

SENATE BILL No. 541

September 7, 2017, Introduced by Senators SHIRKEY, HERTEL, MARLEAU, BOOHER and WARREN 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 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:

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

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

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

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

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

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

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

27 (i) False or misleading advertising.

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

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

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

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

11 (ii) Betrayal of a professional confidence.

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

14 (iv) Either of the following:

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

20 (B) A referral by a physician for a designated health service
21 that violates 42 USC 1395nn or a regulation promulgated under that
22 section. For purposes of this subdivision, 42 USC 1395nn and the
23 regulations promulgated under that section as they exist on June 3,
24 2002 are incorporated by reference. A disciplinary subcommittee
25 shall apply 42 USC 1395nn and the regulations promulgated under
26 that section regardless of the source of payment for the designated
27 health service referred and rendered. If 42 USC 1395nn or a

1 regulation promulgated under that section is revised after June 3,
2 2002, the department shall officially take notice of the revision.
3 Within 30 days after taking notice of the revision, the department
4 shall decide whether or not the revision pertains to referral by
5 physicians for designated health services and continues to protect
6 the public from inappropriate referrals by physicians. If the
7 department decides that the revision does both of those things, the
8 department may promulgate rules to incorporate the revision by
9 reference. If the department does promulgate rules to incorporate
10 the revision by reference, the department shall not make any
11 changes to the revision. As used in this sub-subparagraph,
12 "designated health service" means that term as defined in 42 USC
13 1395nn and the regulations promulgated under that section and
14 "physician" means that term as defined in sections 17001 and 17501.

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

27 (vi) Any conduct by a health professional with a patient while

1 he or she is acting within the health profession for which he or
2 she is licensed or registered, including conduct initiated by a
3 patient or to which the patient consents, that is sexual or may
4 reasonably be interpreted as sexual, including, but not limited to,
5 sexual intercourse, kissing in a sexual manner, or touching of a
6 body part for any purpose other than appropriate examination,
7 treatment, or comfort.

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

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

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

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

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

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

21 (j) Failure to pay an installment of an assessment levied
22 under the insurance code of 1956, 1956 PA 218, MCL 500.100 to
23 500.8302, within 60 days after notice by the appropriate board.

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

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

27 (m) A violation of section 17015, 17015a, 17017, 17515, or

1 17517.

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

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

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

5 (q) A violation of section 16274.

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

7 (s) A violation of the medical records access act, 2004 PA 47,

8 MCL 333.26261 to 333.26271.

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

10 (u) Failure to comply with the terms of a practice agreement
11 described in section 17047(2)(a) or (b), 17547(2)(a) or (b), or
12 18047(2)(a) or (b).

13 Sec. 16226. (1) After finding the existence of 1 or more of
14 the grounds for disciplinary subcommittee action listed in section
15 16221, a disciplinary subcommittee shall impose 1 or more of the
16 following sanctions for each violation:

17 Violations of Section 16221	Sanctions
18 Subdivision (a), (b) (i),	Probation, limitation, denial,
19 (b) (ii), (b) (iii), (b) (iv),	suspension, revocation,
20 (b) (v), (b) (vi), (b) (vii),	permanent revocation,
21 (b) (ix), (b) (x), (b) (xi),	restitution, or fine.
22 or (b) (xii)	
23	
24 Subdivision (b) (viii)	Revocation, permanent revocation,
25	or denial.
26	
27 Subdivision (b) (xiii)	Permanent revocation

1 for a violation described in
2 subsection (5); otherwise,
3 probation, limitation, denial,
4 suspension, revocation,
5 restitution, or fine.
6
7 Subdivision (b) (xiv) Permanent revocation.
8
9 Subdivision (c) (i) Denial, revocation, suspension,
10 probation, limitation, or fine.
11
12 Subdivision (c) (ii) Denial, suspension, revocation,
13 restitution, or fine.
14
15 Subdivision (c) (iii) Probation, denial, suspension,
16 revocation, restitution, or fine.
17
18 Subdivision (c) (iv) Fine, probation, denial,
19 or (d) (iii) suspension, revocation, permanent
20 revocation, or restitution.
21
22 Subdivision (d) (i) Reprimand, fine, probation,
23 or (d) (ii) denial, or restitution.
24
25 Subdivision (e) (i), Reprimand, fine, probation,
26 (e) (iii), (e) (iv), (e) (v), limitation, suspension,

