

SENATE BILL No. 1013

June 7, 2016, Introduced by Senators SHIRKEY, MARLEAU, BOOHER, WARREN, EMMONS and HERTEL and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 16323, 16601, 16605, 16621, and 16626 (MCL 333.16221, 333.16226, 333.16323, 333.16601, 333.16605, 333.16621, and 333.16626), section 16221 as amended by 2014 PA 411, section 16226 as amended by 2014 PA 412, section 16323 as amended by 2014 PA 305, section 16605 as added by 2006 PA 429, section 16621 as amended by 2002 PA 590, and section 16626 as added by 2012 PA 289, and by adding sections 16651, 16652, 16653, 16654, 16655, 16656, 16657, 16658, 16659, and 16660.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16221. The department shall investigate any allegation
2 that 1 or more of the grounds for disciplinary subcommittee action
3 under this section exist, and may investigate activities related to
4 the practice of a health profession by a licensee, a registrant, or

1 an applicant for licensure or registration. The department may hold
2 hearings, administer oaths, and order the taking of relevant
3 testimony. After its investigation, the department shall provide a
4 copy of the administrative complaint to the appropriate
5 disciplinary subcommittee. The disciplinary subcommittee shall
6 proceed under section 16226 if it finds that 1 or more of the
7 following grounds exist:

8 (a) Except as otherwise specifically provided in this section,
9 a violation of general duty, consisting of negligence or failure to
10 exercise due care, including negligent delegation to or supervision
11 of employees or other individuals, whether or not injury results,
12 or any conduct, practice, or condition that impairs, or may impair,
13 the ability to safely and skillfully engage in the practice of the
14 health profession.

15 (b) Personal disqualifications, consisting of 1 or more of the
16 following:

17 (i) Incompetence.

18 (ii) Subject to sections 16165 to 16170a, substance use
19 disorder as defined in section 100d of the mental health code, 1974
20 PA 258, MCL 330.1100d.

21 (iii) Mental or physical inability reasonably related to and
22 adversely affecting the licensee's or registrant's ability to
23 practice in a safe and competent manner.

24 (iv) Declaration of mental incompetence by a court of
25 competent jurisdiction.

26 (v) Conviction of a misdemeanor punishable by imprisonment for
27 a maximum term of 2 years; conviction of a misdemeanor involving

1 the illegal delivery, possession, or use of a controlled substance;
2 or conviction of any felony other than a felony listed or described
3 in another subparagraph of this subdivision. A certified copy of
4 the court record is conclusive evidence of the conviction.

5 (vi) Lack of good moral character.

6 (vii) Conviction of a criminal offense under section 520e or
7 520g of the Michigan penal code, 1931 PA 328, MCL 750.520e and
8 750.520g. A certified copy of the court record is conclusive
9 evidence of the conviction.

10 (viii) Conviction of a violation of section 492a of the
11 Michigan penal code, 1931 PA 328, MCL 750.492a. A certified copy of
12 the court record is conclusive evidence of the conviction.

13 (ix) Conviction of a misdemeanor or felony involving fraud in
14 obtaining or attempting to obtain fees related to the practice of a
15 health profession. A certified copy of the court record is
16 conclusive evidence of the conviction.

17 (x) Final adverse administrative action by a licensure,
18 registration, disciplinary, or certification board involving the
19 holder of, or an applicant for, a license or registration regulated
20 by another state or a territory of the United States, by the United
21 States military, by the federal government, or by another country.
22 A certified copy of the record of the board is conclusive evidence
23 of the final action.

24 (xi) Conviction of a misdemeanor that is reasonably related to
25 or that adversely affects the licensee's or registrant's ability to
26 practice in a safe and competent manner. A certified copy of the
27 court record is conclusive evidence of the conviction.

1 (xii) Conviction of a violation of section 430 of the Michigan
2 penal code, 1931 PA 328, MCL 750.430. A certified copy of the court
3 record is conclusive evidence of the conviction.

4 (xiii) Conviction of a criminal offense under section 83, 84,
5 316, 317, 321, 520b, 520c, 520d, or 520f of the Michigan penal
6 code, 1931 PA 328, MCL 750.83, 750.84, 750.316, 750.317, 750.321,
7 750.520b, 750.520c, 750.520d, and 750.520f. A certified copy of the
8 court record is conclusive evidence of the conviction.

9 (c) Prohibited acts, consisting of 1 or more of the following:

10 (i) Fraud or deceit in obtaining or renewing a license or
11 registration.

12 (ii) Permitting a license or registration to be used by an
13 unauthorized person.

14 (iii) Practice outside the scope of a license.

15 (iv) Obtaining, possessing, or attempting to obtain or possess
16 a controlled substance ~~as defined in section 7104~~ or a drug as
17 defined in section 7105 without lawful authority; or selling,
18 prescribing, giving away, or administering drugs for other than
19 lawful diagnostic or therapeutic purposes.

20 (d) Except as otherwise specifically provided in this section,
21 unethical business practices, consisting of 1 or more of the
22 following:

23 (i) False or misleading advertising.

24 (ii) Dividing fees for referral of patients or accepting
25 kickbacks on medical or surgical services, appliances, or
26 medications purchased by or in behalf of patients.

27 (iii) Fraud or deceit in obtaining or attempting to obtain

1 third party reimbursement.

2 (e) Except as otherwise specifically provided in this section,
3 unprofessional conduct, consisting of 1 or more of the following:

4 (i) Misrepresentation to a consumer or patient or in obtaining
5 or attempting to obtain third party reimbursement in the course of
6 professional practice.

7 (ii) Betrayal of a professional confidence.

8 (iii) Promotion for personal gain of an unnecessary drug,
9 device, treatment, procedure, or service.

