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 2017 PA 75, section 16226 as amended by 2017 PA 81, 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, 16660, and 20189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 16221. The department shall investigate any allegation that 1 or more of the grounds for disciplinary subcommittee action under this section exist, and may investigate activities related to the practice of a health profession by a licensee, a registrant, or
an applicant for licensure or registration. The department may hold
hearings, administer oaths, and order the taking of relevant
testimony. After its investigation, the department shall provide a
copy of the administrative complaint to the appropriate
disciplinary subcommittee. The disciplinary subcommittee shall
proceed under section 16226 if it finds that 1 or more of the
following grounds exist:

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

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

(i) Incompetence.

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

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

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

(v) Conviction of a misdemeanor punishable by imprisonment for
a maximum term of 2 years; conviction of a misdemeanor involving
the illegal delivery, possession, or use of a controlled substance;
or conviction of any felony other than a felony listed or described
in another subparagraph of this subdivision. A certified copy of
the court record is conclusive evidence of the conviction.

(vi) Lack of good moral character.

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

evidence of the conviction.

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

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

conclusive evidence of the conviction.

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

(xi) Conviction of a misdemeanor that is reasonably related to
or that adversely affects the licensee's or registrant's ability to
practice in a safe and competent manner. A certified copy of the
court record is conclusive evidence of the conviction.
Conviction of a violation of section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430. A certified copy of the court record is conclusive evidence of the conviction.

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

Conviction of a violation of section 136 or 136a of the Michigan penal code, 1931 PA 328, MCL 750.136 and 750.136a. A certified copy of the court record is conclusive evidence of the conviction.

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

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

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

(iii) Practice outside the scope of a license.

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

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

(i) False or misleading advertising.
(ii) Dividing fees for referral of patients or accepting kickbacks on medical or surgical services, appliances, or medications purchased by or in behalf of patients.

(iii) Fraud or deceit in obtaining or attempting to obtain third party reimbursement.

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

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

(ii) Betrayal of a professional confidence.

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

(iv) Either of the following:

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

(B) A referral by a physician for a designated health service that violates 42 USC 1395nn or a regulation promulgated under that section. For purposes of this subdivision, 42 USC 1395nn and the regulations promulgated under that section as they exist on June 3, 2002 are incorporated by reference. A disciplinary subcommittee shall apply 42 USC 1395nn and the regulations promulgated under that section regardless of the source of payment for the designated health service referred and rendered. If 42 USC 1395nn or a
regulation promulgated under that section is revised after June 3, 2002, the department shall officially take notice of the revision. Within 30 days after taking notice of the revision, the department shall decide whether or not the revision pertains to referral by physicians for designated health services and continues to protect the public from inappropriate referrals by physicians. If the department decides that the revision does both of those things, the department may promulgate rules to incorporate the revision by reference. If the department does promulgate rules to incorporate the revision by reference, the department shall not make any changes to the revision. As used in this sub-subparagraph, "designated health service" means that term as defined in 42 USC 1395nn and the regulations promulgated under that section and "physician" means that term as defined in sections 17001 and 17501.

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

(vi) Any conduct by a health professional with a patient while
he or she is acting within the health profession for which he or she is licensed or registered, including conduct initiated by a patient or to which the patient consents, that is sexual or may reasonably be interpreted as sexual, including, but not limited to, sexual intercourse, kissing in a sexual manner, or touching of a body part for any purpose other than appropriate examination, treatment, or comfort.

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

(viii) A VIOLATION OF SECTION 16656(4) BY A DENTAL THERAPIST.

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

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

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

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

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

(k) A violation of section 17013 or 17513.

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

(m) A violation of section 17015, 17015a, 17017, 17515, or
A violation of section 17016 or 17516.

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

(p) A violation of section 5654 or 5655.

(q) A violation of section 16274.

(r) A violation of section 17020 or 17520.

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

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

(u) Failure to comply with the terms of a practice agreement described in section 17047(2)(a) or (b), 17547(2)(a) or (b), or 18047(2)(a) or (b).

