering or permitting the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia must ensure that there is a sufficient number of members on the "team of auxiliary personnel" to assist in handling procedures and emergencies.

34.1.2 (a) The dentist administering or permitting the administration of general anesthesia/deep sedation ~~shall~~ must hold a current certificate in Advanced Cardiac Life Support, as described in the *Guidelines for the Use of Sedation and General Anesthesia by Dentists* (October 2007) [Reference 6].

(b) The dentist administering or permitting the administration of moderate sedation ~~shall~~ must hold a current certificate in Advanced ~~Basic~~ Cardiac Life Support, as described in the most current version of the American Dental Association,

*Guidelines for the Use of Sedation and General Anesthesia by Dentists* (October 2007) [Reference 6].

- (c) The dentist administering or permitting the administration of minimal sedation ~~shall~~ must hold a current certificate in Basic Cardiac Life Support, as described in the American Dental Association, *Guidelines for the Use of Sedation and General Anesthesia by Dentists* (October 2007) [Reference 6].
- (d) **[REMOVED]**
- (e) The dentist administering or permitting the administration of **nitrous oxide analgesia** ~~shall~~ must hold a current certificate in Basic Life Support.
- (f) Each member of the "team of auxiliary personnel" ~~shall~~ must hold a current certificate in Basic Life Support.

### 34.2 ***Management of Services:***

34.2.1 Written policies and procedures ~~shall~~ must be established regarding: (1) the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia; (2) maintenance of safety controls; (3) qualifications and supervision of the "team of auxiliary personnel" involved in the general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia service. In addition, the policies ~~shall~~ must include provisions for no less than the following:

- (a) Pre-anesthesia evaluation;
- (b) Safety of the patient during the anesthesia period;
- (c) Review of patient's condition prior to induction of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia, and post-anesthetic evaluation;
- (d) Signed informed consent obtained prior to the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia. In the case of a minor, consent from a parent or legal guardian must be obtained; in case of emergency, an oral permit will be acceptable;
- (e) Recording of all events related to the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia;
- (f) Written report(s) of any morbidity requiring hospitalization or mortality occurring in the dental office as a result of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia, and/or Board certified or Board eligible anesthesiologists, employed by or practicing in conjunction with a dentist must remain on the premises of the dental office until the patient has been discharged from the dentist's (or anesthesiologist's) care.

### ***Monitoring and Documentation***

34.2.2 A dentist administering or permitting the administration of general anesthesia/deep sedation, moderate sedation or minimal sedation ~~shall~~ must ensure that the following monitoring and documentation requirements are met:

- (a) **Monitoring:** direct clinical observation of the patient during administration must occur.
- (b) **Oxygenation:** the color of mucosa, skin or blood should be continually evaluated. Oxygen saturation ~~shall~~ must be evaluated continuously by pulse oximetry.
- (c) **Ventilation:** chest excursion must be observed. The dentist ~~shall~~ must auscultate breath sounds or monitor end-tidal CO<sub>2</sub>.
- (d) **Circulation:** The dentist ~~shall~~ must continually evaluate blood pressure and heart rate (unless the patient is unable to tolerate such monitoring).
- (e) **Documentation:** An appropriate time-oriented anesthetic record ~~shall~~ must be maintained. The dentist ~~shall~~ must document individuals present during the administration of anesthesia.
- (f) **Recovery and Discharge:** Oxygen and suction equipment ~~shall~~ must be immediately available in the recovery area and/or operatory. There ~~shall~~ must be continual monitoring of oxygenation, ventilation, and circulation when the anesthetic is no longer being administered. The patient ~~shall~~ must have continuous supervision until oxygenation, ventilation, and circulation are stable and the patient is appropriately responsive for discharge from the facility. The dentist ~~shall~~ must determine and document that oxygenation, ventilation, and circulation are stable prior to discharge. The dentist ~~shall~~ must provide explanation and documentation of postoperative instructions to the patient and/or a responsible adult at the time of discharge. The dentist ~~shall~~ must determine that the patient has met discharge criteria prior to leaving the office.

34.2.3 The anesthesia permit holder ~~shall~~ must be responsible for the anesthetic management, adequacy of the facility/office, and treatment of emergencies associated with the administration of anesthesia, including immediate access to pharmacologic antagonists, if any, and appropriately sized equipment for establishing a patent airway and providing positive pressure ventilation with oxygen.