10 (iv) Either of the following:

11 (A) A requirement by a licensee other than a physician or a
12 registrant that an individual purchase or secure a drug, device,
13 treatment, procedure, or service from another person, place,
14 facility, or business in which the licensee or registrant has a
15 financial interest.

16 (B) A referral by a physician for a designated health service
17 that violates 42 USC 1395nn or a regulation promulgated under that
18 section. For purposes of this subdivision, 42 USC 1395nn and the
19 regulations promulgated under that section as they exist on June 3,
20 2002 are incorporated by reference. A disciplinary subcommittee
21 shall apply 42 USC 1395nn and the regulations promulgated under
22 that section regardless of the source of payment for the designated
23 health service referred and rendered. If 42 USC 1395nn or a
24 regulation promulgated under that section is revised after June 3,
25 2002, the department shall officially take notice of the revision.
26 Within 30 days after taking notice of the revision, the department
27 shall decide whether or not the revision pertains to referral by

1 physicians for designated health services and continues to protect
2 the public from inappropriate referrals by physicians. If the
3 department decides that the revision does both of those things, the
4 department may promulgate rules to incorporate the revision by
5 reference. If the department does promulgate rules to incorporate
6 the revision by reference, the department shall not make any
7 changes to the revision. As used in this sub-subparagraph,
8 "designated health service" means that term as defined in 42 USC
9 1395nn and the regulations promulgated under that section and
10 "physician" means that term as defined in sections 17001 and 17501.

11 (v) For a physician who makes referrals under 42 USC 1395nn or
12 a regulation promulgated under that section, refusing to accept a
13 reasonable proportion of patients eligible for Medicaid and
14 refusing to accept payment from Medicaid or Medicare as payment in
15 full for a treatment, procedure, or service for which the physician
16 refers the individual and in which the physician has a financial
17 interest. A physician who owns all or part of a facility in which
18 he or she provides surgical services is not subject to this
19 subparagraph if a referred surgical procedure he or she performs in
20 the facility is not reimbursed at a minimum of the appropriate
21 Medicaid or Medicare outpatient fee schedule, including the
22 combined technical and professional components.

23 (vi) Any conduct by a health professional with a patient while
24 he or she is acting within the health profession for which he or
25 she is licensed or registered, including conduct initiated by a
26 patient or to which the patient consents, that is sexual or may
27 reasonably be interpreted as sexual, including, but not limited to,

1 sexual intercourse, kissing in a sexual manner, or touching of a
2 body part for any purpose other than appropriate examination,
3 treatment, or comfort.

4 (vii) Offering to provide practice-related services, such as
5 drugs, in exchange for sexual favors.

6 **(viii) A VIOLATION OF SECTION 16656(5) BY A DENTAL THERAPIST.**

7 (f) Failure to notify under section 16222(3) or (4).

8 (g) Failure to report a change of name or mailing address as
9 required in section 16192.

10 (h) A violation, or aiding or abetting in a violation, of this
11 article or of a rule promulgated under this article.

12 (i) Failure to comply with a subpoena issued pursuant to this
13 part, failure to respond to a complaint issued under this article,
14 article 7, or article 8, failure to appear at a compliance
15 conference or an administrative hearing, or failure to report under
16 section 16222(1) or 16223.

17 (j) Failure to pay an installment of an assessment levied
18 under the insurance code of 1956, 1956 PA 218, MCL 500.100 to
19 500.8302, within 60 days after notice by the appropriate board.

20 (k) A violation of section 17013 or 17513.

21 (l) Failure to meet 1 or more of the requirements for
22 licensure or registration under section 16174.

23 (m) A violation of section 17015, 17015a, 17017, 17515, or
24 17517.

25 (n) A violation of section 17016 or 17516.

26 (o) Failure to comply with section 9206(3).

27 (p) A violation of section 5654 or 5655.

1 (q) A violation of section 16274.

2 (r) A violation of section 17020 or 17520.

3 (s) A violation of the medical records access act, 2004 PA 47,
4 MCL 333.26261 to 333.26271.

5 (t) A violation of section 17764(2).

6 Sec. 16226. (1) After finding the existence of 1 or more of
7 the grounds for disciplinary subcommittee action listed in section
8 16221, a disciplinary subcommittee shall impose 1 or more of the
9 following sanctions for each violation:

<u>Violations of Section 16221</u>	<u>Sanctions</u>
Subdivision (a), (b) (i), 12 (b) (ii), (b) (iii), (b) (iv), 13 (b) (v), (b) (vi), (b) (vii), 14 (b) (ix), (b) (x), (b) (xi), 15 or (b) (xii)	Probation, limitation, denial, suspension, revocation, permanent revocation, restitution, or fine.
17 Subdivision (b) (viii)	Revocation, permanent revocation, or denial.
20 Subdivision (b) (xiii)	Permanent revocation for a violation described in subsection (5); otherwise, probation, limitation, denial, suspension, revocation, restitution, or fine.
27 Subdivision (c) (i)	Denial, revocation, suspension,

1 restitution, or fine.
2
3 Subdivision (f) Reprimand, denial, limitation,
4 probation, or fine.
5
6 Subdivision (g) Reprimand or fine.
7
8 Subdivision (j) Suspension or fine.
9
10 Subdivision (k), (p), Reprimand, probation, suspension,
11 or (r) revocation, permanent revocation,
12 or fine.
13
14 Subdivision (l) Reprimand, denial, or
15 limitation.
16
17 Subdivision (m) or (o) Denial, revocation, restitution,
18 probation, suspension,
19 limitation, reprimand, or fine.
20
21 Subdivision (n) Revocation or denial.
22
23 Subdivision (q) Revocation.
24
25 Subdivision (t) Revocation, permanent revocation,
26 fine, or restitution.

