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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**MICHIGAN BOARD OF DENTISTRY
RULES COMMITTEE WORK GROUP
MEETING**

**MINUTES
APRIL 11, 2019**

The Michigan Board of Dentistry, Rules Work Group, met on April 11, 2019, at 611 West Ottawa Street, Upper Level Conference Center Room 5, Lansing, Michigan 48933.

CALL TO ORDER

Mark Johnston, DDS, Chairperson, called the meeting to order at 8:15 a.m.

ATTENDANCE

Members Present: Mark Johnston, DDS, Chairperson
Lori Barnhart, RDA
Daniel Briskie, DDS
Grace Curcuru, DDS
Vaijanthi Oza, DDS
Kathleen Weber, CDA, RDA, BAS

Members Absent: Cheryl Bentley, RDH
Joshua Goodrich, Public Member
Kathleen Inman, RDA, RDH, BS

Staff Present: Andria Ditschman, Analyst, Boards and Committees Section
Stephanie Wysack, Board Support, Boards and Committees Section

Public Present: Margaret Gingrich, DDS – Michigan Dental Association
Dianna Hartwick – American Association of Orthodontics
Sarah Hubbard – Michigan Dental Hygienists' Association
Josh Kruzak – Michigan Dental Association
Trey Lawrence – American Association of Orthodontics
Ann Lynch – American Dental Hygienists' Association
Pam Manning, RDH, BAS – Michigan Department of Health & Human Services, Oral Health
Jill Moore – Michigan Department of Health & Human Services
Theresa A. Raglin – Ferris State University, Dental Hygiene

Erin Suddeth, RDH, BS, MPA – Michigan Department of Health &
Human Services, Oral Health
Bill Sullivan – Michigan Dental Association
Stephanie Vandvine – University of Michigan
Amy Zaagman – Michigan Council for Maternal & Child Health

WELCOME

Johnston introduced himself and explained that he would be chairing the meeting along with Ditschman in going through the rules.

Wysack announced that an amendment was made to the minutes from March 14, 2019. The change is on page 3 with the paragraph beginning with the name Sutton. This name is being changed to Farrell in both spots within the paragraph. Wysack indicated that the Amended Minutes should be online within a few days.

RULES DISCUSSION – Copy of Draft Rules is attached.

R 338.11204 Licensure by examination to practice dental therapy; graduates of schools in compliance with board standards.

The Rules Committee had no more comments on the rule.

Raglin questioned why there is a requirement for a working knowledge of the English language. Ditschman explained that proficiency in the English language is a requirement in the Public Health Code and will soon also be required in the Public Health Code General Rules. It is being added to all professions regulated by the Public Health Code.

R 338.11205 Licensure to practice dental therapy; graduates of school not meeting board standards; requirements and R 338.11255 Licensure by endorsement of dentist therapist requirements.

Ditschman noted that the state law is clear that a dental therapist in Michigan must graduate from a school accredited under section 16148; meet the CODA accreditation standards; pass a comprehensive competency based clinical examination approved by the department that includes an examination of the laws of Michigan; and complete 500 hours of supervised clinical practice under the direct supervision of a dentist, (a dentist is defined as someone licensed in Michigan). There does not seem to be Board authority to provide a pathway for licensure for someone who graduates from a non-accredited school or someone who wants to be licensed by endorsement if they do not otherwise meet the statutory licensing requirements. However, the Rules Committee expressed a desire to provide a way for people who attended programs before dental therapy programs were CODA accredited to still be licensed in Michigan.

Lynch expressed concern that the schools are not CODA accredited.

Zaagman stated that the statute indicates that the program meets the standards, not that it is CODA accredited. She suggested that the language in the rule mirror the language in the law.

Johnston expressed concern for applicants who are attempting to endorse from another state, who have been licensed for years, but graduated from a program that was not accredited. Mirroring the language from the statute would allow for those individuals to apply for licensure if they can show they meet the standards.

R 338.11205 will be deleted and R 338.11255 will be modified.

R 338.11209 Dental therapist supervised clinical practice.

Ditschman discussed the legislative history regarding the 500 hours of supervised clinical practice and the need for a temporary license and found that an early draft of the bill included language that an individual engaged in completing the 500 hours of supervised clinical practice would receive a temporary license. Ditschman informed the Rules Committee that they can change the rule to require the 500 hours as part of the dental therapy education instead of under a limited license after graduation as currently written.

Briskie stated that the language should be consistent with that of the other dental professions in that the hours are earned during the applicant's education.

Zaagman stated that the statute regarding the requirements for licensure does not require graduation, passing the exam, and completing clinical practice to be completed in any specific sequential order. She indicated that she has an email from the department stating that the language requiring a temporary license would be removed. She will provide that email, if necessary. She stated that, in her opinion, the department does not have the authority to require a sequential order of the requirements.

Curcuru questioned what would happen if/when the 500 hours of clinical practice were not earned, such as when the dental therapist ends their clinical practice, while the dental therapist is holding the temporary license.

Hubbard agreed with Zaagman that a temporary license is not needed in order to earn the 500 hours of clinical practice. She also agreed with Briskie that there should be consistency across the dental professions.

Lynch stated that the 500 hours of clinical practice would be satisfied as part of the educational program.

Gingrich would like the 500 hours of clinical practice recognized as part of the education. In doing that, the supervising dentist is vetted through the school.

Lynch questioned whether the 500-hour requirement was being removed.

Zaagman indicated that the Commission on Dental Accreditation (CODA) does not have a stance on the 500 hours of clinical practice.

The Rules Committee agreed to remove the language that the 500 hours of clinical practice must be obtained with a limited license and instead it should be accumulated through the education program.

Ditschman questioned whether anyone had thoughts on how this could/would affect endorsement or graduates from non-accredited schools.

Johnston and Ditschman agreed that this rule would be covered at the next meeting.

R 338.11263 Relicensure requirements for dental therapists.

The Rules Committee had no comment. No public comment was made.

R 338.11302 Approval of dental therapy programs; accreditation standards; adoption by reference.

Ditschman stated that the rule language will reflect the statute and she will determine if the regional accrediting organizations need to be listed. No comments made by the Rules Committee or public.

R 338.11501 Definitions.

(b) Per Ditschman, there is no definition for practice setting but it is used in the statute. She questioned whether the Rules Committee felt that a definition was necessary.

Lynch indicated that other states use the term “health setting” and “practice setting” interchangeably.

“Practice setting” will be defined as a health setting as defined in section 16654 of the Code.

(a)(ii) Sullivan felt that the rule should clarify that supervision of a dental therapist must be under a Michigan licensed dentist.

Zaagman questioned whether the rule should read practicing in Michigan or licensed in Michigan.

Gingrich felt that this is defined for mobile dentists and language could be consistent with the requirements for a mobile dentist.

Sullivan did not agree with a supervising dentist residing outside of Michigan. Curcuru agreed.

Lynch stated that requiring the supervising dentist to reside within Michigan could hinder the availability of tele-dentistry and the evolution of compact licensure in the state of Michigan.

Johnston stated that he is aware of the practice of radiology whereas the reading of the report is done out of state, but the finalization of the report is done by a licensed physician in the state where the patient is, by a physician licensed in that state.

Zaagman stated that the practice agreement between the dentist and dental therapist covers the relationship, even if the supervising dentist was residing in another state, but still licensed in Michigan.

Sullivan suggested including language to remove the scenario of a dentist licensed in Michigan but who resides in another state the majority of the year providing supervision.

Briskie asked how it would even be possible for a supervising dentist to provide clinical supervision from another state.

Curcuru was concerned about the supervising dentist that is licensed in multiple states and their ability to maintain familiarity with the rules in all the states they are licensed in.

Ditschman indicated that there is no definition for supervision in the dental therapy sections of the statute. However, there is a definition of supervision in the general provision of the Public Health Code, which is the definition currently in the proposed rules. The dental therapist would be provided direct supervision during their clinical practice but a less restrictive supervision during practice when they are licensed. Ditschman suggested that if the Rules Committee would like to further define the definition of "supervision" for a fully licensed dental therapist, they could add language to R 338.11501(a).