### Section 35.0 *Administration of Local Anesthesia ~~and Nitrous Oxide~~ by Dental Hygienists*

35.1.1 A dental hygienist ~~shall~~ must be qualified to administer local anesthesia only after successfully completing a course in local anesthesia that:

- (a) is offered by an institution accredited by the Commission on Dental Accreditation of the American Dental Association;
- (b) is a minimum of ~~twenty (20)~~ fifteen (15) didactic hours and five (5) ~~twelve (12)~~ clinical hours;
- (c) includes no less than the following topics:
  - (1) neurophysiology of pain and pain control;
  - (2) pharmacology of local anesthetic solutions and drug interactions;
  - (3) potential local and systemic complications;



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- (4) medical and dental indications and contraindications and emergency management;
  - (5) medical and dental history and assessment;
  - (6) safe assembly and handling of a syringe;
  - (7) location of anatomical landmarks associated with local anesthesia;
  - (8) injection techniques;
  - (9) clinical experience with maxillary and mandibular injections by administering infiltration and block injections;
  - (10) legal issues associated with local anesthesia administration by a dental hygienist;
  - (11) record keeping.
- (d) provides written evidence of successful course completion provided by the sponsoring organization; and
- (e) current certification in basic life and cardiopulmonary resuscitation at the “health care provider” level by a nationally recognized organization.
- 35.2 A dental hygienist qualified to administer local anesthesia ~~shall~~ must have successfully completed a local anesthesia examination administered by the CDCA North East Regional Board (NERB).
- 35.3 A dental hygienist qualified to administer local anesthesia ~~shall~~ must do so only under the indirect supervision of a dentist. Dental hygiene faculty members who are licensed to administer local anesthesia may do so within the scope of the academic setting of which they are employed under the general supervision of the program’s consulting dentist in the event that a supervising dentist is not available.
- 35.4 If a dental hygienist graduated from an American Dental Association accredited school of dental hygiene that did not include a course in local anesthesia that meets the requirements of § 35.1 of these Regulations, a course that meets such requirements ~~shall~~ must be successfully completed before local anesthesia may be administered by the dental hygienist.
- 35.5 A dental hygienist who has qualified to administer local anesthesia in another jurisdiction may qualify for endorsement by the Board to perform that function by presenting written documentation of training equivalent to § 35.1 of these Regulations, including successful completion of the local anesthesia portion of the ~~NERB~~ CDCA examination or successful completion of a substantially similar examination in the alternate jurisdiction.

***Application for Permit***

- 35.6 Application for a two-year permit ~~shall~~ must be made on forms provided by the Board which ~~shall~~ must be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting. Such application ~~shall~~ must be accompanied by the following documents (non-returnable and non-refundable):

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- (a) (1) **Local anesthesia.** Supporting official transcripts of verification of the qualification requirements as set forth in § 26.1 of these Regulations;
- (2) **Nitrous Oxide.** Supporting official transcripts of verification of the qualification requirements as set forth in § 26.1.1 of these Regulations;
- (b) (1) **Local anesthesia.** A statement attesting that he or she has or has not been involved in any morbidity or mortality secondary to the administration of local anesthesia;
- (2) **Nitrous Oxide.** A statement attesting that he or she has or has not been involved in any morbidity or mortality secondary to the administration of nitrous oxide;
- (c) (1) **Local anesthesia.** A payment as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* for a two (2) year permit;
- (2) **Nitrous Oxide.** A payment as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* for a two (2) year permit; and
- (d) Such other information as may be deemed necessary and as may be requested by the Board.

**Section 35.1.1 Administration of Nitrous Oxide by Dental Hygienists**

- (a) A dental hygienist ~~shall~~ must be qualified to administer nitrous oxide only after successfully completing a course in nitrous oxide administration that:
  - (1) is offered by an institution accredited by the Commission on Dental Accreditation of the American Dental Association;
  - (2) is a minimum of four (4) didactic hours and four (4) clinical hours;
  - (3) includes no less than the following topics:
    - (i) nitrous oxide techniques;
    - (ii) pharmacology of nitrous oxide;
    - (iii) nitrous oxide analgesia medical emergency techniques; and
    - (iv) selection of pain control modalities, if available.
  - (4) provides written evidence of successful course completion provided by the sponsoring organization; and
  - (5) current certification in basic life and cardiopulmonary resuscitation at the “health care provider” level by a nationally recognized organization.
- (b) A dental hygienist qualified to administer nitrous oxide ~~shall~~ must have successfully completed a nitrous oxide examination administered by the CDCA ~~North East Regional Board (NERB).~~

- (c) A dental hygienist qualified to administer nitrous oxide ~~shall~~ must do so only under the direct supervision of a dentist.
- (d) If a dental hygienist graduated from an American Dental Association accredited school of dental hygiene that did not include a course in nitrous oxide that meets the requirements of § 35.1.1 of these Regulations, a course that meets such requirements ~~shall~~ must be successfully completed before nitrous oxide may be administered by the dental hygienist.
- (e) A dental hygienist who has qualified to administer nitrous oxide in another jurisdiction may qualify for endorsement by the Board to perform that function by presenting written documentation of training equivalent to § 26.1.1(a) of these Regulations, including successful completion of the nitrous oxide portion of the ~~NERB~~ CDCA examination or successful completion of a substantially similar examination in the alternate jurisdiction.