1	(h), or (s)	revocation, permanent revocation,
2		denial, or restitution.
3		
4	Subdivision (e) (ii)	Reprimand, probation, suspension,
5	or (i)	revocation, permanent
6		revocation, restitution,
7		denial, or fine.
8		
9	Subdivision (e) (vi),	Probation, suspension, revocation,
10	or (e) (vii), OR (E) (viii)	limitation, denial,
11		restitution, or fine.
12		
13	Subdivision (f)	Reprimand, denial, limitation,
14		probation, or fine.
15		
16	Subdivision (g)	Reprimand or fine.
17		
18	Subdivision (j)	Suspension or fine.
19		
20	Subdivision (k), (p),	Reprimand, probation, suspension,
21	or (r)	revocation, permanent revocation,
22		or fine.
23		
24	Subdivision (l)	Reprimand, denial, or
25		limitation.
26		

1	Subdivision (m) or (o)	Denial, revocation, restitution,
2		probation, suspension,
3		limitation, reprimand, or fine.
4		
5	Subdivision (n)	Revocation or denial.
6		
7	Subdivision (q)	Revocation.
8		
9	Subdivision (t)	Revocation, permanent revocation,
10		fine, or restitution.
11		
12	Subdivision (u)	Denial, revocation, probation,
13		suspension, limitation, reprimand,
14		or fine.

15 (2) Determination of sanctions for violations under this
16 section shall be made by a disciplinary subcommittee. If, during
17 judicial review, the court of appeals determines that a final
18 decision or order of a disciplinary subcommittee prejudices
19 substantial rights of the petitioner for 1 or more of the grounds
20 listed in section 106 of the administrative procedures act of 1969,
21 1969 PA 306, MCL 24.306, and holds that the final decision or order
22 is unlawful and is to be set aside, the court shall state on the
23 record the reasons for the holding and may remand the case to the
24 disciplinary subcommittee for further consideration.

25 (3) A disciplinary subcommittee may impose a fine in an amount
26 that does not exceed \$250,000.00 for a violation of section
27 16221(a) or (b). A disciplinary subcommittee shall impose a fine of

1 at least \$25,000.00 if the violation of section 16221(a) or (b)
2 results in the death of 1 or more patients.

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

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

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

25 Sec. 16323. (1) Except as otherwise provided in subsection
26 (2), fees for an individual licensed or seeking licensure to
27 practice as a dentist, dental assistant, ~~or~~ dental hygienist, **OR**

1 **DENTAL THERAPIST** under part 166 are as follows:

2	(a)	Application processing fees:	
3	(i)	Dentist.....	\$ 20.00
4	(ii)	Dental assistant.....	10.00
5	(iii)	Dental hygienist.....	15.00
6	(iv)	DENTAL THERAPIST	15.00
7	(v) (iv)	Health profession specialty field	
8		license for a dentist.....	20.00
9	(b)	Examination fees:	
10	(i)	Dental assistant's examination,	
11		complete.....	70.00
12	(ii)	Dental assistant's examination,	
13		per part.....	35.00
14	(iii)	DENTAL THERAPIST	300.00
15	(iv) (iii)	Dentist's health profession specialty	
16		field license examination, complete.....	300.00
17	(v) (iv)	Dentist's health profession specialty	
18		field license examination, per part.....	100.00
19	(c)	License fees, per year:	
20	(i)	Dentist.....	90.00
21	(ii)	Dental assistant.....	10.00
22	(iii)	Dental hygienist.....	20.00
23	(iv)	DENTAL THERAPIST	40.00
24	(v) (iv)	Dentist's health profession specialty	
25		field license.....	15.00
26	(d)	Temporary license fees:	
27	(i)	Dentist.....	20.00

1	(ii)	Dental assistant.....	5.00
2	(iii)	Dental hygienist.....	10.00
3	(iv)	DENTAL THERAPIST.....	15.00
4	(e)	Limited license fee, per year:	
5	(i)	Dentist.....	25.00
6	(ii)	Dental assistant.....	5.00
7	(iii)	Dental hygienist.....	10.00
8	(iv)	DENTAL THERAPIST.....	15.00
9	(f)	Examination review fees:	
10	(i)	Dental preclinical or dentist's health	
11		profession specialty field license.....	50.00
12	(ii)	Dental assistant.....	20.00
13	(iii)	DENTAL THERAPIST.....	50.00

