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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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DIRECTOR

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

**MINUTES
MAY 13, 2019**

The Michigan Board of Dentistry, Rules Work Group, met on May 13, 2019, at the Michigan Library and Historical Center, 702 W. Kalamazoo Street, Lake Superior Room, Lansing, Michigan 48933.

CALL TO ORDER

Andria Ditschman, Analyst, Boards and Committees Section, called the meeting to order at 1:31 p.m.

ATTENDANCE

Members Present: Mark Johnston, DDS, Chairperson
Lori Barnhart, RDA
Cheryl Bentley, RDH
Grace Curcuru, DDS
Joshua Goodrich, Public Member
Kathleen Inman, RDA, RDH, BS
Vaijanthi Oza, DDS
Kathleen Weber, CDA, RDA, BAS

Members Absent: Daniel Briskie, DDS

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

Public Present: Christine Farrell – Michigan Department of Health & Human Services,
Oral Health Program
Margaret Gingrich, DDS – Michigan Dental Association
Sarah Hubbard – Michigan Dental Hygienists' Association
Annette Jackson – Ferris State University
Josh Kluzak – Michigan Dental Association
Trey Lawrence – American Association of Orthodontics
Ann Lynch – American Dental Hygienists' Association
JT Mackey – American Dental Hygienists' Association

William Maher, DDS - Self
Debra Peters – Michigan Dental Association
Theresa A. Raglin – Ferris State University, Dental Hygiene
Bill Sullivan – Michigan Dental Association
Sandy Sutton – Michigan Department of Health & Human Services,
Oral Health Unit
Amy Zaagman – Michigan Council for Maternal & Child Health

WELCOME

Ditschman explained that Department leadership has mandated that all rules committee meetings will be open to the public in order to receive input on the rules draft from the public earlier in the rulemaking process.

Johnston explained the plan for the flow of the meeting.

RULES DISCUSSION – Copy of Draft Rules is attached.

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

Ditschman gave an overview of the of the rule. She explained that the language came directly from the dentistry rules.

Ditschman suggested that the Rules Committee think about changing the rule to increase the clinical hours required and reduce the general hours required. This was a recommendation made during a board meeting during a discussion regarding the existing continuing education requirements for other dental professions.

Subrule (4)(a): Inman indicated that it had been discussed to include to include basic life support, AGD standards and hands on training language. Ditschman indicated that this will be addressed in the general rules so that it will apply to all professions, referring to R 338.11705.

Subrule (4)(d): Inman stated that no one would be qualified to offer this type of training. She stated that it is too restrictive for the dental therapist and wanted the subrule removed.

Barnhart felt that the requirement in subrule (4)(d) might be covered under the ethics/jurisprudence requirement. Bentley and Weber both agreed.

Goodrich stated that this requirement could be important and even if it is not something that is available at this time, it should be available in the future.

Lynch supported deleting subrule (4)(d).

Raglin supported deleting subrule (4)(d) because it is covered with the practice agreement between the dental therapist and dentist.

The Rules Committee agreed to remove subrule (4)(d).

R 338.11704a Acceptable continuing education for licensees, limitations.

Ditschman indicated that the chart covers the activities for the required continuing education that was listed in R 338.11703. Ditschman gave a brief overview of the rule.

Activity code (a): Ditschman asked the Rules Committee if they would like to add any other organizations.

Activity code (n): Barnhart questioned where activity code (n) came from. She did not want activity code (n) added because it gives credit to someone performing duties that are part of their employment. This does not increase the knowledge of the dental therapist. Weber and Bentley agreed.

Curcuru questioned if this activity indicated that a dentist will receive credit for supervising dental therapists that aren't licensed yet. Ditschman indicated that the 500 hours are part of the education, but the supervising dentist still has to be licensed in order to provide the supervision.

Ditschman indicated that this activity for continuing education is similar to other health professions.

No public comment was made.

R 338.11705 Standards and requirements; adoption by reference.

Ditschman indicated that this is the rule where the basic life support, AGD language will be added.

No public comment was made.

The Rules Committee agreed with the proposed rule as presented.

R 338.11503 Practice agreement; care or services.

Provision (5): Maher presented a handout he provided to the Department regarding limiting the use of phentolamine mesylate by dental therapists.

Inman stated that there were limitations in MCL 333.16656(l). Ditschman clarified that hygienists are limited to activities that are specifically listed in the rule. However, dental

therapists have a catch-all in the rule that allows them to perform activities they have been authorized to do by the supervising dentist and that they have been trained to do.

Weber felt that there should be a limitation. Goodrich agreed.