R 338.11503 Practice agreement; care or services.

Ditschman indicated that the statute clearly defines what a practice agreement is, therefore, it is not defined in the proposed rules. Ditschman stated that the statute provides the activities allowed by a dental therapist, which could be listed in a table or listed under section (4). She suggested that if the Rules Committee wanted to expand on the list in the statute that they could add those activities to (4).

MCL 333.16656 (x) Ditschman indicated that (x) could be read to allow a dentist to delegate any activity to the dental therapist that is within the scope of the dentist and delegatable, similar to the relationship between a physician and physician's assistant who work within a practice agreement.

Sullivan questioned if this section of the statute allows only services recognized in Michigan or is the dentist able to delegate anything to the dental therapist. Ditschman clarified that a dentist can only delegate what is within the scope of practice of a dentist.

Gingrich questioned if a dental therapist can perform an activity in Michigan that we do not list as an allowed activity in Michigan, if they were trained to do it in another state.

Zaagman stated that she didn't believe that this was written in order to give the dentist carte blanche, and instead, in her opinion, it means that the dental therapist can do an activity necessary to the activities listed in the statute.

Johnston wanted the language tightened up to be clearer.

Ditschman stated that when the language from the statute is entered under (4), language will be added to clarify (x).

Sullivan suggested that (x) be removed. Ditschman explained that removing (x) would mean that the dental therapist could only perform the activities listed in the statute.

Hubbard stated that there is a need for flexibility within (x). Ditschman explained that flexibility for future technology in the rule is difficult as then it is not clear what the dental therapist is allowed to do, however, new technology can be delegated by the dentist if (x) is not limited.

Ditschman asked the Rules Committee if they would like to add activities to those allowed by the statute.

Johnston questioned how difficult it would be to add to the list at a later time due to new technology. Ditschman explained that she will likely be asking the Board to open the rules up again as soon as the current set is promulgated, in order to make tweaks to the rules, as this was such a major rewrite. New technology can only be added at the time that the rules are open and being worked on.

Kruzak stated that the intent of (x) was to allow ancillary procedures to the current scope of the dental therapist.

Ditschman posed the question as to how much the Rules Committee wants to limit the dentist's ability to delegate to the dental therapist.

Johnston and Ditschman agreed that the intent of (x) will be discussed again at the next meeting.

Ditschman read comments submitted by the dental hygiene Rules Committee members that could not attend the meeting. Comments were regarding the dental therapist's authority to prescribe. Ditschman clarified that there is a definition of a prescriber in the Public Health Code and that language could be added to (5).

Zaagman felt that the dental hygiene member comments were consistent with the language in that prescribing is not delegated.

Ditschman read a comment from the Michigan Dental Hygienists Association indicating that they would like clarification on (w) in the statute.

It was the consensus of the Rules Committee that the language in (w) is clear and does not need clarification in the rules.

Gingrich questioned what should be done when a non-surgical procedure turns surgical. Johnston and Lynch both agreed that the practice agreement covers this type of scenario.

Zaagman and Gingrich felt that a template for the practice agreement should be provided by the Department. Gingrich stated that the template should cover the minimum requirements as a starting guideline.

Lynch felt that not providing a template would increase calls to the Department for clarification.

Curcuru would like continuing education added to cover the relationship between the dental therapist and the licensed supervising dentist and that this should be completed every renewal cycle. Ditschman indicated that this could be addressed when we address the continuing education portion of the rules.

Ditschman read a comment submitted by Dr. William Maher, Board member, regarding the need for restrictions on dental therapists doing IPC procedures on permanent teeth, as well as with administering injectable medication causing a systemic alpha blockade.

Briskie and Gingrich do not agree with adding a restriction on performing an IPC procedure.

Briskie did not agree with adding a restriction on administering injectable medication as this would be too restrictive to the dental therapist.

It was the consensus of the Rules Committee to not add the suggested restrictions.

R 338.11505 Health settings.

Ditschman questioned whether there was a need to clarify the health setting language in section 16654(i) of the statute referring to “50% of the annual total patient base of the dental therapist.” Section 16654 provides a list of health settings where the dental therapist may provide services.

Johnston felt that it was clear as written.

Zaagman felt that some clarification may be needed, as the specific groups it addresses may need to be known, if the licensee is audited. Johnston agreed.

Language such as, “patient base... means any patient the dental therapist has treated one time” will be added to the rules.

Suddeth stated that PA161 does not currently categorize in the manner that the statute is set up for, but they are working on being more specific in the statistics that they collect.

Moore questioned who would collect and use the statistics the statute requires. Ditschman indicated that the statistics required in the statute will be handled by the Department of Health and Human Services (MDHHS). Therefore, it is not a rules issue.

Johnston indicated that if the Department is not collecting this data, they are providing a disservice to the underserved communities that the intention of the statute is to serve.

Curcuru thought that data should be collected before and after from the licensee in order to determine if the underserved area is being served. Ditschman indicated that the statute does not allow for, or require, the collection of data before the dental therapist is allowed to work in a specific health setting.

Hubbard pointed out that the statute indicates that a study/report be conducted within 7 years of promulgation of the rules.

Suddeth clarified that the 50% rule is a separate issue from collecting data.

There was discussion that there should be a requirement that a practice agreement include the statistics as to health settings and that the agreements be submitted to the Department, not for approval, but so the statistics can be collected.

ADJOURNMENT

Johnston adjourned the meeting at 9:44 a.m.

Prepared by:
Stephanie Wysack, Board Support
Bureau of Professional Licensing

April 17, 2019

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DENTISTRY - GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a)(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections ~~2226~~, 16145, 16148, **16201**, **16204**, 16215(6), **16611**, 16625, **16631**, and 16644 of 1978 PA 368, MCL ~~333.2226~~, 333.16145, 333.16148, **333.16201**, **333.16204**, 333.16215(6), **333.16611**, 333.16625, **333.16631**, and 333.16644, and Executive Reorganization Order Nos. ~~1996-1~~ **1996-9**, 1996-2, 2003-1, and 2011-4, and MCL ~~330.3104~~ **338.3501**, 445.2001, 445.2011, and 445.2030)

R 338.11103, R 338.11107, R 338.11123, R 338.11222, R 338.11241, R 338.11245, R 338.11267, R 338.11402, R 338.11403, R 338.11404, R 338.11404a, R 338.11405, R 338.11405a, R 338.11405b, R 338.11405c, R 338.11406, R 338.11408, R 338.11409, R 338.11410, R 338.11505, R 338.11604, R 338.11703, R 338.11704b, and R 338.11704c of the Michigan Administrative Code are rescinded, and R 338.11101, R 338.11117, R 338.11120, R 338.11121, R 338.11201, R 338.11202, R 338.11203, R 338.11221, R 338.11223, R 338.11233, R 338.11235, R 338.11239, R 338.11247, R 338.11253, R 338.11255, R 338.11259, R 338.11261, R 338.11301, R 338.11303, R 338.11307, R 338.11401, R 338.11501, R 338.11512, R 338.11513, R 338.11515, R 338.11517, R 338.11519, R 338.11521, R 338.11523, R 338.11525, R 338.11527, R 338.11601, R 338.11602, R 338.11603, R 338.11605, R 338.11701, R 338.11704, R 338.11704a, R 338.11705, R 338.11801, R 338.11811, R 338.11813, R 338.11815, R 338.11817, and R 338.11819 of the Michigan Administrative Code are amended, and R 338.11263, R 338.11265, R 338.11269, R 338.11271, and R 338.11411 are added to the Michigan Administrative Code to read as follows:

PART 1. GENERAL PROVISIONS

R 338.11101 Definitions.

Rule 1101. **(1)** As used in these rules:

(a) “Analgesia” means the diminution or elimination of pain in the conscious patient as a result of the administration of an agent including, but not limited to, local anesthetic, nitrous oxide, and pharmacological and non-pharmacological methods.