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

<table>
<thead>
<tr>
<th>Violation of Section 16221</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision (a), (b)(i),</td>
<td>Probation, limitation, denial,</td>
</tr>
<tr>
<td>(b)(ii), (b)(iii), (b)(iv),</td>
<td>suspension, revocation,</td>
</tr>
<tr>
<td>(b)(v), (b)(vi), (b)(vii),</td>
<td>permanent revocation,</td>
</tr>
<tr>
<td>(b)(ix), (b)(x), (b)(xi),</td>
<td>restitution, or fine.</td>
</tr>
<tr>
<td>or (b)(xii)</td>
<td></td>
</tr>
<tr>
<td>Subdivision (b)(viii)</td>
<td>Revocation, permanent revocation,</td>
</tr>
<tr>
<td></td>
<td>or denial.</td>
</tr>
<tr>
<td>Subdivision (b)(xiii)</td>
<td>Permanent revocation</td>
</tr>
</tbody>
</table>
for a violation described in subsection (5); otherwise, probation, limitation, denial, suspension, revocation, restitution, or fine.

Subdivision (b)(xiv) Permanent revocation.

Subdivision (c)(i) Denial, revocation, suspension, probation, limitation, or fine.

Subdivision (c)(ii) Denial, suspension, revocation, restitution, or fine.

Subdivision (c)(iii) Probation, denial, suspension, revocation, restitution, or fine.

Subdivision (c)(iv) or (d)(iii) Fine, probation, denial, suspension, revocation, permanent revocation, or restitution.

Subdivision (d)(i) Reprimand, fine, probation, or (d)(ii) denial, or restitution.

Subdivision (e)(i), (e)(iii), (e)(iv), (e)(v), Reprimand, fine, probation, limitation, suspension,
(h), or (s) revocation, permanent revocation, denial, or restitution.

Subdivision (e)\( (ii) \) Reprimand, probation, suspension, revocation, permanent revocation, restitution, denial, or fine.

Subdivision (e)\( (vi) \), or (i) Probation, suspension, revocation, limitation, denial, restitution, or fine.

Subdivision (f) Reprimand, denial, limitation, probation, or fine.

Subdivision (g) Reprimand or fine.

Subdivision (j) Suspension or fine.

Subdivision (k), (p), or (r) Reprimand, probation, suspension, revocation, permanent revocation, or fine.

Subdivision (l) Reprimand, denial, or limitation.
Subdivision (m) or (o) Denial, revocation, restitution, probation, suspension, limitation, reprimand, or fine.

Subdivision (n) Revocation or denial.

Subdivision (q) Revocation.

Subdivision (t) Revocation, permanent revocation, fine, or restitution.

Subdivision (u) Denial, revocation, probation, suspension, limitation, reprimand, or fine.

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

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

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

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

(6) Except as otherwise provided in subsection (5) and this subsection, a disciplinary subcommittee shall not impose the sanction of permanent revocation under this section without a finding that the licensee or registrant engaged in a pattern of intentional acts of fraud or deceit resulting in personal financial gain to the licensee or registrant and harm to the health of patients under the licensee's or registrant's care. This subsection does not apply if a disciplinary subcommittee finds that a licensee or registrant has violated section 16221(b) (xiv).

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

(a) Application processing fees:

(i) Dentist................................. $ 20.00
(ii) Dental assistant....................... 10.00
(iii) Dental hygienist...................... 15.00
(iv) DENTAL THERAPIST.................... 15.00

(v) Health profession specialty field license for a dentist..................... 20.00

(b) Examination fees:

(i) Dental assistant's examination, complete............................ 70.00
(ii) Dental assistant's examination, per part.................................. 35.00
(iii) DENTAL THERAPIST.......................... 300.00
(iv) Dentist's health profession specialty field license examination, complete..... 300.00
(v) Dentist's health profession specialty field license examination, per part...... 100.00

(c) License fees, per year:

(i) Dentist........................................... 90.00
(ii) Dental assistant............................ 10.00
(iii) Dental hygienist............................ 20.00
(iv) DENTAL THERAPIST......................... 40.00

(v) Dentist's health profession specialty field license.......................... 15.00

(d) Temporary license fees:

(i) Dentist........................................... 20.00
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Fee</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Dental assistant</td>
<td>5.00</td>
</tr>
<tr>
<td>2</td>
<td>Dental hygienist</td>
<td>10.00</td>
</tr>
<tr>
<td>3</td>
<td>DENTAL THERAPIST</td>
<td>15.00</td>
</tr>
<tr>
<td>4</td>
<td>Limited license fee, per year:</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Dentist</td>
<td>25.00</td>
</tr>
<tr>
<td>6</td>
<td>Dental assistant</td>
<td>5.00</td>
</tr>
<tr>
<td>7</td>
<td>Dental hygienist</td>
<td>10.00</td>
</tr>
<tr>
<td>8</td>
<td>DENTAL THERAPIST</td>
<td>15.00</td>
</tr>
<tr>
<td>9</td>
<td>Examination review fees:</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Dental preclinical or dentist's health profession specialty field license</td>
<td>50.00</td>
</tr>
<tr>
<td>11</td>
<td>Dental assistant</td>
<td>20.00</td>
</tr>
<tr>
<td>12</td>
<td>DENTAL THERAPIST</td>
<td>50.00</td>
</tr>
</tbody>
</table>

(2) The department shall waive the application processing and license fees required under subsection (1) for an initial license to engage in practice as a dental assistant if the applicant for initial licensure, while on active duty as a member of the armed forces, served as a military dental specialist and was separated from service with an honorable character of service or under honorable conditions (general) character of service in the armed forces. The applicant shall provide a form DD214, DD215, or any other form that is satisfactory to the department to be eligible for the waiver of fees under this subsection. As used in this subsection, "armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092. THE UNITED STATES ARMY, AIR FORCE, NAVY, MARINE CORPS, OR COAST GUARD OR OTHER MILITARY FORCE DESIGNATED BY CONGRESS AS A
PART OF THE ARMED FORCES OF THE UNITED STATES.

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

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

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

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

(d) "Practice of dentistry" means the diagnosis, treatment, prescription, or operation for a disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaws, or their dependent tissues, or an offer, undertaking, attempt to do, or holding oneself out as able to do any of these acts.

(e) "Practice as a dental assistant" means assistance in the clinical practice of dentistry based on formal education, specialized knowledge, and skill at the assignment and under the supervision of a dentist.
(f) "Practice as a dental hygienist" means practice at the assignment of a dentist in that specific area of dentistry based on specialized knowledge, formal education, and skill with particular emphasis on preventive services and oral health education.

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

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

Sec. 16605. The following words, titles, or letters, or a combination thereof, OF ANY OF THOSE WORDS, TITLES, OR LETTERS, with or without qualifying words or phrases, are restricted in use only to those INDIVIDUALS WHO ARE authorized under this part to use the following terms and in a way prescribed in this part: "dentist", "doctor of dental surgery", "oral and maxillofacial surgeon", "orthodontist", "prosthodontist", "periodontist", "endodontist", "oral pathologist", "pediatric dentist", "dental hygienist", "registered dental hygienist", "dental assistant", "registered dental assistant", "DENTAL THERAPIST", "r.d.a.", "d.d.s.", "d.m.d.", and "r.d.h.", AND "D.T.".

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

(a) Eight dentists. Subject to subsection (3)—(4), 1 or more of the dentists appointed under this subdivision may have a health
profession specialty certification issued under section 16608.

(b) Subject to subsection (3), (4), 2 dentists who have been
issued a health profession specialty certification under section
16608.

(c) Four dental hygienists.

(d) Two dental assistants.

(e) Three public members.

(2) A dentist, dental hygienist, public member, or other
individual who is a member of the board on July 14, 2000 may serve
out his or her term. BEGINNING 5 YEARS AFTER THE EFFECTIVE DATE OF
THE 2017 AMENDATORY ACT THAT AMENDED THIS SUBSECTION, THE BOARD
MUST INCLUDE 2 DENTAL THERAPISTS, BRINGING THE TOTAL NUMBER OF
VOTING MEMBERS ON THE BOARD TO 21. THE DENTAL THERAPISTS APPOINTED
UNDER THIS SUBSECTION MUST EACH MEET THE REQUIREMENTS OF PART 161.

(3) The board meeting dates and times must be concurred
in by a vote of not less than 13 board members.