27 (2) Determination of sanctions for violations under this

1 section shall be made by a disciplinary subcommittee. If, during
2 judicial review, the court of appeals determines that a final
3 decision or order of a disciplinary subcommittee prejudices
4 substantial rights of the petitioner for 1 or more of the grounds
5 listed in section 106 of the administrative procedures act of 1969,
6 1969 PA 306, MCL 24.306, and holds that the final decision or order
7 is unlawful and is to be set aside, the court shall state on the
8 record the reasons for the holding and may remand the case to the
9 disciplinary subcommittee for further consideration.

10 (3) A disciplinary subcommittee may impose a fine in an amount
11 that does not exceed \$250,000.00 for a violation of section
12 16221(a) or (b). A disciplinary subcommittee shall impose a fine of
13 at least \$25,000.00 if the violation of section 16221(a) or (b)
14 results in the death of 1 or more patients.

15 (4) A disciplinary subcommittee may require a licensee or
16 registrant or an applicant for licensure or registration who has
17 violated this article, article 7, or article 8 or a rule
18 promulgated under this article, article 7, or article 8 to
19 satisfactorily complete an educational program, a training program,
20 or a treatment program, a mental, physical, or professional
21 competence examination, or a combination of those programs and
22 examinations.

23 (5) A disciplinary subcommittee shall impose the sanction of
24 permanent revocation for a violation of section 16221(b) *(xiii)* if
25 the violation occurred while the licensee or registrant was acting
26 within the health profession for which he or she was licensed or
27 registered.

1 (6) Except as otherwise provided in subsection (5), a
 2 disciplinary subcommittee shall not impose the sanction of
 3 permanent revocation under this section without a finding that the
 4 licensee or registrant engaged in a pattern of intentional acts of
 5 fraud or deceit resulting in personal financial gain to the
 6 licensee or registrant and harm to the health of patients under the
 7 licensee's or registrant's care.

8 Sec. 16323. (1) Except as otherwise provided in subsection
 9 (2), fees for an individual licensed or seeking licensure to
 10 practice as a dentist, dental assistant, ~~or~~ dental hygienist, **OR**
 11 **DENTAL THERAPIST** under part 166 are as follows:

12	(a)	Application processing fees:	
13	(i)	Dentist.....	\$ 20.00
14	(ii)	Dental assistant.....	10.00
15	(iii)	Dental hygienist.....	15.00
16	(iv)	DENTAL THERAPIST	15.00
17	(v) (iv)	Health profession specialty field	
18		license for a dentist.....	20.00
19	(b)	Examination fees:	
20	(i)	Dental assistant's examination,	
21		complete.....	70.00
22	(ii)	Dental assistant's examination,	
23		per part.....	35.00
24	(iii)	DENTAL THERAPIST	300.00
25	(iv) (iii)	Dentist's health profession specialty	
26		field license examination, complete.....	300.00
27	(v) (iv)	Dentist's health profession specialty	

1		field license examination, per part.....	100.00
2	(c)	License fees, per year:	
3	(i)	Dentist.....	90.00
4	(ii)	Dental assistant.....	10.00
5	(iii)	Dental hygienist.....	20.00
6	(iv)	DENTAL THERAPIST.....	40.00
7	(v) (iv)	Dentist's health profession specialty	
8		field license.....	15.00
9	(d)	Temporary license fees:	
10	(i)	Dentist.....	20.00
11	(ii)	Dental assistant.....	5.00
12	(iii)	Dental hygienist.....	10.00
13	(iv)	DENTAL THERAPIST.....	15.00
14	(e)	Limited license fee, per year:	
15	(i)	Dentist.....	25.00
16	(ii)	Dental assistant.....	5.00
17	(iii)	Dental hygienist.....	10.00
18	(iv)	DENTAL THERAPIST.....	15.00
19	(f)	Examination review fees:	
20	(i)	Dental preclinical or dentist's health	
21		profession specialty field license.....	50.00
22	(ii)	Dental assistant.....	20.00
23	(iii)	DENTAL THERAPIST.....	50.00

24 (2) The department shall waive the application processing and
 25 license fees required under subsection (1) for an initial license
 26 to engage in practice as a dental assistant if the applicant for
 27 initial licensure, while on active duty as a member of the armed

1 forces, served as a military dental specialist and was separated
2 from service with an honorable character of service or under
3 honorable conditions (general) character of service in the armed
4 forces. The applicant shall provide a form DD214, DD215, or any
5 other form that is satisfactory to the department to be eligible
6 for the waiver of fees under this subsection. As used in this
7 subsection, "armed forces" means that term as defined in section 2
8 of the veteran right to employment services act, 1994 PA 39, MCL
9 35.1092.

10 Sec. 16601. (1) As used in this part:

11 (a) "Assignment" means that a dentist has designated a patient
12 of record ~~upon~~**ON** whom services are to be performed and has
13 described the procedures to be performed. The dentist need not be
14 physically present in the office or in the treatment room at the
15 time the procedures are being performed.

16 (b) "Dental laboratory" means a dental workroom **THAT IS**
17 operated as a part of a dental office or otherwise, by a person,
18 other than a dentist, who is engaged in, or holds himself, herself,
19 or itself out as being directly or indirectly engaged in,
20 constructing, repairing, or altering prosthetic dentures, bridges,
21 orthodontic or other appliances, or structures to be used as
22 substitutes for or as a part of human teeth or jaws or associated
23 structures, or for the correction of malocclusions or deformities.

24 (c) "Dentist" means an individual **WHO IS** licensed under this
25 article to engage in the practice of dentistry.

26 (d) "Practice of dentistry" means the diagnosis, treatment,
27 prescription, or operation for a disease, pain, deformity,

1 deficiency, injury, or physical condition of the human tooth,
2 teeth, alveolar process, gums or jaws, or their dependent tissues,
3 or an offer, undertaking, attempt to do, or holding oneself out as
4 able to do any of these acts.