(b) “Approved course” means a course offered by either a dental, dental hygiene, or dental assisting program accredited by the commission on dental accreditation (**CODA**)

of the American dental association (ADA) and approved by the department, or as defined in section 16611 of the code, **MCL 333.16611**.

(c) “Assistant” means a nonlicensed person who may perform basic supportive procedures under the supervision of a dentist as provided in these rules.

(d) “Board” means the Michigan board of dentistry.

(e) “Conscious sedation” means a minimally depressed level of consciousness that retains a patient’s ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command and that is produced by a pharmacological or a non-pharmacological method or a combination of both.

(f) “Code” means 1978 PA 368, MCL 333.1101 to 333.25211.

~~(g) “Combination inhalation-enteral conscious sedation” means conscious sedation using inhalation and enteral agents. Nitrous oxide/oxygen when used in combination with sedative agents may produce conscious or deep sedation or general anesthesia.~~

“Dental auxiliary” means any of the dentist’s supporting team who helps with dental treatment, including registered dental assistants and registered dental hygienists.

(h) “Dental school” means an institution that offers a curriculum that provides a core of required dental education, training, and experience, and includes at least 4 years of academic instruction or its equivalent leading to the degree of doctor of dental surgery or doctor of dental medicine. The dental school is a component of an institution of higher education that is accredited by an agency recognized by the United States department of education and that ~~the American dental association’s commission on dental accreditation~~ **CODA** has accredited as a dental education program.

(i) “Dentist” means a person licensed by the board under the code and these rules.

(j) “Department” means the department of licensing and regulatory affairs.

(k) “Enteral” means any technique of administration in which the agent is absorbed through the gastrointestinal or oral mucosa.

(l) “General anesthesia” means the elimination of all sensations accompanied by a state of unconsciousness and loss of reflexes necessary to maintain a patent airway.

(m) “Licensed” means the possession of a full license to practice, unless otherwise stated by the code or these rules.

(n) “Local anesthesia” means the elimination of sensation, especially pain, in ~~one~~ **1** part of the body by the topical application or regional injection of a drug.

(o) “Office” means the building or suite in which dental treatment is performed.

(p) “Parenteral” means a technique of administration in which the drug bypasses the gastrointestinal (gi) tract, such as intramuscular (im), intravenous (iv), intranasal (in), submucosal (sm), subcutaneous (sc), and intraocular (io).

~~(q) “Patient of record” means a patient who has been examined and diagnosed by a licensed dentist and whose treatment has been planned by a licensed dentist.~~

~~(r) “Public health service” means the United States public health service. A person applying for an exemption under this classification shall submit a certified copy of his or her official papers verifying active duty status.~~

~~(s)~~ **(q) “Registered dental assistant” (RDA)** means a person licensed as such by the board under the code and these rules. A dental hygienist may perform the functions of a registered dental assistant if he or she is licensed by the board as a registered dental assistant.

(r) “Registered dental hygienist” (RDH) means a person licensed as such by the board under the code and these rules.

(s) “Second pair of hands,” means acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist at the direction of a **dental therapist or** dentist who is in the process of rendering dental services and treatment to a patient. The acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist are ancillary to the procedures performed by the **dental therapist or** dentist and intended to provide help and assistance at the time the procedures are performed. This definition ~~shall~~ **does** not be deemed to expand the duties of the dental assistant, registered dental assistant, or registered dental hygienist as provided by the code and rules promulgated by the board.

(t) “Sedation” means the calming of a nervous, apprehensive individual, without inducing loss of consciousness, through the use of systemic drugs. Agents may be given orally, parenterally, or by inhalation.

~~(w) “Titration” means the administration of small incremental doses of a drug until a desired clinical effect is observed. In accordance with this definition, titration of oral medication for the purposes of sedation is unpredictable. Repeated dosing of orally administered sedative agents may result in an alteration of the state of consciousness beyond the intent of the practitioner. The maximum recommended dose (mrd) of an oral medication shall not be exceeded. Facilities, personnel, and standards for enteral sedation are the same as those for parental sedation.~~

~~(x) “Treatment room” means the particular room or specific area in which the dental treatment is performed upon a patient.~~

(2) Terms defined in the code have the same meanings when used in these rules.

R 338.11120 Dental treatment records; requirements.

Rule 1120. (1) A dentist **or dental therapist** shall make and maintain a dental treatment record on each patient.

(2) ~~The A dental treatment records for patients~~ **record** shall include all of the following information:

- (a) Medical and dental history.
- (b) The patient’s existing oral health care status and the results of any diagnostic aids used.
- (c) Diagnosis and treatment plan.
- (d) Dental procedures performed upon the patient; that specify both of the following:
 - (i) The date the procedure was performed.
 - (ii) Identity of the dentist or the dental auxiliary performing each procedure.
- (e) Progress notes that include a chronology of the patient’s progress throughout the course of all treatment.
- (f) The date, dosage, and amount of any ~~medication or~~ drug prescribed, dispensed, or administered to the patient.
- (g) ~~Radiographs~~ **Radiographic images** taken in the course of treatment. If ~~radiographs~~ **radiographic images** are transferred to another dentist, the name and address of that dentist shall be entered in the treatment record.

(3) All dental treatment records shall be ~~permanent and shall be~~ maintained for not less than 10 years from the date of the last treatment ~~provided~~.

R 338.11121 Scheduled controlled substances; inventory record requirements.

Rule 1121. (1) When a controlled substance, as described in article 7 of the ~~act-~~ **code, MCL 333.7101 to 333.7545**, is stocked in a dental office for dispensing or administering to a patient, **the dentist shall maintain** an accurate inventory **record** of the drug ~~shall be maintained and include~~ **that includes** all of the following information:

- (a) The date and quantity of the drug purchased.
 - (b) The amount, dosage **of the drug**, and **the date the drug was** dispensed or administered.
 - (c) The name of the patient to whom ~~it~~ **the drug** was dispensed or administered.
- (2) The inventory record shall be available for inspection for not less than 10 years.
- (3) **The dentist shall keep an** inventory record ~~shall be~~ in addition to the dental treatment records required by ~~R 338.11120~~ **R 338.11120**.

PART 2. LICENSURE

R 338.11204 Licensure by examination to practice dental therapy; graduates of schools in compliance with board standards.

Rule 1204. (1) Amendments to this rule are effective 1 year after promulgation.

(2) In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dentist therapist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet all of the following requirements:

(a) Graduate from a dental therapy education program that is in compliance with the standards in R 338.11302, in which he or she has obtained a dental therapy degree.

(b) Pass the comprehensive, competency-based clinical examination developed and scored by the CDCA with a passing score of not less than 75 on each component of the examination.

(c) Complete 500 hours of supervised clinical practice as required under R 1209.

(d) Demonstrate a working knowledge of the English language by satisfying 1 of the following requirements:

(i) Submit proof that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-iBT) administered by the educational testing service (ETS).

(ii) Submit proof that he or she graduated from an educational program located in Australia, a province of Canada in which English is the official language, Ireland, New Zealand, the United Kingdom, or the United States.

R 338.11205 Licensure to practice dental therapy; graduates of school not meeting board standards; requirements.

Rule 1205. (1) In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dental therapy licensure by examination who graduated from a program that does not comply with the standards provided in R 338.11302 shall submit a completed application, on a form provided by the department,

together with the requisite fee and meet all of the following requirements:

- (a) Comply with section 16174 of the code, MCL 333.16174.
- (b) Submit to the department a final, official transcript establishing graduation from a program in which he or she has obtained a dental therapy degree. If the transcript is issued in a language other than English, an original, official translation shall also be submitted.
- (c) Pass the comprehensive, competency-based clinical examination developed and scored by the CDCA with a passing score of not less than 75 on each component of the examination.
- (d) Complete 500 hours of supervised clinical practice as required under R 338.11209.
- (e) Submit proof to the department of having practiced in the United States for a minimum of 3 years with no disciplinary action immediately preceding the application for licensure in this state.
- (f) Demonstrate a working knowledge of the English language by satisfying 1 of the following requirements:
 - (i) Submit proof that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-iBT) administered by the educational testing service (ETS).
 - (ii) Submit proof that he or she graduated from an educational program located in Australia, a province of Canada in which English is the official language, Ireland, New Zealand, the United Kingdom, or the United States.