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

(5) A board member who is licensed to practice as a dental
hygienist, or a dental assistant, or a dental therapist votes as an
equal member of the board in all matters except those designated in
section 16148(1) or (2) that apply only to dentists and not to
dental hygienists, or dental assistants, or dental therapists.

Sec. 16626. (1) Subject to subsection (2), and notwithstanding
section 16601(1)(f) or the rules promulgated under section
16625(1), a dental hygienist or dental therapist may utilize a
dental assistant to act as his or her second pair of hands.
(2) Notwithstanding section 16601(1)(e) or the rules promulgated under section 16625(1), a dental assistant may function as a second pair of hands for a dentist, or dental hygienist, OR DENTAL THERAPIST if all of the following are met:

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

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

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

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

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

(2) TO QUALIFY FOR LICENSURE UNDER THIS PART AS A DENTAL THERAPIST, AN INDIVIDUAL SHALL APPLY TO THE DEPARTMENT ON FORMS PROVIDED BY THE DEPARTMENT, PAY THE APPLICATION FEE UNDER SECTION 16323, AND DEMONSTRATE TO THE DEPARTMENT THAT HE OR SHE MEETS ALL OF THE FOLLOWING:
1  (A) HAS GRADUATED FROM A DENTAL THERAPY EDUCATION PROGRAM THAT
2  SATISFIES ALL OF THE FOLLOWING:
3   (i) MEETS THE STANDARDS ESTABLISHED UNDER SECTION 16148 FOR
4  ACCREDITATION OF A DEGREE-GRADEITNG PROGRAM IN DENTAL THERAPY
5  EDUCATION AT AN APPROVED POSTSECONDARY EDUCATION INSTITUTION.
6   (ii) AS DETERMINED BY THE DEPARTMENT IN CONSULTATION WITH THE
7  BOARD, MEETS THE ACCREDITATION STANDARDS FOR DENTAL THERAPY
8  EDUCATION PROGRAMS ESTABLISHED BY THE COMMISSION ON DENTAL
9  ACCREDITATION.
10   (iii) IS ACCREDITED UNDER SECTION 16148.
11   (iv) MEETS ANY OTHER REQUIREMENTS FOR DENTAL THERAPY EDUCATION
12  PROGRAMS ADOPTED BY THE BOARD.
13  (B) HAS PASSED A COMPREHENSIVE, COMPETENCY-BASED CLINICAL
14  EXAMINATION APPROVED BY THE DEPARTMENT THAT INCLUDES AN EXAMINATION
15  OF THE APPLICANT'S KNOWLEDGE OF THE LAWS OF THIS STATE UNDER THIS
16  PART AND RULES PROMULGATED UNDER THIS PART.
17   (C) HAS COMPLETED 500 HOURS OF SUPERVISED CLINICAL PRACTICE
18  UNDER THE DIRECT SUPERVISION OF A DENTIST AND IN CONFORMITY WITH
19  RULES ADOPTED BY THE BOARD. AN INDIVIDUAL ENGAGED IN COMPLETING HIS
20  OR HER SUPERVISED CLINICAL PRACTICE UNDER THIS SUBDIVISION IS
21  ELIGIBLE FOR A TEMPORARY LICENSE AS A DENTAL THERAPIST UNDER
22  SECTION 16652. AS USED IN THIS SUBDIVISION, "DIRECT SUPERVISION"
23  MEANS THAT A DENTIST COMPLIES WITH ALL OF THE FOLLOWING:
24   (i) DESIGNATES A PATIENT OF RECORD UPON WHOM THE PROCEDURES
25  ARE TO BE PERFORMED AND DESCRIBES THE PROCEDURES TO BE PERFORMED.
26   (ii) EXAMINES THE PATIENT BEFORE PRESCRIBING THE PROCEDURES TO
27  BE PERFORMED AND UPON COMPLETION OF THE PROCEDURES.
(iii) is physically present in the office at the time the procedures are being performed.

SEC. 16652. The board shall grant a temporary dental therapist license to an applicant for licensure under sections 16651 to 16659 who has met the requirements of section 16651(2)(A) to (C) and rules promulgated by the board and who has paid the fee described in section 16323.