Zaagman asked what schedule OraVerse was considered to be. Maher indicated that Regitine is also used and neither are considered controlled substances.

Maher went over a handout he provided to the Department regarding indirect and direct pulp capping. He stated that dental therapists should be able to provide indirect pulp capping on primary teeth but should be restricted to performing it on permanent teeth. He wanted a limitation to only being able to perform on adult teeth with an open apex.

Inman indicated that the statute stated that direct and indirect pulp capping can be done on permanent teeth. Therefore, it can't be changed. A dental therapist's training should give them the knowledge to know when to refer to a dentist. Bentley agreed.

The Rules Committee did not agree with putting a limitation on pulp capping.

There was a concern regarding language that would unjustly restrict dental therapists under the guise of health and safety which could raise a Federal Trade Commission action.

R 338.11101 Definitions.

Ditschman indicated that she added the definition of a dental therapist.

The Rules Committee agreed with the proposed rule as presented.

R 338.11120 Dental treatment records; requirements.

Ditschman indicated that no changes had been made since the last meeting.

R 338.11205 Licensure by examination to practice dental therapy.

Ditschman indicated that rule numbers were added in order to be more specific and to add clarity.

R 338.11207 Dental therapy examinations; required passing scores.

Ditschman asked the Rules Committee if the language was clear as previously there was a comment about referring to the examination being developed and scored by the CDCA.

The Rules Committee agreed with the proposed rule as presented.

R 338.11209 Dental therapy supervised clinical practice in board approved program; requirements.

Ditschman indicated that she made changes to this rule based on the Rules Committee's direction to include the supervised clinical practice in the dental therapy education program.

Subrule (1)(d): Inman questioned the limit of a dentist supervising only 2 dental therapy students in a school setting, when a dentist may supervise closer to 30 students. To limit supervision to 2 dental therapy students would be cost prohibitive to a university. Ditschman indicated that there is no limit in the statute, so no limit is required in the rules.

Bentley stated that there should not be a limit. Inman agreed and suggested deleting subrule (1)(d) altogether.

Oza asked if the supervision was taking part in a school setting or allowed in a private setting as well. Johnston clarified that the supervision will be done within the school setting. However, the school may place the dental therapy students in settings that it has approved. Oza indicated that she agreed with removing subrule (1)(d).

Subrule (1)(c): Ditschman inquired whether a dental program in another state could arrange for a supervised clinical practice by a licensed Michigan dentist as a part of their program.

Raglan stated that all programs required clinical practice under the Commission on Dental Accreditation (CODA) standards. She stated that subrule (c) through subrule (g) could be removed.

Johnston stated that the language in (1)(c) was based on the previous language in the rules allowing for the 500 hours of clinical experience to be earned as part of an externship and not just in the school setting.

Weber did not think that the CODA standards covered subrule (f).

Goodrich indicated that the CODA standards would not specifically require a Michigan license. Ditschman will review the CODA standards and delete requirements in the rule that are required by CODA.

Johnston indicated that a revision of the rule will be provided by the next Rules Committee Work Group meeting.

R 338.11247 Limited licenses; issuance; requirements.

Ditschman indicated that she added the term "dental therapy" where appropriate.

Raglan asked if the term should also be added to subrules (1)(e) and (f). Ditschman indicated that she will take a look and add the term “dental therapy” if needed.

R 338.11255 Licensure by endorsement of dentist therapist; requirements.

Zaagman questioned why this rule was dropped from the rules. Ditschman indicated that it was her understanding that the Rules Committee wanted the rule removed as the statute did not allow for licensing as a dental therapist unless the applicant could meet the requirements in the Public Health Code.

Zaagman stated that she believed it should be left in the rules to allow for the possibility. Ditschman read the statutory requirements for licensure that would have to be met for endorsement.

Ditschman indicated that perhaps an endorsement rule could allow for the clinical experience to be earned outside of the state under a licensed dentist as part of a CODA approved program even if the dentist was not licensed in Michigan.

Zaagman stated that the statute reads that if the program is not CODA accredited, it must meet the CODA standards.

Ditschman asked the Rules Committee if they would like R 338.11255 included in the rules to allow an option for endorsement.

Inman and Goodrich felt that it should be included.

Ditschman stated that by including the endorsement option, the full Board would have to review the education when an individual applies.

Johnston asked that language be added for an endorsement option that the full Board can review.

Sullivan stated that he would like R 338.11255 added back into the rules.

R 338.11264 Relicensure requirements for dental therapists.

(g): Inman stated that the word dental therapist should be used. Ditschman will make the change.