5 (e) "Practice as a dental assistant" means assistance in the
6 clinical practice of dentistry based on formal education,
7 specialized knowledge, and skill at the assignment and under the
8 supervision of a dentist.

9 (f) "Practice as a dental hygienist" means practice at the
10 assignment of a dentist in that specific area of dentistry based on
11 specialized knowledge, formal education, and skill with particular
12 emphasis on preventive services and oral health education.

13 **(G) "PRACTICE AS A DENTAL THERAPIST" MEANS PROVIDING ANY OF**
14 **THE CARE AND SERVICES, AND PERFORMING ANY OF THE DUTIES, DESCRIBED**
15 **IN SECTION 16657.**

16 (2) In addition, article 1 contains general definitions and
17 principles of construction applicable to all articles in this code
18 and part 161 contains definitions applicable to this part.

19 Sec. 16605. The following words, titles, or letters, or a
20 combination thereof, ~~OF ANY OF THOSE WORDS, TITLES, OR LETTERS,~~
21 with or without qualifying words or phrases, are restricted in use
22 only to those ~~persons~~ **INDIVIDUALS WHO ARE** authorized under this
23 part to use the following terms and in a way prescribed in this
24 part: "dentist", "doctor of dental surgery", "oral and
25 maxillofacial surgeon", "orthodontist", "prosthodontist",
26 "periodontist", "endodontist", "oral pathologist", "pediatric
27 dentist", "dental hygienist", "registered dental hygienist",

1 "dental assistant", "registered dental assistant", "**DENTAL**
 2 **THERAPIST**", "r.d.a.", "d.d.s.", "d.m.d.", ~~and "r.d.h.",~~ **AND "D.T."**.

3 Sec. 16621. (1) The Michigan board of dentistry is created in
 4 the department. ~~Subject to subsection (2), the~~ **THE** board consists
 5 of the following 19 voting members, ~~who~~ **EACH OF WHOM MUST** meet the
 6 requirements of part 161:

7 (a) Eight dentists. Subject to subsection (3), 1 or more of
 8 the dentists appointed under this subdivision may have a health
 9 profession specialty certification issued under section 16608.

10 (b) Subject to subsection (3), 2 dentists who have been issued
 11 a health profession specialty certification under section 16608.

12 (c) Four dental hygienists.

13 (d) Two dental assistants.

14 (e) Three public members.

15 ~~— (2) A dentist, dental hygienist, public member, or other~~
 16 ~~individual who is a member of the board on July 14, 2000 may serve~~
 17 ~~out his or her term.~~

18 ~~(2) (3)~~—The board meeting dates and times shall be concurred
 19 in by a vote of not less than 13 board members.

20 (3) One member of the board shall be a dentist who is a dental
 21 school faculty member.

22 (4) A board member **WHO IS** licensed to practice as a dental
 23 hygienist or a dental assistant votes as an equal member of the
 24 board in all matters except those designated in section 16148(1) or
 25 (2) that apply only to dentists and not to dental hygienists or
 26 dental assistants.

27 Sec. 16626. (1) Subject to subsection (2), and notwithstanding

1 section 16601(1)(f) or the rules promulgated under section
2 16625(1), a dental hygienist **OR DENTAL THERAPIST** may utilize a
3 dental assistant to act as his or her second pair of hands.

4 (2) Notwithstanding section 16601(1)(e) or the rules
5 promulgated under section 16625(1), a dental assistant may function
6 as a second pair of hands for a dentist, ~~or~~ dental hygienist, **OR**
7 **DENTAL THERAPIST** if all of the following are met:

8 (a) The dentist, ~~or~~ dental hygienist, **OR DENTAL THERAPIST** is
9 actively performing services in the mouth of a patient at the time
10 the dental assistant is assisting him or her.

11 (b) If the dental assistant is assisting a dental hygienist, a
12 supervising dentist has assigned the dental assistant to act as the
13 dental hygienist's second pair of hands.

14 (3) This section does not require new or additional third
15 party reimbursement or mandated worker's compensation benefits for
16 services rendered by an individual **WHO IS** licensed as a dental
17 assistant, ~~or as a~~ dental hygienist, **OR DENTAL THERAPIST** under this
18 article.

19 (4) As used in this section, "second pair of hands" means that
20 term as defined in R 338.11101 of the Michigan ~~administrative~~
21 ~~code~~ **ADMINISTRATIVE CODE**.

22 **SEC. 16651. (1) AN INDIVIDUAL WHO IS GRANTED A LICENSE UNDER**
23 **THIS PART AS A DENTAL THERAPIST MAY ENGAGE IN PRACTICE AS A DENTAL**
24 **THERAPIST TO THE EXTENT PERMITTED UNDER THIS SECTION AND SECTIONS**
25 **16652 TO 16659.**

26 (2) **TO QUALIFY FOR LICENSURE UNDER THIS PART AS A DENTAL**
27 **THERAPIST, AN INDIVIDUAL SHALL APPLY TO THE DEPARTMENT ON FORMS**

1 PROVIDED BY THE DEPARTMENT, PAY THE APPLICATION FEE UNDER SECTION
2 16323, AND DEMONSTRATE TO THE DEPARTMENT THAT HE OR SHE MEETS ALL
3 OF THE FOLLOWING:

4 (A) HAS GRADUATED FROM A DENTAL THERAPY EDUCATION PROGRAM THAT
5 SATISFIES ALL OF THE FOLLOWING:

6 (i) MEETS THE STANDARDS ESTABLISHED UNDER SECTION 16148 FOR
7 ACCREDITATION OF A DEGREE-GRANTING PROGRAM IN DENTAL THERAPY
8 EDUCATION AT AN APPROVED POSTSECONDARY EDUCATION INSTITUTION.