SEC. 16653. (1) The board shall grant a license to practice as a dental therapist to an applicant for licensure under sections 16651 to 16659 who meets the requirements of sections 16651 to 16659 and rules adopted under those sections for licensure and pays the application fee under section 16323.

(2) A dental therapist shall pay to the board the license fee under section 16323.

SEC. 16654. As a condition of renewal of a license to practice under sections 16651 to 16659, a dental therapist shall submit evidence of successful completion of 35 hours of continuing education in the 2 years before renewal. Continuing education under this section must conform with the requirements of part 161 concerning continuing education courses and must include board-approved courses, including, but not limited to, a course in cardiopulmonary resuscitation. The board may refuse renewal to an applicant who has not satisfied the requirements of this section or may renew a license on terms and conditions established by the board.

SEC. 16655. After completing the 500 hours of supervised clinical practice required under section 16651(2)(C), a dental
THERAPIST MAY PROVIDE SERVICES DESCRIBED IN SECTION 16657 INCLUDED
WITHIN THE SCOPE OF PRACTICE AS A DENTAL THERAPIST AND UNDER THE
SUPERVISION OF A DENTIST IN ANY OF THE FOLLOWING HEALTH SETTINGS:
(A) A HOSPITAL THAT IS LICENSED UNDER ARTICLE 17.
(B) A HEALTH FACILITY OR AGENCY, OTHER THAN A HOSPITAL, THAT
IS LICENSED UNDER ARTICLE 17 AND IS REIMBURSED AS A FEDERALLY
QUALIFIED HEALTH CENTER AS DEFINED IN 42 USC 1395X(AA)(4) OR THAT
HAS BEEN DETERMINED BY THE UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, CENTERS FOR MEDICARE AND MEDICAID SERVICES TO MEET
THE REQUIREMENTS FOR FUNDING UNDER SECTION 330 OF THE PUBLIC HEALTH
SERVICE ACT, 42 USC 254B.
(C) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN 42 USC
1395X(AA)(4), THAT IS LICENSED AS A HEALTH FACILITY OR AGENCY UNDER
ARTICLE 17.
(D) AN OUTPATIENT HEALTH PROGRAM OR FACILITY OPERATED BY A
TRIBE OR TRIBAL ORGANIZATION UNDER THE INDIAN SELF-DETERMINATION
ACT, 25 USC 5321 TO 5332, OR BY AN URBAN INDIAN ORGANIZATION
RECEIVING FUNDS UNDER TITLE V OF THE INDIAN HEALTH CARE IMPROVEMENT
ACT, 25 USC 1651 TO 1660H.
(E) A HEALTH SETTING IN A GEOGRAPHIC AREA THAT IS DESIGNATED
AS A DENTAL SHORTAGE AREA BY THE UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES.
(F) A SCHOOL-BASED HEALTH CENTER, AS THAT TERM IS DEFINED IN
42 USC 280H-5.
(G) ANY OTHER CLINIC OR PRACTICE SETTING, INCLUDING A MOBILE
DENTAL UNIT, IN WHICH AT LEAST 50% OF THE TOTAL PATIENT BASE OF THE
DENTAL THERAPIST WILL CONSIST OF PATIENTS WHO MEET ANY OF THE
(i) are enrolled in a health care program administered by the Department of Health and Human Services.

(ii) have a medical disability or chronic condition that creates a significant barrier to receiving dental care.

(iii) do not have dental health coverage, either through a public health care program or private insurance, and have an annual gross family income equal to or less than 200% of the federal poverty level. As used in this subparagraph and subparagraph (iv), "federal poverty level" means the poverty guidelines published annually in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902.

(iv) do not have dental health coverage, either through a state public health care program or private insurance, and whose family gross income is equal to or less than 200% of the federal poverty level.

Sec. 16656. (1) A dental therapist may practice only under the supervision of a dentist and through a written practice agreement signed by the dental therapist and the dentist. A dental therapist may provide only the services that are within his or her scope of practice, are authorized by a supervising dentist, and are provided according to written protocols or standing orders established by the supervising dentist.