Section 36.0 *Physical Facility, Equipment and Safety*

- 36.1 In order to ensure the protection and safety of patients receiving general anesthesia/deep sedation, moderate sedation or minimal sedation in a dental office, the following standards ~~shall~~ must be applied in determining the adequacy and safety of the physical facility and equipment.
- (a) The current standards of the American Dental Association, *Guidelines for the Use of Sedation and General Anesthesia by Dentists* (October 2007) [Reference 6] including but not limited to the following equipment requirements:
    - (1) equipment must have a fail-safe system that is appropriately checked and calibrated;
    - (2) equipment must have an appropriate scavenging system; and,
    - (3) if nitrous oxide and oxygen delivery equipment capable of delivering less than 25% oxygen is used, an in-line oxygen analyzer must be used;
  - (b) The standards for "*Occupational Exposure to Waste Anesthetic Gases and Vapors*" of the National Institute for Occupational Safety and Health (NIOSH); and
  - (c) The Rhode Island Fire Safety Code where flammable anesthetics are present.
- 36.2 In order to ensure the protection and safety of patients receiving nitrous oxide analgesia in a dental office, the following requirements ~~shall~~ must be applied in determining the adequacy and safety of the physical facility and equipment:
- (a) Equipment must have a fail-safe system that is appropriately checked and calibrated;
  - (b) Equipment must have an appropriate scavenging system;
  - (c) If nitrous oxide and oxygen delivery equipment capable of delivering less than twenty-five percent (25%) oxygen is used, an in-line oxygen analyzer must be used;
  - (d) Facilities and equipment must conform to the standards for "*Occupational Exposure to Waste Anesthetic Gases and Vapors*" of the National Institute for Occupational Safety and Health (NIOSH); ~~and~~

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- (e) Where flammable anesthetics are present, facilities and equipment must conform to the Rhode Island Fire Safety Code.

***Facility Permit***

36.3 Prior to the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia in a dental office by a qualified dentist as described in § 29.0 of these Regulations and/or a Board certified or Board eligible anesthesiologist employed by or practicing in conjunction with a dentist, each office site must obtain a facility permit to allow the administration of these anesthesia services on the premises.

36.3.1 A facility permit is issued for one office site, and is non-transferable.

- (a) Those dental office sites in which all anesthesia services are administered by a licensed dentist approved by the Board to administer anesthesia services as described in § 28.1 of these Regulations ~~shall~~ must ~~are~~ be exempt from the requirements of § 36.3 of these Regulations.

36.3.2 Application for a permit ~~shall~~ must be made on forms provided by the Board. These forms ~~shall~~ must be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting. Such application ~~shall~~ must be accompanied by:

- (a) The permit fee (non-refundable and non-returnable) as determined annually by the Director of Health in consultation with the Board, and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*; and
- (b) Such other information as may be deemed necessary and as may be requested by the Board.

36.3.3 Upon receipt of an application for a facility permit as described above, the Board, with the advice of the advisory consultant(s), may issue a permit to an applicant found to meet all the prescribed requirements of these Regulations. Said permit unless sooner suspended or revoked ~~shall~~ must will expire five (5) years from the date of issuance.

- (a) To renew such permit, the applicant ~~shall~~ must will file with the Board a renewal application at least one (1) month before the date of expiration of the permit, duly executed together with the renewal fee as determined annually by the Director of Health in consultation with the Board, and as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*. Upon receipt of such renewal application and payment of any fee, a renewal ~~shall~~ must be issued effective for five (5) years from the date of renewal, unless sooner suspended or revoked.
- (b) Any applicant allowing this permit to lapse through accident, mistake or unforeseen cause by failing to renew the permit on or before the expiration date, may be reinstated upon filing an application with payment of the current renewal fee in accordance with § 36.3.3(a) of these Regulations.

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36.3.4 Those dental offices holding facility permits as described above may be subject to inspections as described in § 32.0 of these Regulations.