9 (ii) AS DETERMINED BY THE DEPARTMENT IN CONSULTATION WITH THE
10 BOARD, MEETS THE ACCREDITATION STANDARDS FOR DENTAL THERAPY
11 EDUCATION PROGRAMS ESTABLISHED BY THE COMMISSION ON DENTAL
12 ACCREDITATION.

13 (iii) IS ACCREDITED UNDER SECTION 16148.

14 (iv) MEETS ANY OTHER REQUIREMENTS FOR DENTAL THERAPY EDUCATION
15 PROGRAMS ADOPTED BY THE BOARD.

16 (B) HAS PASSED A COMPREHENSIVE, COMPETENCY-BASED CLINICAL
17 EXAMINATION APPROVED BY THE DEPARTMENT THAT INCLUDES AN EXAMINATION
18 OF THE APPLICANT'S KNOWLEDGE OF THE LAWS OF THIS STATE UNDER THIS
19 PART AND RULES PROMULGATED UNDER THIS PART.

20 (C) HAS COMPLETED 500 HOURS OF SUPERVISED CLINICAL PRACTICE
21 UNDER THE SUPERVISION OF A DENTIST AND IN CONFORMITY WITH RULES
22 ADOPTED BY THE BOARD. AN INDIVIDUAL ENGAGED IN COMPLETING HIS OR
23 HER SUPERVISED CLINICAL PRACTICE UNDER THIS SUBDIVISION IS ELIGIBLE
24 FOR A TEMPORARY LICENSE AS A DENTAL THERAPIST UNDER SECTION 16652.

25 SEC. 16652. THE BOARD SHALL GRANT A TEMPORARY DENTAL THERAPIST
26 LICENSE TO AN APPLICANT FOR LICENSURE UNDER SECTIONS 16651 TO 16659
27 WHO HAS MET THE REQUIREMENTS OF SECTION 16651(2) (A) TO (C) AND

1 RULES PROMULGATED BY THE BOARD AND WHO HAS PAID THE FEE DESCRIBED
2 IN SECTION 16323. WHILE HE OR SHE HOLDS THE TEMPORARY LICENSE, THE
3 APPLICANT SHALL MAINTAIN IN GOOD STANDING HIS OR HER LICENSE TO
4 PRACTICE AS A DENTAL HYGIENIST AND HE OR SHE MAY RECEIVE
5 COMPENSATION FOR SERVICES PERFORMED AS A DENTAL THERAPIST.

6 SEC. 16653. (1) THE BOARD SHALL GRANT A LICENSE TO PRACTICE AS
7 A DENTAL THERAPIST TO AN APPLICANT FOR LICENSURE UNDER SECTIONS
8 16651 TO 16659 WHO MEETS THE REQUIREMENTS OF SECTIONS 16651 TO
9 16659 AND RULES ADOPTED UNDER THOSE SECTIONS FOR LICENSURE AND PAYS
10 THE APPLICATION FEE UNDER SECTION 16323.

11 (2) A DENTAL THERAPIST SHALL PAY TO THE BOARD THE LICENSE FEE
12 UNDER SECTION 16323.

13 SEC. 16654. AS A CONDITION OF RENEWAL OF A LICENSE TO PRACTICE
14 UNDER SECTIONS 16651 TO 16659, A DENTAL THERAPIST SHALL SUBMIT
15 EVIDENCE OF SUCCESSFUL COMPLETION OF 35 HOURS OF CONTINUING
16 EDUCATION IN THE 2 YEARS BEFORE RENEWAL. CONTINUING EDUCATION UNDER
17 THIS SECTION MUST CONFORM WITH THE REQUIREMENTS OF PART 161
18 CONCERNING CONTINUING EDUCATION COURSES AND MUST INCLUDE BOARD-
19 APPROVED COURSES, INCLUDING, BUT NOT LIMITED TO, A COURSE IN
20 CARDIOPULMONARY RESUSCITATION. THE BOARD MAY REFUSE RENEWAL TO AN
21 APPLICANT WHO HAS NOT SATISFIED THE REQUIREMENTS OF THIS SECTION OR
22 MAY RENEW A LICENSE ON TERMS AND CONDITIONS ESTABLISHED BY THE
23 BOARD.

24 SEC. 16655. AFTER COMPLETING THE 500 HOURS OF SUPERVISED
25 CLINICAL PRACTICE REQUIRED UNDER SECTION 16651(2)(C), A DENTAL
26 THERAPIST MAY PROVIDE SERVICES DESCRIBED IN SECTION 16657 INCLUDED
27 WITHIN THE SCOPE OF PRACTICE AS A DENTAL THERAPIST AND UNDER THE

1 GENERAL SUPERVISION OF A DENTIST IN ANY OF THE FOLLOWING HEALTH
2 SETTINGS:

3 (A) A HOSPITAL THAT IS LICENSED UNDER ARTICLE 17.

4 (B) A HEALTH FACILITY OR AGENCY, OTHER THAN A HOSPITAL, THAT
5 IS LICENSED UNDER ARTICLE 17 AND IS REIMBURSED AS A FEDERALLY
6 QUALIFIED HEALTH CENTER AS DEFINED IN 42 USC 1395X(AA) (4) OR THAT
7 HAS BEEN DETERMINED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
8 SERVICES, CENTERS FOR MEDICARE AND MEDICAID SERVICES TO MEET THE
9 REQUIREMENTS FOR FUNDING UNDER SECTION 330 OF THE PUBLIC HEALTH
10 SERVICE ACT, 42 USC 254B.

11 (C) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN 42 USC
12 1395X(AA) (4), THAT IS LICENSED AS A HEALTH FACILITY OR AGENCY UNDER
13 ARTICLE 17.