14 (2) The department shall waive the application processing and
 15 license fees required under subsection (1) for an initial license
 16 to engage in practice as a dental assistant if the applicant for
 17 initial licensure, while on active duty as a member of the armed
 18 forces, served as a military dental specialist and was separated
 19 from service with an honorable character of service or under
 20 honorable conditions (general) character of service in the armed
 21 forces. The applicant shall provide a form DD214, DD215, or any
 22 other form that is satisfactory to the department to be eligible
 23 for the waiver of fees under this subsection. As used in this
 24 subsection, "armed forces" means ~~that term as defined in section 2~~
 25 ~~of the veteran right to employment services act, 1994 PA 39, MCL~~
 26 ~~35.1092.~~ **THE UNITED STATES ARMY, AIR FORCE, NAVY, MARINE CORPS, OR**
 27 **COAST GUARD OR OTHER MILITARY FORCE DESIGNATED BY CONGRESS AS A**

1 **PART OF THE ARMED FORCES OF THE UNITED STATES.**

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

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

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

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

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

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

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

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

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

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

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

26 (a) Eight dentists. Subject to subsection ~~(3)~~, **(4)**, 1 or more
 27 of the dentists appointed under this subdivision may have a health

1 profession specialty certification issued under section 16608.

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

5 (c) Four dental hygienists.

6 (d) Two dental assistants.

7 (e) Three public members.

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

15 (3) The board meeting dates and times shall ~~shall~~ **MUST** be concurred
16 in by a vote of not less than 13 board members.

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

19 (5) ~~(4)~~ **A board member WHO IS** licensed to practice as a dental
20 hygienist, ~~or~~ a dental assistant, **OR A DENTAL THERAPIST** votes as an
21 equal member of the board in all matters except those designated in
22 section 16148(1) or (2) that apply only to dentists and not to
23 dental hygienists, ~~or~~ dental assistants, **OR DENTAL THERAPISTS.**

24 Sec. 16626. (1) Subject to subsection (2), and notwithstanding
25 section 16601(1)(f) or the rules promulgated under section
26 16625(1), a dental hygienist **OR DENTAL THERAPIST** may utilize a
27 dental assistant to act as his or her second pair of hands.

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

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

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

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

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

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

23 **(2) TO QUALIFY FOR LICENSURE UNDER THIS PART AS A DENTAL**
24 **THERAPIST, AN INDIVIDUAL SHALL APPLY TO THE DEPARTMENT ON FORMS**
25 **PROVIDED BY THE DEPARTMENT, PAY THE APPLICATION FEE UNDER SECTION**
26 **16323, AND DEMONSTRATE TO THE DEPARTMENT THAT HE OR SHE MEETS ALL**
27 **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-GRANTING 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.

1 (iii) IS PHYSICALLY PRESENT IN THE OFFICE AT THE TIME THE
2 PROCEDURES ARE BEING PERFORMED.

3 SEC. 16652. THE BOARD SHALL GRANT A TEMPORARY DENTAL THERAPIST
4 LICENSE TO AN APPLICANT FOR LICENSURE UNDER SECTIONS 16651 TO 16659
5 WHO HAS MET THE REQUIREMENTS OF SECTION 16651(2) (A) TO (C) AND
6 RULES PROMULGATED BY THE BOARD AND WHO HAS PAID THE FEE DESCRIBED
7 IN SECTION 16323.

8 SEC. 16653. (1) THE BOARD SHALL GRANT A LICENSE TO PRACTICE AS
9 A DENTAL THERAPIST TO AN APPLICANT FOR LICENSURE UNDER SECTIONS
10 16651 TO 16659 WHO MEETS THE REQUIREMENTS OF SECTIONS 16651 TO
11 16659 AND RULES ADOPTED UNDER THOSE SECTIONS FOR LICENSURE AND PAYS
12 THE APPLICATION FEE UNDER SECTION 16323.