**Section 37.0 *Violations & Sanctions***

37.1 Failure to comply with any of the provisions of Part VI of these Regulations ~~shall~~ must be cause for denial, revocation or suspension of permit for the administration of general anesthesia/deep sedation, moderate sedation, minimal sedation or nitrous oxide analgesia, and of disciplinary action in accordance with § 40.0 of these Regulations.

37.2 Furthermore, all hearings and reviews pertaining to the requirements as set forth in these Regulations herein, ~~shall~~ must will be subject to the provisions of § 41.0 of these Regulations.

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PART VIII *Record Keeping and Disclosure*

Section 38.0 *Availability of Dental Records*

38.1 A licensed dentist and/or other licensee ~~shall~~ must maintain a dental record for each patient which is adequate to enable the licensee and/or another licensee to provide proper diagnosis and treatment. The dentist must maintain a patient's written dental record and radiographs (x-rays) for a minimum of five (5) years from the date of the last dental visit, in accordance with RIGL § 23-3-26, entitled "Vital Records." Records of minors ~~shall~~ must be kept for at least five (5) years after such minor ~~shall~~ must ~~will~~ have reached the age of eighteen (18) years. Records must be maintained in a manner which permits the patient and/or successor dentist access to these records.

38.1.1 At a minimum, said records must be legible and include:

- (a) The name, address and date of birth of the patient and, if a minor, the name of the parent or guardian and any disclosure statements, authorizations and/ or consent forms;
- (b) The patient's medical history;
- (c) A record of results of a clinical examination, where appropriate, or an indication of the patient's chief complaint;
- (d) A treatment plan, where appropriate;
- (e) The dates of each patient visit and a description of the treatment or services rendered at each visit;
- (f) ~~A description of all radiographs taken and diagnostic models made, properly identified with the patient's name and date~~ A description of all radiographs taken and of diagnostic models made;
- (g) The date, dosage and amount of any medication or drug prescribed, dispensed or administered to the patient and Prescription Drug Monitoring Program query results, if appropriate; and,
- (h) A record of any recommendations or referrals for treatment or consultation by a specialist, including those which were refused by the patient.

38.1.2 Upon a patient's written request, a dentist ~~shall~~ must provide a patient or another specifically authorized person with a complete copy of and a detailed summary of the patient's dental record, which includes all relevant data.

38.1.3 A dentist may charge a reasonable fee for the expense of providing a patient's dental record, not to exceed cost. The dentist ~~shall~~ must not require prior payment of charges for dental services as a condition for providing a copy of the dental record.

38.1.4 Dentists ~~shall~~ must maintain patient confidentiality in the storage and transfer of records pursuant to the provisions of RIGL Chapter 5-37.3, entitled "Confidentiality of Health Care Information Act."

38.1.5 A dentist or other licensee treating the patient ~~shall~~ must sign or initial the patient's dental record after each procedure or visit.

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PART VIII *Violations, Sanctions, Severability*

Section 40.0 *Denial, Revocation or Suspension of License/Violations and Sanctions*

40.1 Any dentist, ~~or dental hygienist, public health dental hygienist, or DAANCE-certified maxillofacial surgery assistant~~ may have his or her license revoked or suspended by the Board: if said person has been found guilty of unprofessional conduct, which ~~shall~~ must will include, but not be limited to those items listed in § 5-31.1-10 of the Act and as stated below:

- (a) Fraudulent or deceptive procuring or use of a license or limited registration;
- (b) All advertising of dental or dental hygiene business which is intended or has a tendency to deceive the public or a dentist advertising as a specialty in an area of dentistry unless the dentist:
  - (1) Is a diplomate of or a fellow in a specialty board accredited or recognized by the American Dental Association; or
  - (2) Has completed a post graduate program approved by the Commission on Dental Accreditation of the American Dental Association;
- (c) Conviction of a crime involving moral turpitude; conviction of a felony; conviction of a crime arising out of the practice of dentistry or of dental hygiene;
- (d) Abandonment of patient;
- (e) Dependence upon controlled substances, habitual drunkenness or rendering professional services to a patient while the dentist or dental hygienist, or limited registrant is intoxicated or incapacitated by the use of drugs;
- (f) Promotion by a dentist, dental hygienist, ~~or limited registrant~~ or DAANCE-certified maxillofacial surgery assistant of the sale of drugs, devices, appliances, or goods or services provided for a patient in a manner as to exploit the patient for the financial gain of the dentist, dental hygienist, public health dental hygienist, or limited registrant DAANCE-certified maxillofacial surgery assistant;
- (g) Immoral conduct of a dentist, dental hygienist, ~~or limited registrant,~~ DAANCE-certified maxillofacial surgery assistant in the practice of dentistry ~~or dental hygiene,~~ public health dental hygiene, or DAANCE-certified maxillofacial surgery assisting;
- (h) Willfully making and filing false reports or records in the practice of dentistry or dental hygiene;
- (i) Willful omission to file or record, or willfully impeding or obstructing a filing or recording, or inducing another person to omit to file or record dental or other reports as required by law;
- (j) Failure to furnish details of a patient's dental record to succeeding dentists, or dental care facility upon proper request pursuant to the Act;
- (k) Solicitation of professional patronage by agents or persons or profiting from acts of those representing themselves to be agents of the licensed dentist, dental hygienist, public health dental hygienist, ~~or limited registrant,~~ or DAANCE-certified maxillofacial surgery assistant;