14 (D) AN OUTPATIENT HEALTH PROGRAM OR FACILITY OPERATED BY A
15 TRIBE OR TRIBAL ORGANIZATION UNDER THE INDIAN SELF-DETERMINATION
16 ACT, 25 USC 450F TO 450N, OR BY AN URBAN INDIAN ORGANIZATION
17 RECEIVING FUNDS UNDER TITLE V OF THE INDIAN HEALTH CARE IMPROVEMENT
18 ACT, 25 USC 1651 TO 1660H.

19 (E) A HEALTH SETTING IN A GEOGRAPHIC AREA THAT IS DESIGNATED
20 AS A DENTAL SHORTAGE AREA BY THE FEDERAL DEPARTMENT OF HEALTH AND
21 HUMAN SERVICES.

22 (F) A CHILD AND ADOLESCENT HEALTH CENTER, AS DESCRIBED IN
23 SECTION 31A(7) OF THE STATE SCHOOL AID ACT OF 1979, 1979 PA 94, MCL
24 388.1631A.

25 (G) ANY OTHER CLINIC OR PRACTICE SETTING, INCLUDING A MOBILE
26 DENTAL UNIT, IN WHICH AT LEAST 50% OF THE TOTAL PATIENT BASE OF THE
27 DENTAL THERAPIST CONSISTS OF PATIENTS WHO MEET ANY OF THE

1 FOLLOWING:

2 (i) ARE ENROLLED IN A HEALTH CARE PROGRAM ADMINISTERED BY THE
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

4 (ii) HAVE A MEDICAL DISABILITY OR CHRONIC CONDITION THAT
5 CREATES A SIGNIFICANT BARRIER TO RECEIVING DENTAL CARE.

6 (iii) DO NOT HAVE DENTAL HEALTH COVERAGE, EITHER THROUGH A
7 PUBLIC HEALTH CARE PROGRAM OR PRIVATE INSURANCE, AND HAVE AN ANNUAL
8 GROSS FAMILY INCOME EQUAL TO OR LESS THAN 200% OF THE FEDERAL
9 POVERTY LEVEL. AS USED IN THIS SUBPARAGRAPH AND SUBPARAGRAPH (iv),
10 "FEDERAL POVERTY LEVEL" MEANS THE POVERTY GUIDELINES PUBLISHED
11 ANNUALLY IN THE FEDERAL REGISTER BY THE UNITED STATES DEPARTMENT OF
12 HEALTH AND HUMAN SERVICES UNDER ITS AUTHORITY TO REVISE THE POVERTY
13 LINE UNDER 42 USC 9902.

14 (iv) DO NOT HAVE DENTAL HEALTH COVERAGE, EITHER THROUGH A
15 STATE PUBLIC HEALTH CARE PROGRAM OR PRIVATE INSURANCE, AND WHOSE
16 FAMILY GROSS INCOME IS EQUAL TO OR LESS THAN 200% OF THE FEDERAL
17 POVERTY LEVEL.

18 SEC. 16656. (1) A DENTAL THERAPIST MAY PRACTICE ONLY UNDER THE
19 GENERAL SUPERVISION OF A DENTIST WHO IS LICENSED IN THIS STATE AND
20 THROUGH A PRACTICE AGREEMENT SIGNED BY THE DENTAL THERAPIST AND THE
21 DENTIST. A DENTAL THERAPIST MAY PRACTICE ONLY UNDER THE STANDING
22 ORDER OF A DENTIST, MAY PROVIDE ONLY CARE THAT FOLLOWS WRITTEN
23 PROTOCOLS, AND MAY PROVIDE ONLY SERVICES THAT THE DENTAL THERAPIST
24 IS AUTHORIZED TO PROVIDE BY THAT DENTIST.

25 (2) A DENTAL THERAPIST MAY PROVIDE SERVICES TO A PATIENT WHO
26 HAS NOT FIRST SEEN A DENTIST FOR AN EXAMINATION IF THE SUPERVISING
27 DENTIST HAS GIVEN THE DENTAL THERAPIST WRITTEN AUTHORIZATION AND

1 STANDING PROTOCOLS FOR THE SERVICES AND REVIEWS THE PATIENT RECORDS
2 AS PROVIDED IN THE WRITTEN PRACTICE AGREEMENT. THE STANDING
3 PROTOCOLS MAY REQUIRE THE SUPERVISING DENTIST TO PERSONALLY EXAMINE
4 PATIENTS EITHER FACE-TO-FACE OR BY THE USE OF ELECTRONIC MEANS.

5 (3) A WRITTEN PRACTICE AGREEMENT BETWEEN A SUPERVISING DENTIST
6 AND A DENTAL THERAPIST MUST INCLUDE ALL OF THE FOLLOWING ELEMENTS:

7 (A) THE SERVICES AND PROCEDURES AND THE PRACTICE SETTINGS FOR
8 THOSE SERVICES AND PROCEDURES THAT THE DENTAL THERAPIST MAY
9 PROVIDE, TOGETHER WITH ANY LIMITATIONS ON THOSE SERVICES AND
10 PROCEDURES.

11 (B) ANY AGE-SPECIFIC AND PROCEDURE-SPECIFIC PRACTICE
12 PROTOCOLS, INCLUDING CASE SELECTION CRITERIA, ASSESSMENT
13 GUIDELINES, AND IMAGING FREQUENCY.

14 (C) PROCEDURES TO BE USED WITH PATIENTS TREATED BY THE DENTAL
15 THERAPIST FOR OBTAINING INFORMED CONSENT AND FOR CREATING AND
16 MAINTAINING DENTAL RECORDS.

17 (D) A PLAN FOR REVIEW OF PATIENT RECORDS BY THE SUPERVISING
18 DENTIST AND THE DENTAL THERAPIST.

19 (E) A PLAN FOR MANAGING MEDICAL EMERGENCIES IN EACH PRACTICE
20 SETTING IN WHICH THE DENTAL THERAPIST PROVIDES CARE.