(2) A dental therapist may provide services to a patient who has not first seen a dentist for an examination if the supervising dentist has given the dental therapist written authorization and
STANDING PROTOCOLS FOR THE SERVICES AND REVIEWS THE PATIENT RECORDS AS PROVIDED IN THE WRITTEN PRACTICE AGREEMENT. THE STANDING PROTOCOLS MAY REQUIRE THE SUPERVISING DENTIST TO PERSONALLY EXAMINE PATIENTS EITHER FACE-TO-FACE OR BY THE USE OF ELECTRONIC MEANS.

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

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

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

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

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

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

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

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

(H) CRITERIA FOR PROVIDING CARE TO PATIENTS WITH SPECIFIC
MEDICAL CONDITIONS OR COMPLEX MEDICAL HISTORIES, INCLUDING REQUIREMENTS FOR CONSULTATION BEFORE INITIATING CARE.

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

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

(5) A SUPERVISING DENTIST SHALL NOT SUPERVISE MORE THAN 4 DENTAL THERAPISTS.

(6) A SUPERVISING DENTIST SHALL ACTIVELY PARTICIPATE IN DRAFTING A WRITTEN PRACTICE AGREEMENT WITH A DENTAL THERAPIST. REVISIONS TO THE WRITTEN PRACTICE AGREEMENT MUST BE DOCUMENTED IN A NEW WRITTEN PRACTICE AGREEMENT SIGNED BY THE SUPERVISING DENTIST AND THE DENTAL THERAPIST.

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

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

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

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

(B) COMPREHENSIVE CHARTING OF THE ORAL CAVITY.

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

(D) ADMINISTERING AND EXPOSING RADIOGRAPHIC IMAGES.

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

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

(G) APPLYING TOPICAL PREVENTATIVE OR PROPHYLACTIC AGENTS, INCLUDING FLUORIDE VARNISH, SILVER DIAMINE FLUORIDE AND OTHER FLUORIDE TREATMENTS, ANTIMICROBIAL AGENTS, AND PIT AND FISSURE SEALANTS.

(H) PULP VITALITY TESTING.

(I) APPLYING DESENSITIZING MEDICATION OR RESIN.

(J) FABRICATING ATHLETIC MOUTH GUARDS.

(K) CHANGING PERIODONTAL DRESSINGS.

(L) ADMINISTERING LOCAL ANESTHETIC AND NITROUS OXIDE ANALGESIA.

(M) SIMPLE EXTRACTION OF ERUPTED PRIMARY TEETH.

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

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

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

(Q) PREPARATION AND PLACEMENT OF PREFORMED CROWNS ON PRIMARY TEETH.

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

(S) INDIRECT PULP CAPPING ON PRIMARY TEETH.

(T) SUTURING AND SUTURE REMOVAL.

(U) MINOR ADJUSTMENTS AND REPAIRS ON REMOVABLE PROSTHESES.

(V) PLACEMENT AND REMOVAL OF SPACE MAINTAINERS.

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

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

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

(2) A DENTAL THERAPIST MAY SUPERVISE DENTAL ASSISTANTS AND DENTAL HYGIENISTS TO THE EXTENT PERMITTED IN A WRITTEN PRACTICE AGREEMENT. HOWEVER, A DENTAL THERAPIST SHALL NOT SUPERVISE MORE THAN 3 DENTAL ASSISTANTS AND 2 DENTAL HYGIENISTS IN ANY 1 PRACTICE SETTING.
(3) A DENTAL THERAPIST SHALL NOT PRESCRIBE A CONTROLLED
SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO 5 OF PART 72.

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

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

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

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

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

(A) NUMBER OF NEW PATIENTS SERVED.

(B) REDUCTION IN WAITING TIME FOR NEEDED SERVICES.
(C) DECREASED TRAVEL TIME FOR PATIENTS.
(D) IMPACT ON EMERGENCY ROOM USAGE FOR DENTAL CARE.
(E) COSTS TO THE HEALTH CARE SYSTEM.


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

SEC. 20189. A HEALTH FACILITY OR AGENCY SHALL NOT REQUIRE A DENTIST TO ENTER INTO A WRITTEN PRACTICE AGREEMENT WITH A DENTAL THERAPIST AS A CONDITION OF EMPLOYMENT. AS USED IN THIS SECTION, "WRITTEN PRACTICE AGREEMENT" MEANS THAT TERM AS DEFINED IN SECTION 16656.

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