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- (l) Division of fees or agreeing to split or divide the fees received for professional services for any person for bringing to or referring a patient;
- (m) Agreeing with clinical or bioanalytical laboratories to accept payments from those laboratories for individual tests or test series for patients, or agreeing with dental laboratories to accept payment from those laboratories for work referred;
- (n) Willful misrepresentation in treatments;
- (o) Practicing dentistry with an unlicensed dentist or practicing dental hygiene with an unlicensed dental hygienist except in an accredited training program, or with a dental assistant in accordance with the rules and regulations of the Board or aiding or abetting those unlicensed persons in the practice of dentistry or dental hygiene;
- (p) Gross and willful overcharging for professional services; including filing of false statements for collection of fees for which services are not rendered or willfully making or assisting in making a false claim or deceptive claim or misrepresenting a material fact for use in determining rights to dental care or other benefits;
- (q) Offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine;
- (r) Professional or mental incompetence;
- (s) Incompetent, negligent, or willful misconduct in the practice of dentistry or dental hygiene, which includes the rendering of unnecessary dental services and any departure from or the failure to conform to the minimal standards of acceptable and prevailing dental or dental hygiene practice in his or her area of expertise as is determined by the Board. The Board need not establish actual injury to the patient in order to adjudge a dentist, dental hygienist, public health dental hygienist, ~~or limited registrant~~, or DAANCE-certified maxillofacial surgery assistant guilty of the previously named misconduct;
- (t) Failure to comply with the provisions of RIGL Chapter 23-4.7;
- (u) Revocation, suspension, surrender, or limitation of privilege based on quality of care provided or any other disciplinary action against a license to practice dentistry or dental hygiene or DAANCE-certified maxillofacial surgery assisting in another state or jurisdiction, or revocation, suspension, surrender, or other disciplinary action as to membership on any dental staff or in any dental or professional association or society for conduct similar to acts or conduct which would constitute grounds for action as prescribed in the Act;
- (v) Any adverse judgment, settlement, or award arising from a dental liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in the Act or these Regulations;
- (w) Failure to furnish the Board, its dental administrator, investigator, or representatives, information legally requested by the Board;
- (x) Violation of any provision(s) of the Act or the rules and regulations of the Board or any rules and regulations promulgated by the Director or of an action, stipulation or agreement of the Board;
- (y) Cheating on or attempting to subvert the licensing examination;

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- (z) Violating any state or federal law or regulation relating to controlled substances;
- (aa) Failure to maintain standards established by peer review boards, including, but not limited to, standards related to proper utilization of services, and use of non-accepted procedure and/or quality of care;
- (bb) Malpractice as defined in RIGL § 5-37-1(8).
- (cc) No person licensed to practice dentistry in the state of Rhode Island may permit a non-dentist who operates a dental facility in the form of a licensed out-patient health care center or management service organization to interfere with the professional judgment of the dentist in the practice.
- (dd) Failure to follow current minimum infection control recommendations developed by the Centers for Disease Control and Prevention (CDC) published in the document entitled *Guidelines for Infection Control in Dental Health-Care Settings and weekly spore testing.*

40.2 Any disciplinary and/or criminal action must be reported to the Board within twenty (20) days of adjudication

40.3 Furthermore, any violation pursuant to any provisions of the Act and these Regulations, may be cause for denial, revocation or suspension of license or for imposing such other penalties as prescribed in the Act.

40.4 Any hearings or reviews required under statutory or regulatory provisions herein ~~shall~~ must be held in accordance with the provisions of the Act and of the Administrative Procedures Act, RIGL Chapter 42-35.