R 338.11207 Dental therapy examinations; required passing scores.

Rule 1207. (1) The board approves and adopts the comprehensive, competency-based clinical examination developed and scored by the CDCA. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75.

R 338.11209 Dental therapist supervised clinical practice.

Rule 1209. (1) The dental therapist supervised clinical practice required for licensure must be a minimum of 500 hours, which shall be earned as follows:

- (a) Not more than 40 hours per week may be earned.
- (b) The clinical practice must be supervised under the direct supervision of a dentist currently licensed in this state and in good standing, that has been licensed for a minimum of the 5 years before the supervised clinical practice begins.
- (c) A dentist under disciplinary review or action shall not supervise a dental therapist supervised clinical practice. If a dentist is notified by the department that he or she is under disciplinary review or action by any state, within 7 days of notification she or she must notify the dental therapist and discontinue supervising the clinical practice.
- (d) For the purposes of this rule “direct supervision” means that the dentist designates a patient of record upon whom the procedures are to be performed and describes the procedures to be performed, examines the patient before prescribing the procedures to be performed and upon completion of the procedures, and is physically present in the office at the time the procedures are being performed
- (e) The clinical practice must be earned in this state.
- (f) The dentist supervisor shall verify the clinical practice hours on a form provided by the department.
- (g) The clinical practice must include both professional and practical experience and include restorative, operative and surgical procedures.

(2) An individual shall obtain a limited license pursuant to R 338.247 before starting a supervised clinical practice that includes the practice of dentistry in this state.

R 338.11247 Limited licenses; issuance; requirements.

Rule 1247. (1) The board may issue a limited license **for postgraduate education**, under section 16182(2)(a) of the code, **MCL 333.16182(2)(a)**, to an ~~individual~~ **applicant** who is a graduate of a dental, **dental therapy**, dental hygiene, or dental assisting program ~~approved by the board, under part 3 of these rules, and who is enrolled or involved~~ **engaged** in a ~~postgraduate course of study~~ **CODA accredited postgraduate dental education**. An educational limited license is **renewable for not more than 7 times**. An extension may be granted by the board. An applicant for an educational limited license shall comply with all of the following:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Meet the requirements of section 16174 of the code, **MCL 333.16174**.

(c) Submit proof of graduation from a dental, **dental therapy**, dental hygiene, or dental assisting program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.

(d) Submit documentation verifying that the applicant has been accepted into a **CODA accredited postgraduate dental education program**.

(e) Shall not hold himself or herself out to the public as being engaged in the practice of dentistry or the practice as a dental hygienist or a dental assistant or provide dental services outside his or her postgraduate dental education program.

(f) An educational limited licensed dentist or an educational limited licensed dental hygienist may perform dental procedures upon patients as directed by their postgraduate dental education program if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a fully licensed dentist.

(g) An educational limited licensed dental assistant may perform dental procedures upon patients as directed by their postgraduate dental education program if he or she complies with all of the following:

(i) The procedures are performed under the direct supervision, as defined in R 338.11401(c), of a fully licensed dentist.

(ii) The limited licensed dental assistant has satisfied the 35 hours of additional education required under sections 16611(7), and 11611(11) to (13) of the code, **MCL 333.16611(7)**, and **MCL 333.16611(11) to MCL 333.16611(13)**.

(iii) The limited licensed dental assistant has successfully completed a course in dental radiography that is substantially equivalent to a course taught in a program approved by the board under **R 338.11303** or **R 338.11307**.

(2) The board may issue a limited license, under section 16182(2)(b) of the code, **MCL 333.16182(2)(b)**, **for nonclinical services**, to an ~~individual~~ **applicant** who is a graduate **of a dental, dental hygiene, or dental assistant program** ~~or a dental auxiliary program as a faculty member, and who functions only in a nonclinical academic, research, setting or in an administrative setting~~. An applicant for a **nonclinical limited license** shall comply with all of the following:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Meet the requirements of section 16174 of the code, MCL 333.16174.

(c) Submit proof of graduation from a dental, dental hygiene, or dental assisting program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.

(d) Submit documentation verifying that the applicant has been placed in a nonclinical academic, research, or administrative setting.

(e) Shall not hold himself or herself out to the public as being engaged in the practice of dentistry or the practice as a dental hygienist or a dental assistant other than in their nonclinical academic, research, or administrative setting or provide dental services outside of his or her nonclinical academic, research, or administrative setting.

(3) The board may issue a limited license, under section 16182(2)(c) of the code, ~~MCL 333.16182(2)(b)~~ MCL 333.16182(2)(c), for clinical academic services, to an individual applicant who is a graduate of a dental, dental hygiene, or dental assistant program, dentist, dental hygienist, or dental assistant and who is employed by a dental program or a dental auxiliary program as a faculty member. Both of the following apply to a limited license: who practices the health profession only in connection with his or her employment or other contractual relationship with that academic institution. An applicant for a clinical limited license shall comply with all of the following:

(a) Submit the required fee and a completed application on a form provided by the department

(b) Meet the requirements of section 16174 of the code, MCL 333.16174.

(c) Submit proof of graduation from a dental, dental hygiene, or dental assisting program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.

(d) Submit documentation verifying that the applicant has been offered and accepted employment in an academic institution.

(e) Shall not hold himself or herself out to the public as being engaged in the practice of dentistry or the practice as a dental hygienist or a dental assistant other than in connection with his or her employment or other contractual relationship with an academic institution or provide dental services outside his or her employment or other contractual relationship with an academic institution.

(f) A clinical academic limited licensed dentist or an educational limited licensed dental hygienist may perform dental procedures upon patients in connection with his or her employment or contractual relationship with an academic institution if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a fully licensed dentist.

(g) A clinical academic limited licensed dental assistant may perform dental procedures upon patients in connection with his or her employment or contractual relationship with an academic institution if he or she complies with all of the following:

(i) The procedures are performed under the direct supervision, as defined in R 338.11401(d), of a fully licensed dentist.

(ii) The limited licensed dental assistant has satisfied the 35 hours of additional education required under sections 16611(7), and 11611(11) to (13) of the code, MCL 333.16611(7), and MCL 333.16611(11) to MCL 333.16611(13).

(iii) The limited licensed dental assistant has successfully completed a course

in dental radiography that is substantially equivalent to a course taught in a program approved by the board pursuant to R 338.11303 or R 338.11307.

(4) The board may issue a limited license for a dental therapist supervised clinical practice under section 16182 of the code, MCL 333.16182, to an applicant who is a graduate of a dental therapy program, who has passed the comprehensive, competency-based clinical examination developed and scored by the CDCA with a passing score of not less than 75 on each component of the examination, and has provided proof sufficient to the department that he or she will be practicing in a clinical setting with direct supervision by a dentist. A dental therapist supervised clinical practice limited license is renewable for not more than 3 times. An extension may be granted by the board. An applicant for a dental therapy supervised clinical practice limited license shall comply with all of the following:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Meet the requirements of section 16174 of the code, MCL 333.16174.

(c) Submit proof of graduation from a dental therapy program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.

(d) Submit proof of passing the comprehensive, competency-based clinical examination developed and scored by the CDCA with a passing score of not less than 75 on each component of the examination.

(e) Submit sufficient proof to the department that he or she will be practicing in a clinical setting with direct supervision by a dentist that meets the requirements of R 338.11209.

(f) Shall not hold himself or herself out to the public as being a dentist, dental hygienist, or dental assistant or provide dental services outside a dental therapist scope of practice in part 7 of these rules.