21 (F) A QUALITY ASSURANCE PLAN FOR MONITORING CARE, INCLUDING
22 PATIENT CARE REVIEW, REFERRAL FOLLOW-UP, AND A QUALITY ASSURANCE
23 CHART REVIEW.

24 (G) PROTOCOLS FOR ADMINISTERING AND DISPENSING MEDICATIONS,
25 INCLUDING THE SPECIFIC CIRCUMSTANCES UNDER WHICH MEDICATIONS MAY BE
26 ADMINISTERED AND DISPENSED.

27 (H) CRITERIA FOR PROVIDING CARE TO PATIENTS WITH SPECIFIC

1 MEDICAL CONDITIONS OR COMPLEX MEDICAL HISTORIES, INCLUDING
2 REQUIREMENTS FOR CONSULTATION BEFORE INITIATING CARE.

3 (I) SPECIFIC WRITTEN PROTOCOLS, INCLUDING A PLAN FOR PROVIDING
4 CLINICAL RESOURCES AND REFERRALS, GOVERNING SITUATIONS IN WHICH THE
5 PATIENT REQUIRES TREATMENT THAT EXCEEDS THE DENTAL THERAPIST'S
6 CAPABILITIES OR THE SCOPE OF PRACTICE AS A DENTAL THERAPIST.

7 (4) THE SUPERVISING DENTIST SHALL ACCEPT RESPONSIBILITY FOR
8 ALL AUTHORIZED SERVICES AND PROCEDURES PERFORMED BY THE DENTAL
9 THERAPIST UNDER A WRITTEN AGREEMENT.

10 (5) A DENTAL THERAPIST WHO PROVIDES SERVICES OR PROCEDURES
11 BEYOND THOSE AUTHORIZED IN THE WRITTEN AGREEMENT ENGAGES IN
12 UNPROFESSIONAL CONDUCT FOR THE PURPOSES OF SECTION 16221.

13 (6) REVISIONS TO A WRITTEN PRACTICE AGREEMENT MUST BE
14 DOCUMENTED IN A NEW WRITTEN PRACTICE AGREEMENT SIGNED BY THE
15 SUPERVISING DENTIST AND THE DENTAL THERAPIST.

16 (7) A SUPERVISING DENTIST AND A DENTAL THERAPIST WHO SIGN A
17 WRITTEN PRACTICE AGREEMENT SHALL EACH FILE A COPY OF THE AGREEMENT
18 WITH THE BOARD, KEEP A COPY FOR THE DENTIST'S OR DENTAL THERAPIST'S
19 OWN RECORDS, AND MAKE A COPY AVAILABLE TO PATIENTS OF THE DENTAL
20 THERAPIST ON REQUEST. THE BOARD SHALL MAKE A COPY OF A WRITTEN
21 PRACTICE AGREEMENT IN THE RECORDS OF THE BOARD AVAILABLE TO THE
22 PUBLIC ON REQUEST.

23 (8) AS USED IN THIS SECTION AND SECTIONS 16657 AND 16658,
24 "WRITTEN PRACTICE AGREEMENT" MEANS A DOCUMENT THAT IS SIGNED BY A
25 DENTIST AND A DENTAL THERAPIST AND THAT, IN CONFORMITY WITH THE
26 LEGAL SCOPE OF PRACTICE AS A DENTAL THERAPIST, OUTLINES THE
27 FUNCTIONS THAT THE DENTAL THERAPIST IS AUTHORIZED TO PERFORM.

1 SEC. 16657. (1) UNDER THE GENERAL SUPERVISION OF A DENTIST, A
2 LICENSED DENTAL THERAPIST MAY PROVIDE ANY OF THE FOLLOWING CARE OR
3 SERVICES:

4 (A) IDENTIFYING ORAL AND SYSTEMIC CONDITIONS THAT REQUIRE
5 EVALUATION OR TREATMENT BY DENTISTS, PHYSICIANS, OR OTHER HEALTH
6 CARE PROFESSIONALS AND MANAGING REFERRALS.

7 (B) COMPREHENSIVE CHARTING OF THE ORAL CAVITY.

8 (C) PROVIDING ORAL HEALTH INSTRUCTION AND DISEASE PREVENTION
9 EDUCATION, INCLUDING NUTRITIONAL COUNSELING AND DIETARY ANALYSIS.

10 (D) ADMINISTERING AND EXPOSING RADIOGRAPHIC IMAGES.

11 (E) DENTAL PROPHYLAXIS INCLUDING SUBGINGIVAL SCALING OR
12 POLISHING PROCEDURES.

13 (F) DISPENSING AND ADMINISTERING VIA THE ORAL OR TOPICAL ROUTE
14 NONNARCOTIC ANALGESICS AND ANTI-INFLAMMATORY AND ANTIBIOTIC
15 MEDICATIONS AS PRESCRIBED BY A HEALTH CARE PROFESSIONAL.

16 (G) APPLYING TOPICAL PREVENTATIVE OR PROPHYLACTIC AGENTS,
17 INCLUDING FLUORIDE VARNISH, ANTIMICROBIAL AGENTS, AND PIT AND
18 FISSURE SEALANTS.

19 (H) PULP VITALITY TESTING.

20 (I) APPLYING DESENSITIZING MEDICATION OR RESIN.

21 (J) FABRICATING ATHLETIC MOUTH GUARDS.

22 (K) CHANGING PERIODONTAL DRESSINGS.

23 (L) ADMINISTERING LOCAL ANESTHETIC AND NITROUS OXIDE
24 ANALGESIA.

25 (M) SIMPLE EXTRACTION OF ERUPTED PRIMARY TEETH.

26 (N) EMERGENCY PALLIATIVE TREATMENT OF DENTAL PAIN RELATED TO A
27 CARE OR SERVICE DESCRIBED IN THIS SUBSECTION.