**Section 41.0 *Rules Governing Practices and Procedures***

41.1 All hearings and reviews required under the provisions of the Act ~~shall~~ must be held in accordance with the provisions of the ~~*Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health*~~ *Rules and Regulations Pertaining to Practices and Procedures Before the Rhode Island Department of Health (R42-35-PP)*.

**Section 42.0 *Severability***

42.1 If any provisions of these Regulations or the application thereof to any person or circumstance ~~shall must will~~ be held invalid such invalidity ~~shall must will~~ not affect the provisions or application of these Regulations which can be given effect, and to this end the provisions of these Regulations are declared to be severable.

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**APPENDIX A**  
**RHODE ISLAND BOARD OF EXAMINERS IN DENTISTRY**  
**CONTINUING EDUCATION CRITERIA<sup>3</sup>**

**I. INTRODUCTION**

- (a) Dentist licensees must obtain a total of forty (40) continuing education credits every two years. ~~Dentist~~ Dental hygienist and public health dental hygienist licensees must obtain a total of twenty (20) continuing education credits every two years. Certified maxillofacial surgery assistant licensees must obtain a total of twenty (20) continuing education credits every two years. Continuing education is reported biennially. The biennial accrual period for continuing education is July 1<sup>st</sup>.
- (b) Definition of Continuing Education Credit<sup>4</sup>
- (1) One (1) continuing education credit for each hour of attendance at lectures, seminars, institutes, meetings approved for credit by:
- (i) Accredited educational institutions.
  - ~~(ii) P Board recognized professional associations and societies (Rhode Island Dental Association, Rhode Island Dental Hygienists' Association, Rhode Island Dental Assistants Association)~~
  - (iii) Accredited post-doctoral programs.
  - (iv) Federal, state, local governmental health agencies and health institutions.
  - (v) Accredited community and teaching hospitals. Credit will be given only for the time the course was attended.
- (2) Two (2) continuing education credits for each hour of attendance at clinical or laboratory participating courses approved for credit by:
- (i) Accredited educational institutions.
  - ~~(ii) P Board recognized professional associations and societies (Rhode Island Dental Association, Rhode Island Dental Hygienists' Association, Rhode Island Dental Assistants Association)~~
  - (iii) Accredited post-doctoral programs.
  - (iv) Federal, state, local governmental health agencies and health institutions.
  - (v) Accredited community and teaching hospitals.
- (c) Responsibility of the Licensee
- (1) It is the responsibility of each licensee to maintain an authenticated record of all continuing education activities completed, and to submit documentation as evidence of completion of the above requirement, when requested.

**II. CATEGORIES OF CREDIT**

- (a) The following guidelines will assist the licensee in identifying acceptable courses of continuing education activity. The licensee is free to select areas of study from within the stated categories,

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<sup>3</sup> Criteria for continuing education credits developed by the Rhode Island Dental Association and approved by the Board.

<sup>4</sup> Credit will be given only for the time the course was attended.

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keeping in mind the restriction of minimum/maximum number of hours allowed in each category.

#### (1) Educational and Scientific Courses

- (i) 100% (40 hours for dentists, 20 hours for dental hygienists and 20 hours for certified maxillofacial surgery assistants) of continuing education credits per biennial accrual period may be obtained in this category. This category includes educational and scientific courses sponsored by or approved by any of the following:
  - (a) Accredited educational institutions.
  - (b) Board recognized Pprofessional associations and societies. (~~Rhode Island Dental Association, Rhode Island Dental Hygienists' Association, Rhode Island Dental Assistants Association~~).
  - (c) Accredited post-doctoral programs.
  - (d) Federal, state, local governmental health agencies and health institutions.
  - (e) Accredited community and teaching hospitals.

#### (2) Self-instructed Courses<sup>5</sup>

- (i) 100% (40 hours for dentists, 20 hours for dental hygienists and 20 hours for certified maxillofacial surgery assistants) of continuing education credits per biennial accrual period may be obtained in this category. This category includes home study courses, correspondence courses, educational television courses, audio, and video cassettes, and Internet (web-based) courses sponsored by or approved by any of the following:
  - (a) Accredited educational institutions.
  - (b) Board recognized Pprofessional associations and societies.
  - (c) Accredited post-doctoral programs.
  - (d) Federal, state, local government health agencies and health institutions.
  - (e) Accredited community and teaching hospitals.

#### (3) Papers, Publications and Scientific Presentations

- (i) A maximum of twenty-eight (28) continuing education credits per biennial accrual period may be obtained in this category.
  - (a) Eight (8) continuing education credits for authoring an original scientific paper published in a scientific professional journal.
  - (b) Two (2) continuing education credits for each hour of a presentation (paper, essay or formal lecture) to a recognized group of health professionals.