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

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

26 SEC. 16655. AFTER COMPLETING THE 500 HOURS OF SUPERVISED
27 CLINICAL PRACTICE REQUIRED UNDER SECTION 16651(2) (C), A DENTAL

1 THERAPIST MAY PROVIDE SERVICES DESCRIBED IN SECTION 16657 INCLUDED
2 WITHIN THE SCOPE OF PRACTICE AS A DENTAL THERAPIST AND UNDER THE
3 SUPERVISION OF A DENTIST IN ANY OF THE FOLLOWING HEALTH SETTINGS:

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

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

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

15 (D) AN OUTPATIENT HEALTH PROGRAM OR FACILITY OPERATED BY A
16 TRIBE OR TRIBAL ORGANIZATION UNDER THE INDIAN SELF-DETERMINATION
17 ACT, 25 USC 5321 TO 5332, OR BY AN URBAN INDIAN ORGANIZATION
18 RECEIVING FUNDS UNDER TITLE V OF THE INDIAN HEALTH CARE IMPROVEMENT
19 ACT, 25 USC 1651 TO 1660H.

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

23 (F) A SCHOOL-BASED HEALTH CENTER, AS THAT TERM IS DEFINED IN
24 42 USC 280H-5.

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 WILL CONSIST 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 SUPERVISION OF A DENTIST AND THROUGH A WRITTEN PRACTICE AGREEMENT
20 SIGNED BY THE DENTAL THERAPIST AND THE DENTIST. A DENTAL THERAPIST
21 MAY PROVIDE ONLY THE SERVICES THAT ARE WITHIN HIS OR HER SCOPE OF
22 PRACTICE, ARE AUTHORIZED BY A SUPERVISING DENTIST, AND ARE PROVIDED
23 ACCORDING TO WRITTEN PROTOCOLS OR STANDING ORDERS ESTABLISHED BY
24 THE SUPERVISING 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) A DENTAL THERAPIST WHO PROVIDES SERVICES OR PROCEDURES
8 BEYOND THOSE AUTHORIZED IN THE WRITTEN PRACTICE AGREEMENT ENGAGES
9 IN UNPROFESSIONAL CONDUCT FOR THE PURPOSES OF SECTION 16221.

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

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

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

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

1 FUNCTIONS THAT THE DENTAL THERAPIST IS AUTHORIZED TO PERFORM.

2 SEC. 16657. (1) UNDER THE SUPERVISION OF A DENTIST, A LICENSED
3 DENTAL THERAPIST MAY PROVIDE ANY OF THE FOLLOWING CARE OR 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, SILVER DIAMINE FLUORIDE AND OTHER
18 FLUORIDE TREATMENTS, ANTIMICROBIAL AGENTS, AND PIT AND FISSURE
19 SEALANTS.

20 (H) PULP VITALITY TESTING.

21 (I) APPLYING DESENSITIZING MEDICATION OR RESIN.

22 (J) FABRICATING ATHLETIC MOUTH GUARDS.

23 (K) CHANGING PERIODONTAL DRESSINGS.

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

26 (M) SIMPLE EXTRACTION OF ERUPTED PRIMARY TEETH.

27 (N) EMERGENCY PALLIATIVE TREATMENT OF DENTAL PAIN RELATED TO A

1 CARE OR SERVICE DESCRIBED IN THIS SUBSECTION.

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

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

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

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

9 (S) INDIRECT PULP CAPPING ON PRIMARY TEETH.

10 (T) SUTURING AND SUTURE REMOVAL.

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

12 (V) PLACEMENT AND REMOVAL OF SPACE MAINTAINERS.

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

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

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

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

1 (3) A DENTAL THERAPIST SHALL NOT PRESCRIBE A CONTROLLED
2 SUBSTANCE THAT IS INCLUDED IN SCHEDULES 2 TO 5 OF PART 72.

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

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

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

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

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

26 (A) NUMBER OF NEW PATIENTS SERVED.

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

1 (C) DECREASED TRAVEL TIME FOR PATIENTS.

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

3 (E) COSTS TO THE HEALTH CARE SYSTEM.

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

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

14 SEC. 20189. A HEALTH FACILITY OR AGENCY SHALL NOT REQUIRE A
15 DENTIST TO ENTER INTO A WRITTEN PRACTICE AGREEMENT WITH A DENTAL
16 THERAPIST AS A CONDITION OF EMPLOYMENT. AS USED IN THIS SECTION,
17 "WRITTEN PRACTICE AGREEMENT" MEANS THAT TERM AS DEFINED IN SECTION
18 16656.

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