(g) A limited licensed dental therapist may perform dental procedures upon patients under direct supervision and as directed by their dentist supervisor as authorized in the code and these rules.

(h) An educational limited licensed dental assistant may perform dental procedures upon patients as directed by their postgraduate dental education program if he or she complies with all of the following:

(i)

~~(a) A limited licensed dentist or a limited licensed dental hygienist may perform dental procedures upon patients while employed as a faculty member by the dental or dental auxiliary program if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a faculty member who is a fully licensed dentist.~~

~~—(b) A limited licensed dental assistant may perform dental procedures upon patients while employed as a faculty member of a dental or dental auxiliary program, if such procedures are performed under the general supervision, as defined in R 338.11401(d), of a faculty member who is fully licensed as a dentist and the limited licensed dental assistant has satisfied the 35 hours of additional education required under section 16611(7), (11), (12) and (13) of the code, MCL 333.16611(7), (11), (12) and (13).~~

~~(4) An individual licensed under this rule shall not do either of the following:~~

~~—(a) Hold himself or herself out to the public as being engaged in the practice of dentistry or the practice as a dental hygienist or a dental assistant, other than as a~~

faculty member.

—(b) Provide dental services outside his or her employment as a faculty member.

(5) An individual applying for a limited license under section 16182(2) of the code, MCL 333.16182(2), shall meet both of the following requirements:

—(a) Comply with section 16174 of the code, MCL 333.16174.

—(b) Submit proof of graduation from an accredited school of dentistry, dental hygiene, or dental assisting or submit proof of a certified copy of the diploma and transcript from a nonaccredited school of dentistry, dental hygiene, or dental assisting.

—(c) Submit proof of appointment to a faculty position.

(6) (5) Limited licenses shall may be renewed annually at the discretion of the board department.

R 338.11255 Licensure by endorsement of dentist therapist; requirements.

Rule 1255. (1) An applicant, who has never held a dental therapy license in this state, who is not applying by examination, may apply for licensure by endorsement by submitting a completed application on a form provided by the department, together with the requisite fee.

(2) An applicant who is currently licensed in another state is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements:

(a) Graduated from a dental therapy school that meets the standards in R 338.11302 and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.

(b) Pass the comprehensive, competency-based clinical examination developed and scored by the CDCA with a passing score of not less than 75 on each component of the examination.

(c) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a dentist therapist, including the record of any disciplinary action taken or pending against the applicant.

(d) If an applicant was licensed as a dental therapist in _____ that required the successful completion of a regional examination and the applicant has been practicing for a minimum of 5 years in _____ immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of this rule.

(e) If an applicant is licensed as a dental therapist in another state that does not require the successful completion of the CDCA examination and the applicant has been practicing for a minimum of 5 years in the United States immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of subrule (2)(a) and (b) of this rule.

(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.

(4) For purposes of this rule, the board may approve a dental therapist clinical examination of another state board if the examination is substantially equivalent to all parts of the comprehensive, competency-based clinical examination

developed and scored by the CDCA, a successor organization. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. The applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.

(5) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider factors such as the following:

- (a) Subject areas included.
- (b) Detail of material.
- (c) Comprehensiveness.
- (d) Length of an examination.
- (e) Degree of difficulty.

(6) To demonstrate substantial equivalency as specified in subrule (4) of this rule, an applicant may be required to submit, materials such as the following:

- (a) A copy of the examination booklet or description of the examination content and examination scores issued by the testing agency.
- (b) An affidavit from the appropriate state licensing agency that describes the examination and sets forth the legal standards which were in effect at the time of the examination.
- (c) An affidavit from a state licensing board or examination agency that describes the examination.

R 338.11263 Relicensure requirements for dental therapists.

Rule 1263. An applicant whose dentist license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), as applicable, may be relicensed by complying with the following requirements:

For a dental therapist who has let his or her license in this state lapse:	Lapsed Less than 3 years	Lapsed more than 3 years, but less than 5 years	Lapsed 5 or more years
(a) Application and fee: submit a completed application on a form provided by the department, together with the requisite fee.	√	√	√
(b) Establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).		√	√
(d) CPR certification: submit proof of current certification in basic or advanced cardiac life support from an agency or organization that grants certification pursuant to the standards equivalent to those established by the American heart association (AHA), earned within the 2-year period prior to receiving the license.	√	√	√

(e) Continuing education: submit proof of having completed 35 ours of continuing education in courses and programs approved by the board as required under R		√	√
<p>338.11701, all of which were earned within the 2-year period immediately preceding the application for licensure, including:</p> <ul style="list-style-type: none"> • At least 2 hours in pain and symptom management. • One hour of continuing education in dental ethics and jurisprudence. <p>However, if the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held, and the license will not be issued until the continuing education requirements have been met.</p>			
(f) Training for identifying victims of human trafficking: if proof was not previously submitted to the department, submit proof of having completed training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√
(g) Proof of license verification from another state where licensed: An applicant's license shall be verified by the licensing agency of all other states of the United States in which the applicant ever held a license as a dentist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(i) Examination or another state license: meet 1 of the following:		√	
<ul style="list-style-type: none"> • Provide the department documentation that the applicant holds or has held a valid and unrestricted dental therapist license in another state in the United States within 3 years immediately preceding the application for 			

<p>relicensure.</p>			
<p>(j) Provide the department documentation that the applicant holds or has held a valid and unrestricted dental therapist license in another state in the United States within 3 years immediately preceding the application for relicensure and meet all of the requirements in (1)(a) to (1)(h) of this rule, or comply with R 338.11201 as follows:</p> <ul style="list-style-type: none"> • Meet the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. • Provide proof of graduation from a dental therapy program that meets the standards in R 338.1130. • Provide proof of having passed a comprehensive, competency-based clinical examination approved by the department with a passing score of not less than 75, within 2 years of the period immediately preceding the application for relicensure. 			<p>√</p>

PART 3. EDUCATION

R 338.11302 Approval of dental therapy programs; accreditation standards; adoption by reference.

Rule 1302. (1) The Board adopts by reference in these rules the standards of the CODA of the ADA, as set forth in the publication entitled “Accreditation Standards for Dental Therapy Education Programs,” effective February 6, 2015. A dental education program accredited by CODA is approved by the board. CODA is the only accreditation accepted by the board. A dental therapy program must be taught at a board approved postsecondary education institution.

(2) The board approves a dental therapy program that is conducted in a higher education institution that meets the standards in R 338.11302a and is CODA approved.

(3) The CODA standards may be obtained at no cost from the CODA of the ADA, 211 East Chicago Avenue, Chicago, IL 60611-2678 or at no cost from the association's website at <http://www.ada.org>. Copies of these standards are available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P. O. Box 30670, Lansing, MI 48909.

R 338.11302a Higher education institutions; accreditation standards; adoption by reference.

Rule 1302a. (1) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the council for higher

education accreditation or the recognition procedures and criteria of the U.S. department of

education. The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the U. S. department of education, effective July 1, 2000, as contained in Title 34, Part 602 of the Code of Federal Regulations, and the policies and procedures for recognition of accrediting organizations of the council for higher education accreditation (chea), effective June 28, 2010. Copies of the standards and criteria of the council for higher education accreditation and the U.S. department of education are available for inspection and distribution at cost from the Michigan Board of Dentistry, Bureau of Health Professions, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards may also be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria may also be obtained at no cost from website for the U.S. Department of Education Office of Postsecondary Education, at <http://www.ed.gov/about/offices/list/OPE/index.html>.

(2) The board adopts by reference the standards of the following postsecondary accrediting organizations, which are available for inspection and distribution at cost from the Michigan Board of Dentistry, Bureau of Health Professions, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Copies of the following standards may be obtained from the individual accrediting organization at the identified cost:

(a) The standards of the Middle States Association of Colleges and Schools Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2009 edition, which is available free of charge on the association's website at <http://www.msche.org>.