#### (4) Teaching and Research Appointments

- (i) A maximum of twelve (12) continuing education credits per biennial accrual period may be obtained in this category. Any dental professional involved in teaching or research activities may receive two (2) continuing education credits for each one (1) hour of documented teaching or research time per semester in an accredited dental or dental auxiliary educational program. (~~Jones Bridges~~)

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<sup>5</sup> Successful completion of a post-test is necessary to obtain credit for self-instructional courses. The number of continuing education credits will be determined by sponsor.

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**(5) Table Clinics, Scientific and Product Exhibits**

- (i) A maximum of six (6) continuing education credits per biennial accrual period may be obtained in this category.
  - (a) Two (2) continuing education credit hours for each presenter in a table clinic.
  - (b) One (1) continuing education credit hour for attendance at product exhibits. Examples of product exhibits include Yankee Dental Conference Exhibits.

**(6) Community Service**

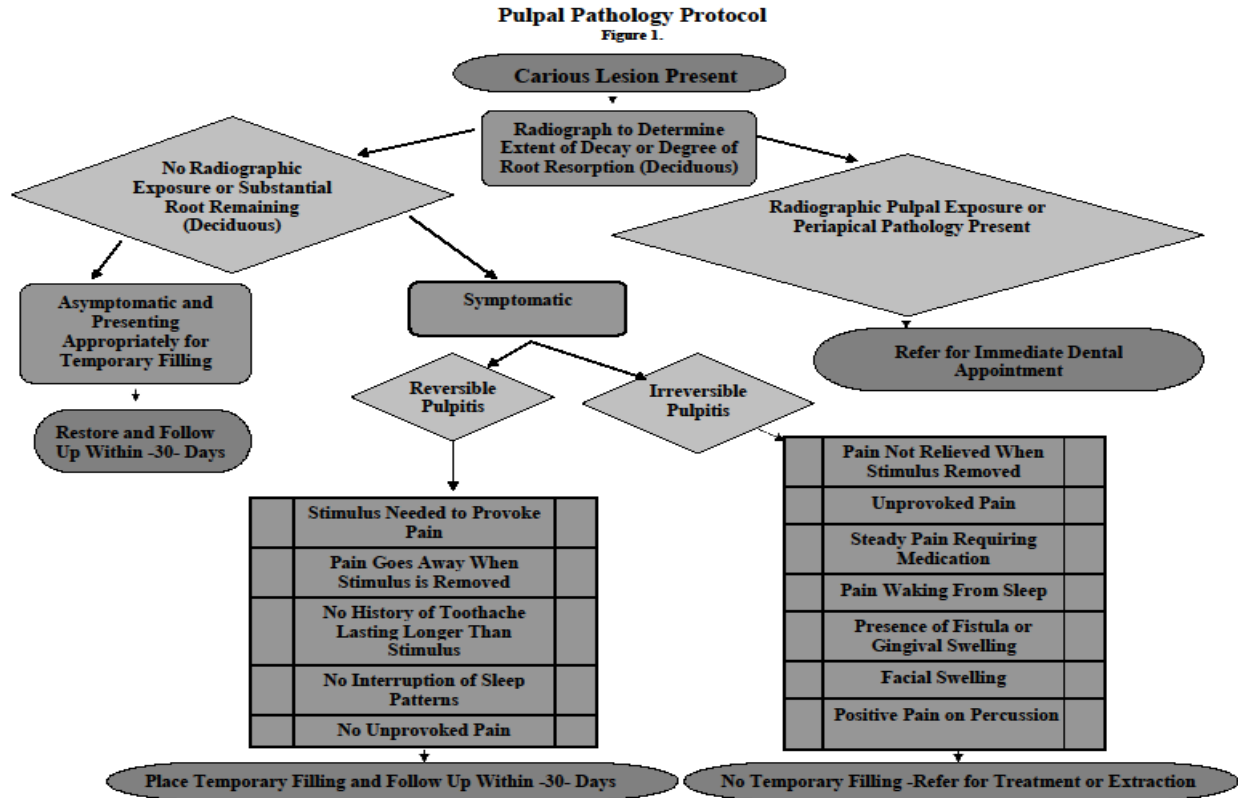
- (i) A maximum of six (6) continuing education credits per biennial accrual period may be obtained in this category. Examples include Children’s Dental Health Month, Give Kids a Smile Day, RI Mission of Mercy, Dental Lifeline Network activities. Credit will be given only for the time spent in direct clinical care and/or patient education. The number of continuing education credits will be approved in advance by:
  - (a) Accredited educational institutions.
  - (b) Board recognized Professional associations and societies. (~~Rhode Island Dental Association, Rhode Island Dental Hygienists’ Association, Rhode Island Dental Assistants Association~~)
  - (c) Accredited post-doctoral programs.
  - (d) Federal, state, local governmental health agencies and health institutions.
  - (e) Accredited community and teaching hospitals.