1 (O) PREPARATION AND PLACEMENT OF DIRECT RESTORATION IN PRIMARY
2 AND PERMANENT TEETH.

3 (P) FABRICATION AND PLACEMENT OF SINGLE-TOOTH TEMPORARY
4 CROWNS.

5 (Q) PREPARATION AND PLACEMENT OF PERFORMED CROWNS AND PRIMARY
6 TEETH.

7 (R) INDIRECT AND DIRECT PULP CAPPING ON PERMANENT TEETH.

8 (S) INDIRECT PULP CAPPING ON PRIMARY TEETH.

9 (T) SUTURING AND SUTURE REMOVAL.

10 (U) MINOR ADJUSTMENTS AND REPAIRS ON REMOVABLE PROSTHESES.

11 (V) REMOVAL OF SPACE MAINTAINERS.

12 (W) NONSURGICAL EXTRACTATIONS OF PERIODONTALLY DISEASED
13 PERMANENT TEETH WITH TOOTH MOBILITY +3 TO +4. HOWEVER, A DENTAL
14 THERAPIST SHALL NOT EXTRACT A TOOTH FOR ANY PATIENT IF THE TOOTH IS
15 UNERUPTED, IMPACTED, OR FRACTURED OR NEEDS TO BE SECTIONED FOR
16 REMOVAL.

17 (X) PERFORMING OTHER RELATED SERVICES AND FUNCTIONS AUTHORIZED
18 BY THE SUPERVISING DENTIST AND FOR WHICH THE DENTAL THERAPIST IS
19 TRAINED.

20 (Y) PERFORMING ANY OTHER DUTIES OF A DENTAL THERAPIST THAT ARE
21 AUTHORIZED BY THE BOARD BY RULE.

22 (2) A DENTAL THERAPIST MAY SUPERVISE DENTAL ASSISTANTS AND
23 DENTAL HYGIENISTS TO THE EXTENT PERMITTED IN A WRITTEN PRACTICE
24 AGREEMENT. HOWEVER, A DENTAL THERAPIST SHALL NOT SUPERVISE MORE
25 THAN 3 DENTAL ASSISTANTS AND 2 DENTAL HYGIENISTS IN ANY 1 PRACTICE
26 SETTING.

27 (3) A DENTAL THERAPIST SHALL NOT PRESCRIBE A CONTROLLED

1 SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO 5 OF PART 72.

2 (4) AS USED IN THIS SECTION AND SECTION 16658, "HEALTH CARE
3 PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE A
4 HEALTH PROFESSION UNDER THIS ARTICLE.

5 SEC. 16658. (1) A SUPERVISING DENTIST SHALL ARRANGE FOR
6 ANOTHER DENTIST OR SPECIALIST TO PROVIDE ANY SERVICES NEEDED BY A
7 PATIENT OF A DENTAL THERAPIST WHO IS SUPERVISED BY THAT DENTIST
8 THAT ARE BEYOND THE SCOPE OF PRACTICE OF THE DENTAL THERAPIST AND
9 THAT THE SUPERVISING DENTIST IS UNABLE TO PROVIDE.

10 (2) A DENTAL THERAPIST, IN ACCORDANCE WITH A WRITTEN PRACTICE
11 AGREEMENT ENTERED INTO UNDER SECTION 16656, SHALL REFER PATIENTS TO
12 ANOTHER QUALIFIED DENTAL PROFESSIONAL OR HEALTH CARE PROFESSIONAL
13 TO RECEIVE NEEDED SERVICES THAT EXCEED THE SCOPE OF PRACTICE OF THE
14 DENTAL THERAPIST.

15 SEC. 16659. (1) THE DEPARTMENT OR BOARD SHALL PROMULGATE ANY
16 RULES THAT THE DEPARTMENT OR BOARD CONSIDERS NECESSARY TO IMPLEMENT
17 THIS SECTION AND SECTIONS 16651 TO 16658.

18 (2) WITHIN 7 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
19 ACT THAT ADDED THIS SECTION, THE BOARD, IN CONSULTATION WITH THE
20 DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OR HIS OR
21 HER DESIGNEES, SHALL CONDUCT AND COMPLETE A STUDY CONCERNING THE
22 IMPACT OF LICENSING DENTAL THERAPISTS ON PATIENT SAFETY, COST-
23 EFFECTIVENESS, AND ACCESS TO DENTAL SERVICES IN THIS STATE. THE
24 STUDY SHALL FOCUS ON THE FOLLOWING OUTCOME MEASURES:

25 (A) NUMBER OF NEW PATIENTS SERVED.

26 (B) REDUCTION IN WAITING TIME FOR NEEDED SERVICES.

27 (C) DECREASED TRAVEL TIME FOR PATIENTS.

1 (D) IMPACT ON EMERGENCY ROOM USAGE FOR DENTAL CARE.

2 (E) COSTS TO THE HEALTH CARE SYSTEM.

3 (3) WITHIN 30 DAYS AFTER THE COMPLETION OF THE STUDY DESCRIBED
4 IN SUBSECTION (2), THE BOARD SHALL PROVIDE TO THE DIRECTOR OF THE
5 DEPARTMENT, THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN
6 SERVICES, AND THE CHAIRS OF THE STANDING COMMITTEES OF THE SENATE
7 AND HOUSE OF REPRESENTATIVES RESPONSIBLE FOR HEALTH POLICY A
8 WRITTEN REPORT CONCERNING THE RESULTS OF THE STUDY.

9 SEC. 16660. SECTIONS 16651 TO 16659 DO NOT REQUIRE NEW OR
10 ADDITIONAL THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S
11 COMPENSATION BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL WHO IS
12 LICENSED AS A DENTAL THERAPIST UNDER THIS ARTICLE.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.