(b) The standards of the New England Association of Schools and Colleges, Inc. Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, in the document entitled "Standards for Accreditation," 2005 edition, which is available at no cost on the association's website at <http://www.neasc.org>.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, set forth in the

document entitled “Handbook of Accreditation,” Third Edition, which is available for no cost on the association’s website <http://www.ncahigherlearningcommission.org>.

(d) The standards of the Northwest Commission on Colleges and Universities, 8060 165th

Avenue NE, Suite 100, Redmond, WA 98052 set forth in the document entitled “Accreditation

Handbook,” 2003 edition, updated June 23, 2008, and “Revised Accreditation Standards 2010” which are available at no cost on the association’s website at <http://www.nwccu.org>.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, Georgia 30033, set forth in the document entitled “Principles of Accreditation: Foundations for Quality Enhancement,” 2010 Edition, which is

available at no cost on the association’s website at <http://www.sacscoc.org>.

(f) The standards of the Western Association of Schools and Colleges, The Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, set forth in the document entitled “Handbook of Accreditation,” October 2008, which is available at no cost on the commission’s website at <http://www.wascsenior.org>.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949 set forth in the document entitled “Accreditation Reference Handbook,” August 2009, which is available at no cost on the commission’s website at <http://www.accjc.org>.

PART 4. DELEGATION, SUPERVISION, ASSIGNMENT

R 338.11401 Definitions.

Rule 1401. As used in this part:

(a) “Assignment” means that a dentist designates a patient of record upon whom services are to be performed and describes the procedures to be performed.

Unless assignment is designated in these rules under general or direct supervision, the dentist need not be physically present in the office at the time the procedures are being performed.

(b) “Delegation” means an authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions that fall within the scope of practice of the delegator and that are not within the scope of practice of the delegatee and that, in the absence of the authorization, would constitute illegal practice of a licensed profession.

(c) “Direct supervision” means that a dentist complies with all of the following:

(i) Designates a patient of record upon whom the procedures are to be performed and describes the procedures to be performed.

(ii) Examines the patient before prescribing the procedures to be performed and upon completion of the procedures.

(iii) Is physically present in the office at the time the procedures are being performed.

(d) “General supervision” means that a dentist complies with both of the following:

(i) Designates a patient of record upon whom services are to be performed.

(ii) Is physically present in the office at the time the procedures are being performed.

(e) “Patient of record” means a patient who has been examined and diagnosed by a dentist and whose treatment has been planned by a dentist. A patient of record includes a patient getting radiographic images by an RDA or RDH after

receiving approval from the assigning dentist.

R 338.11411 Delegated and assigned dental procedures for dental auxiliaries. Rule. 1411. A dentist may assign or delegate procedures to an unlicensed dental assistant, registered dental assistant, or registered dental hygienist under the provisions of section 16611 of the code, MCL 333.16611, as shown in Table 1:

PART 5. DENTAL THERAPIST

R 338.11501 Definitions

R 1501. As used in this part:

(a) “Supervise or supervision” means overseeing or participating in the work of another individual by a health professional licensed under article 15 of the code, in circumstances where at least all of the following conditions exist:

(i) Continuous availability of direct communication in person or by radio, telephone, or telecommunication between the supervised individual and a licensed health professional.

(ii) Availability of a licensed dentist on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of his or her functions.

(iii) The provision by the licensed supervising health professional of predetermined procedures and drug protocol.

(b) “Practice setting” means

R 338.11503 Practice agreement; care or services.

Rule 1503. (1) A licensed dental therapist may practice only under the supervision of a licensed dentist, through a written practice agreement that is signed by the licensed dental therapist and dentist, which meets all the requirements in section 16655 of the code, MCL 333.16655.

(2) A dentist shall not supervise more than 4 licensed dental therapists pursuant to section 16655(5) of the code, MCL 16655(5).

(3) A licensed dental therapist may supervise dental assistants and dental hygienists to the extent permitted in a written practice agreement, however, he or she shall not supervise more than 3 dental assistants and 2 dental hygienists in any 1 practice setting.

(4) Notwithstanding subsection (5) a dentist may not authorize a licensed dental therapist to do the following:

(a)

(b)

(5) A dentist may authorize a licensed dental therapist to provide care or services described in section 16656 of the code, MCL 333.16656, included in the licensed dental therapist’s scope of practice, as shown in Table 1:

R 338.11505 Health settings.

Rule 1505. In addition to the health settings in section 16654 of the code, MCL 333.16654, a licensed dental therapist may provide services described in section 16656 of

the code, MCL 333.16656, and R 338.11501, in a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services including geographic health professional shortage areas based on geographic area or population groups.

R 338.11507

Rule 1507. A licensed dental therapist shall clearly identify themselves to a patient as a dental therapist.

PART 7. CONTINUING EDUCATION

R 338.11703 License renewal for a dental therapist and dental therapist special volunteer requirements; applicability.

Rule 1701. (1) This rule applies to applications for the renewal of a dental therapist license and dental therapist special retired volunteer dentist license under sections 16201, 16653, and 16184 of the code, MCL 333.16201, 333.16653, and 333.16184.

(2) An applicant for a dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 35 hours of continuing education approved by the board under R 338.11704a during the 2-year period prior to renewal.

(3) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special retired volunteer dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 35 hours of continuing education approved by the board under R 338.11704a during the 2-year period prior to renewal.

(4) In addition to the requirements of subrules (3) to (5) of this rule, an applicant for a dental therapist license and special retired volunteer dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall also comply with all of the following prior to renewal:

(a) Possess current certification in basic or advanced cardiac life support from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).

(b) Complete at least 2 hours of the required continuing education hours in pain and symptom management in each renewal period. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) will not count toward the required hours for pain and symptom management.

(c) Complete at least 1 hour of the required continuing education hours in dental ethics and jurisprudence. Hours earned through volunteer patient or supportive

dental services provided for in R 338.11704a(1)(m) will not count toward the required hours for dental ethics and jurisprudence.

(d) Complete a minimum of 12 hours of the required continuing education hours in programs directly related to clinical issues such as delivery of care, materials used in delivery of care, and pharmacology. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) will not count toward the required hours for clinical issues.

(e) Complete a minimum of 12 hours of the required continuing education hours by attending live courses or programs that provide for direct interaction between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer patient or supportive dental services provided for in R 338.11704a(1)(m). These courses, with the exception of the volunteer services in R 338.11704a(1)(m), may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(f) Complete no more than 18 hours of the required continuing education hours online or through electronic media, such as videos, internet web-based seminars, video conferences, online continuing education programs, and online journal articles.

(5) An applicant may not earn credit for a continuing education program or activity that is identical to a program or activity the applicant has already earned credit for during that renewal period.