**(7) Cardio-Pulmonary Resuscitation (CPR)**

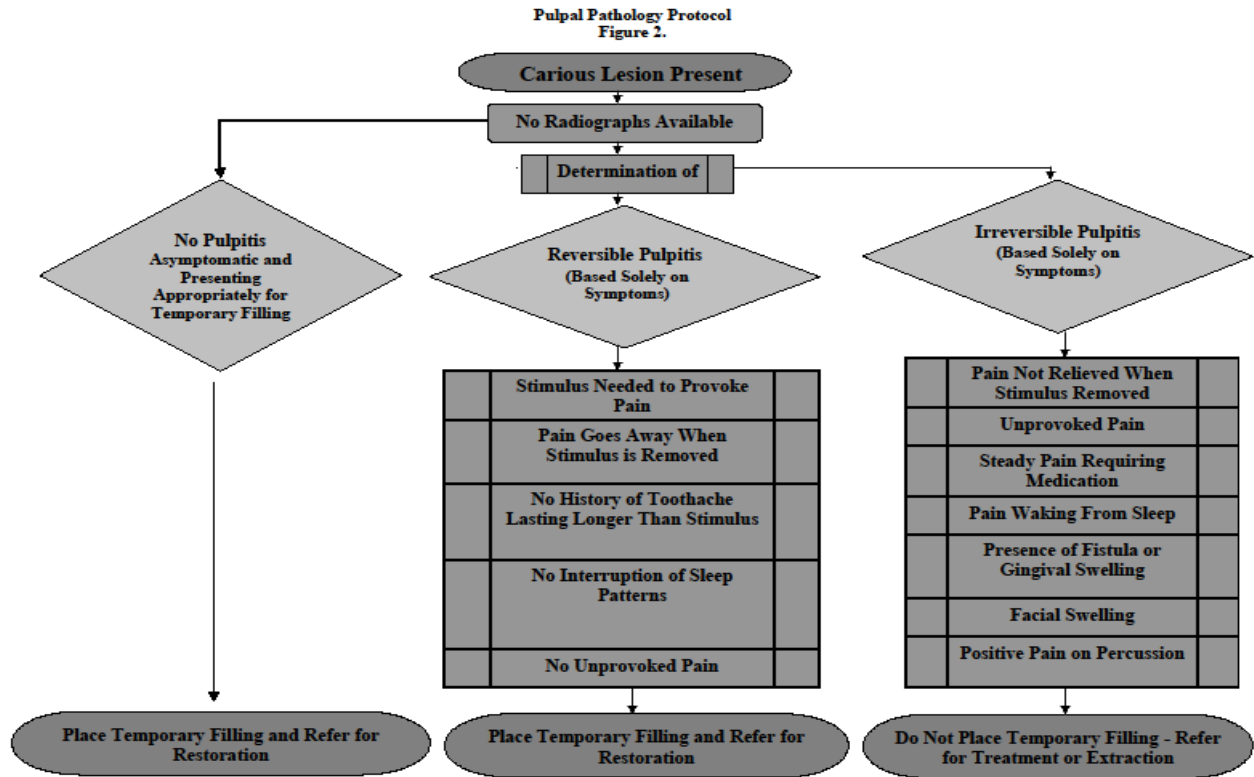
- (i) A maximum of three (3) continuing education credits per biennial accrual period – one (1) continuing education credit for each hour of participation – may be obtained by completion of the CPR for Healthcare Providers course.

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**APPENDIX B**  
**PROTOCOLS FOR THE PLACEMENT OF TEMPORARY RESTORATIONS BY A PUBLIC HEALTH DENTAL HYGIENIST**



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**REFERENCES**

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2. ~~*Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health*~~ *Rules and Regulations Pertaining to Practices and Procedures Before the Rhode Island Department of Health (R42-35-PP)*, Rhode Island Department of Health, ~~September 2014~~ April 2004
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The revision dates of all regulations cited above were current when these amended regulations were filed with the Secretary of State. Current copies of all regulations issued by the ~~RI~~ Rhode Island Department of Health may be downloaded at no charge from the RI Secretary of State's Final Rules and Regulations Database website: <http://www.sos.ri.gov/rules/>