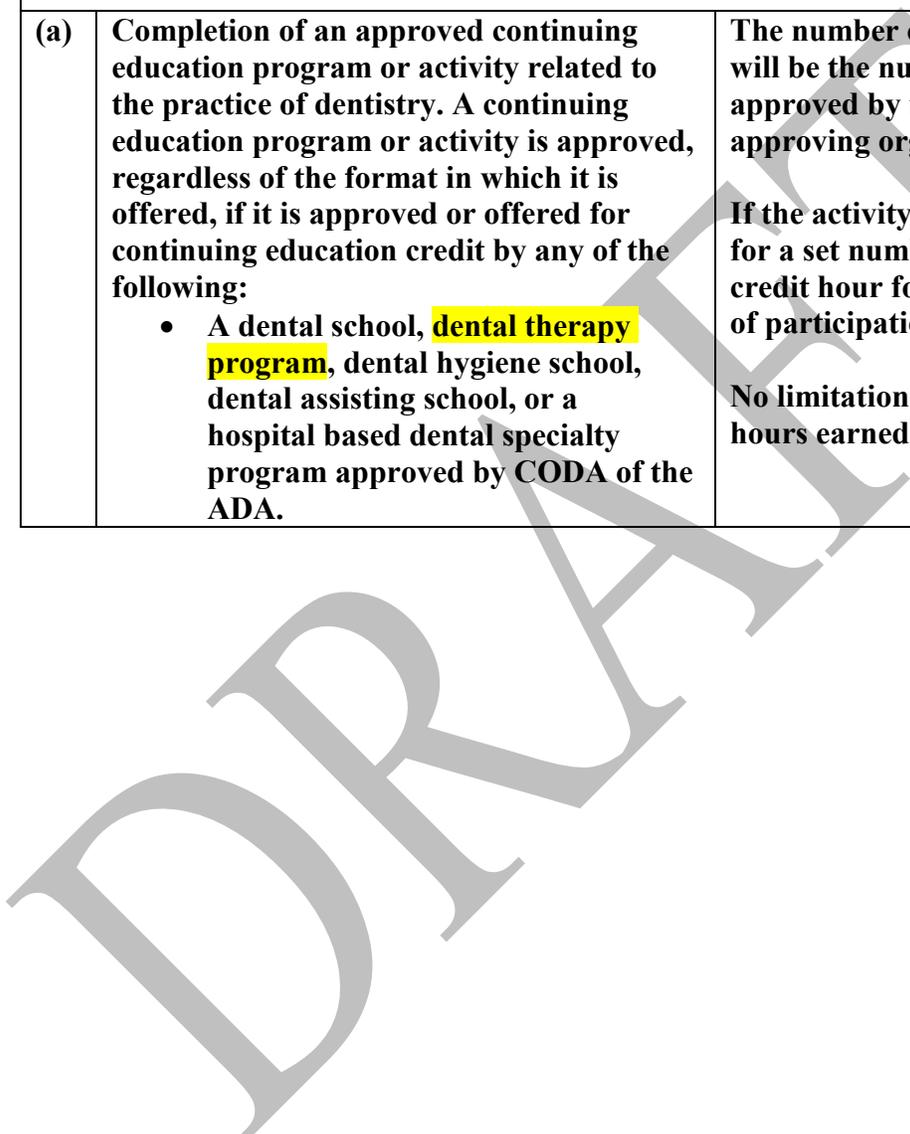
(6) The submission of the application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 4 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

R 338.11704a Acceptable continuing education for licensees, ~~registered dental hygienists and registered dental assistants~~; limitations.

Rule 1704a. (1) The board shall consider ~~any of~~ the following as acceptable continuing education for dentists, dental therapists, dental specialists, special retired volunteer dentists, special retired volunteer dental therapists, registered dental hygienists, special retired volunteer registered dental hygienists, ~~and~~ registered dental assistants, and special retired volunteer registered dental assistants, unless otherwise noted:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	<p>Completion of an approved continuing education program or activity related to the practice of dentistry. A continuing education program or activity is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> A dental school, dental therapy program, dental hygiene school, dental assisting school, or a hospital based dental specialty program approved by CODA of the ADA. 	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>



	<ul style="list-style-type: none"> • A continuing education sponsoring organization, institution, or individual approved by the academy of general dentistry (AGD). • A continuing education national sponsoring organization, institution, or individual approved by the American dental association continuing education recognition program (ADA CERP), the American dental hygienist association (ADHA), and the American dental assisting association (ADAA). • A continuing education sponsoring organization, institution, or individual approved by the Michigan Dental Association (MDA), Michigan Dental Hygienists Association (MDHA), and Michigan Dental Assistants Association (MDAA). • Another state board of dentistry. <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant’s name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p>	
<p>(b)</p>	<p>Completion of courses offered for credit in a dental school or a hospital based dental specialty program approved by the board pursuant to R 338.11301, a dental therapy program approved by the board pursuant to _____, a dental hygiene school approved by the board pursuant to R 338.11303, or a dental assistant school approved by the board pursuant to R 338.11307.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the course and number of semester or quarter credit hours earned.</p>	<p>Ten hours of continuing education will be earned for each quarter credit earned and 15 hours will be earned for each semester credit earned.</p> <p>No limitation on the number of hours earned.</p>

(c)	<p>Attendance at a program or activity related to topics approved in R 338.2443(2) and R 338.143(2) for category 1 continuing education by the board of medicine or osteopathic medicine.</p> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.</p>	<p>One hour will be earned for each 50 minutes of program attendance.</p> <p>A maximum of 30 hours per renewal may be earned for dentists or 18 hours for registered dental hygienists and registered dental assistants per renewal period.</p>
(d)	<p>For dentists, satisfactory participation for a minimum of 7 months in a hospital or institution through a postgraduate dental clinical training program approved by the board under R 338.11301.</p> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours attended, the name of the hospital or institution, the name of the clinical training program, the date of participation, and the activities completed.</p>	<p>Twenty hours will be earned.</p> <p>A maximum of 20 hours per calendar year may be earned.</p>
(e)	<p>For dentists, successful completion of an American board specialty examination.</p> <p>If audited, an applicant shall submit proof of a passing score on the examination.</p>	<p>Ten hours will be earned in the year in which the applicant achieves a passing score on a specialty examination.</p> <p>A maximum of 20 hours may be earned in each renewal period. Credit will not be given for repeating the same examination in a renewal period.</p>
(f)	<p>Renewal of a dentist, dental therapist, registered dental hygienist, or registered dental assistant license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the applicant resides and practices in another state.</p>	<p>For a dentist, 60 hours will be earned. For a registered dental hygienist or registered dental assistant, 36 hours will be earned.</p> <p>A maximum of 60 hours for a dentist and 36 hours for a registered dental hygienist or</p>

	<p>If audited, an applicant shall submit proof of current licensure in another state and a copy of a letter or certificate of completion showing: the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.</p>	<p>registered dental assistant may be earned in each renewal period.</p>
(g)	<p>For a registered dental assistant, meeting the requirements for recertification in R 338.11705(3).</p> <p>If audited, an applicant shall submit proof of current certification, other than emeritus certification, by the dental assisting national board (DANB).</p>	<p>Thirty-six hours will be earned.</p> <p>A maximum of 36 hours may be earned in each renewal period</p>
(h)	<p>Initial publication of an article or text related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting in either of the following:</p> <ul style="list-style-type: none"> • A textbook. • A journal of a national association of dentists, dental specialists, dental hygienists, or dental assistants. <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p>	<p>Twenty-five hours will be earned per publication.</p> <p>A maximum of 25 hours may be earned in each renewal period.</p>
(i)	<p>Initial publication of an article related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting in either of the following:</p> <ul style="list-style-type: none"> • A journal of an accredited dentistry, dental therapy, dental hygiene or dental assisting school. • A state or state component association of dentists, dental therapy, dental specialists, dental hygienists, or dental assistants. <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p>	<p>Twelve hours will be earned per publication.</p> <p>A maximum of 12 hours may be earned in each renewal period.</p>

(j)	<p>Independent reading of articles or viewing or listening to media, other than on-line programs, related to dental, dental therapy, dental hygiene or dental assisting education.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities that includes a description of the activity.</p>	<p>One hour for each 50 minutes of participation may be earned per activity.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(k)	<p>Development and presentation of a table clinical demonstration or a continuing education lecture offered in conjunction with the presentation of continuing education programs approved by the board pursuant to subrule 3 of this rule that is not a part of the licensee's regular job description.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>One hour for each 50 minutes devoted to the development and initial presentation.</p> <p>A maximum of 10 hours will be earned in each renewal period.</p>
(l)	<p>Attendance at a dental-related program, which is approved by the board pursuant to subrule (3) of this rule, which is relevant to health care and advancement of the licensee's dental education.</p> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.</p>	<p>Ten hours of continuing education will be credited per year.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(m)	<p>Providing volunteer patient or supportive dental services in Michigan, at a board approved program pursuant to subrule 4 of this rule which is not a part of the licensee's regular job description nor required under a board order or agreement, that complies with the following:</p> <ul style="list-style-type: none"> • The program is a public or non- 	<p>One hour for each 120 minutes of providing patient or supportive dental services.</p> <p>A dentist or special retired volunteer dentist will earn a maximum of 20 hours per renewal period.</p>

	<p>profit entity, program, or event, or a school or nursing home.</p> <ul style="list-style-type: none"> • The program provides patient or supportive dental services to the indigent or dentally underserved populations. • The licensee does not receive direct or indirect remuneration of any kind, including, but not limited to, remuneration for materials purchased or used. • The licensee is required to sign in and sign out daily upon commencement and termination of the provision of services. • A dentist with a specialty license issued from Michigan shall limit volunteer clinical dental services to the specialty area in which the dentist is licensed. <p>If audited, an applicant shall submit proof from the sponsor of the assignments and the hours of service provided.</p>	<p>A registered dental hygienist, registered dental assistant, special retired volunteer registered dental hygienist, and special retired volunteer registered dental assistant will earn a maximum of 12 hours per renewal period.</p>
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(2) If an organized continuing education course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit will be given for each segment.

(3) The following requirements are established for board approval of continuing education, which includes but is not limited to any continuing education not otherwise approved by subrule 1a of this rule:

(a) The continuing education applicant shall submit a complete application, on forms provided by the department. Any continuing education offering involving treatment of live patients will require a "Patient Protection" form to be submitted for each course.

(b) The completed application forms shall be submitted to the department at least 70 days prior to the date the continuing education is conducted and 70 days prior to the next regularly scheduled board meeting for the proposed continuing education to be considered for approval by the board. Continuing education conducted prior to board consideration and approval will be denied approval.

(c) The continuing education must substantially meet the standards and criteria for an acceptable category of continuing education under this rule and must be relevant to health care and advancement of the licensee's dental education.

(d) Board approval shall be for a term of 3 years (term of approval) from the date of approval.

(e) Approved continuing education shall be reevaluated by the board prior to any changes during the approval term, including but not limited to changes in the following:

(i) Instructors and speakers.

(ii) Continuing education content, title, and number of continuing education hours to be awarded to participants.

(f) Subject to subrule (g) of this rule, all changes to previously approved continuing education must be submitted on required department forms at least 70 days prior to the date the continuing education is offered to participants and 70 days prior to the next regularly scheduled board meeting to be considered for approval by the board. Any changes to the submitted and previously approved continuing education conducted prior to board reconsideration and approval will be denied approval.

(g) Emergency changes to instructors and speakers that are unable to be submitted to the board at least 70 days prior to the date of the continuing education may be reviewed by the department in consultation with the board chair when proof acceptable to the department is submitted with the change supporting the nature of the emergency.

(h) The specific dates that the continuing education will be offered do not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.

(i) All of the following shall be recorded on a continuing education certificate or other proof prepared by the sponsor conducting the continuing education:

(i) The name of the applicant.

(ii) Continuing education approval number issued by the board.

(iii) Course title.

(iv) Speaker or instructor.

(v) Date the approved continuing education course was conducted.

(vi) Number of continuing education hours awarded.

(vii) Approved sponsor's signature.

(viii) Dates of the current approval term.

(ix) Name of participant.

(j) The board may revoke the approval status of any approved continuing education at any time the continuing education fails to comply with these rules.

(4) A sponsor seeking board approval to offer volunteer continuing education opportunities under R 338.11704a(1)(m) shall comply with the following:

(a) Apply to the department to obtain approval as a sponsoring entity on the volunteer dental application form.

(b) Retain patient records.

(c) Retain documentation of all volunteer assignments and the hours of service provided.

(d) Upon request, provide the board with the records, copy of the assignments, hours of service, and evidence of compliance with the requirements of R 338.11704a(1)(m).

(e) Provide each licensee with verification of all volunteer hours of dental care provided by the licensee upon completion of the licensee's service.

(f) If requested, submit documentation to the department, evidencing compliance with the requirements of R 338.11704a(1)(m) and R 338.11704a(5).

(g) Board approval shall be for a term of 4 years from the date of approval.

(h) The board may revoke the approval status of any volunteer continuing education opportunity at any time an approved continuing education program fails to comply with these rules.

(i) All of the following must be recorded on a continuing education certificate or other proof prepared by the sponsor conducting the continuing education:

(i) The name of the sponsoring organization.

(ii) Continuing education approval number issued by the board.

(iii) Dates and times of volunteer services.

(iv) Number of continuing education hours earned.

(v) Signature of individual responsible for attendance.

(vi) Dates of the current approval term.

(vii) Name of participant.

(5) A continuing education sponsor shall maintain evidence of participation in continuing education including signed continuing education certificates issued to participants for a period of 4 years from the date of the continuing education.

R 338.11705 Standards and requirements; adoption by reference.

Rule 1705. (1) The board ~~approves and~~ adopts by reference the standards and criteria of the **AGD's program approval for continuing education (PACE)** ~~national continuing education sponsoring organizations, institutions, and individuals, which are set forth in the publication entitled "PACE Academy of General Dentistry Program Approval for Continuing Education (PACE), Program Guidelines, Revised July 2015 April 2018."~~ Information on the PACE standards and criteria is available ~~at no cost~~ from the Academy of General Dentistry, ~~211 East Chicago Avenue, Suite 900~~ **560 W. Lake St., Sixth Floor**, Chicago, IL ~~60611~~ **60661-6600** or ~~at no cost~~ from the academy's internet website at ~~http://www.agd.org~~. A copy of the guidebook is available for inspection and distribution at cost from the **Michigan Board of Dentistry**, Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. ~~Approval of a sponsor by the Academy of General Dentistry committee on national sponsor approvals or by any Academy of General Dentistry constituent academy shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.~~

(2) The board ~~approves and~~ adopts by reference the standards and criteria of the ~~National Sponsor Approval Program of the American Dental Association Continuing Education Recognition Program (ADA CERP)~~ **ADA CERP Continuing Education Recognition Program** for approval of continuing education sponsoring organizations, which are set forth in the publication entitled "ADA CERP Recognition Standards, and Procedures **October 2017.**" ~~and Recognition Process, March 2015"~~ A copy of this publication may be obtained ~~at no cost~~ from the association at ADA CERP 211 E. Chicago Avenue, Chicago, IL 60611-2678 or **at no cost** from the association's internet website at ~~http://www.ada.org/381.aspx~~. A copy of the publication is available for inspection and distribution at cost from the **Michigan Board of Dentistry**, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. ~~Approval of a sponsor by the ADA CERP or by any constituent group of ADA CERP shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.~~

(3) The board ~~approves and~~ adopts by reference the requirements for recertification established by the ~~Dental Assisting National Board DANB~~ and as set forth in the publication entitled "~~DANB's Dental Assisting National Board, Inc. Recertification Requirements 2018,~~" ~~Revised April, 2015.~~ A copy of the publication may be obtained ~~at no cost~~ from the Dental Assisting National Board, **Inc.**, 444 N. Michigan Avenue, Suite 900, Chicago, IL 60611 or **at no cost** from the national board's internet website at ~~http://www.danb.org~~. A copy of the guidelines and requirements are available for inspection and distribution at cost from the **Michigan Board of Dentistry**, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(4) ~~The board shall consider any continuing education program that is offered by a sponsor that applies to the board and demonstrates it substantially meets the standards and criteria adopted by the board as a continuing education program approved by the board.~~

(5) (4) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the ~~American Heart Association AHA~~ in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers, ~~and published in "2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care,"~~ ~~("Circulation,"~~ Volume 132, Issue 18, Supplement 2, **November 3, 2015)**, **with updates in "2017 American Heart Association Guidelines Update for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" published November 6, 2017.** A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiovascular care may be obtained ~~at no cost~~ **from the American Heart Association**, 7272 Greenville Avenue, Dallas, TX 75231 or **at no cost** from the ~~American Heart Association's AHA's~~ website at ~~www.cpr.heart.org~~, ~~http://circ.ahajournals.org~~. A copy of this document is available for inspection and distribution at cost from the **Michigan Board of Dentistry**, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.