R 338.11302 Approval of dental therapy programs; accreditation standards; adoption by reference and R 338.11302a Higher education institutions; accreditation standards; adoption by reference.

Inman stated that both rules looked good.

Provision (3): Weber was unclear with the use of the term “applicant” when the rule refers to students. Ditschman indicated that she tried to make the rule as clear as she could, indicating that it was referring to the individual student at the time of graduation, not the program in general.

Ditschman read the three educational standards from the statute. She stated that Provision (3) is intended to allow an applicant who graduated from a program before the accreditation was in place, to be licensed in Michigan as long as the program met the CODA standards at the time of the applicant’s graduation.

Lynch indicated that she had language that she could send to Ditschman that would help clarify provision (3).

R 338.11401 Definitions.

Subrule (e): Zaagman questioned the use of “patient of record.” Ditschman indicated that it was the dentist that creates the relationship with the patient.

Inman indicated that she did not believe that the dentist creates the relationship.

Ditschman stated that this definition in R 338.11401 was intended to apply to Part 4, which regulates the type of activities allowed and supervision needed by a hygienist and assistant. However, with the addition of dental therapists to the rules, Ditschman indicated that she will check in the statute where the term “patient of record” is used and correct it if necessary.

R 338.11501 Definitions.

Subrule (a)(ii): Sullivan asked that the wording read “Availability of a dentist, licensed and practicing in Michigan,.....”

Subrule (a)(i): Barnhart would like the word Michigan added so the rule reads “.....between a supervised individual and a Michigan licensed health professional.”

Zaagman asked why the term health professional was used in subrule (a)(i) as it seems very broad. Ditschman indicated that the wording comes from the statute.

The Rules Committee agreed with the suggested changes to subrule (a)(i) and subrule (a)(ii).

Curcuru questioned whether the rule should identify how long the dentist should be licensed in Michigan before they can provide supervision.

Sullivan indicated that he did not think that the rule should identify that as it would make it too prescriptive.

R 338.11503 Practice agreement; care or services.

Subrule (4)(b): Inman questioned why this was left blank. Ditschman indicated that this subrule is still open for discussion.

Provision (7): Inman felt that this provision is biased as it is not required for dentists, registered dental assistants, or registered dental hygienists. Bentley agreed. The dental therapist should have their license posted for the public to view. Therefore, they should not be singled out.

Goodrich felt that the public should be aware that the dental therapist is under supervision as the dental therapist may be practicing in a setting where the supervising dentist is not physically available.

Johnston questioned whether the public would be aware of the limitations of the dental therapist. Goodrich indicated that the public can use online resources, Google, and the Licensing and Regulatory Affairs site to do research. In other settings, the registered dental assistant or registered dental hygienist has on-sight supervision. Johnston agreed with Goodrich. Weber also agreed and especially liked the written consent language.

Peters pointed out that registered dental assistants and registered dental hygienists are not performing irreversible procedures which is the difference. Consent should be provided when seeing a dental therapist.

Inman felt that if the rules are going to require a written consent for dental therapists, it should also be required for registered dental assistants and registered dental hygienists.

Zaagman indicated that she agreed with Inman. Most members of the public are not aware of the scope of practice of the health professionals that they are seeing. She felt it was unnecessary and confusing to the public in providing written consent. If it is going to be required for dental therapists, it should also be required for registered dental assistants and registered dental hygienists.

Goodrich indicated that he experienced this at his general practitioner's office when he was seeing the physician's assistant. Johnston indicated he has experienced the same when seeing a nurse practitioner. Gingrich has also had similar experiences.

Ditschman questioned how consent is currently handled within a school setting when the parents are not present. The public indicated that a waiver is signed by a parent prior to the appointment and language regarding the dental therapist can be added to the waiver.

Lynch indicated that she was in favor of deleting provision (7). The Federal Trade Commission (FTC) is against erroneous requirements being imposed on health professionals. She will provide the FTC language to Ditschman.

Sullivan questioned how it is erroneous to inform patients. Patients have the right to know who is treating them.

Hubbard agreed with Lynch in removing provision (7).

Bentley indicated that it is common courtesy to introduce yourself to the patient.

Provision (6): Ditschman inquired whether provision (6) accurately reflected the discussion at the last Rules Committee Work Group meeting. The Rules Committee wanted a limitation on subdivisions (x) and (y) of the Public Health Code.

Bentley liked the language and felt that the services would be covered under the practice agreement.

Sullivan questioned if (y), which allows a dental therapist to perform any other duties authorized by rule, should be added to the rule. Ditschman indicated this provision does not need to be referenced in the rule. Sullivan also questioned whether the rule should reference MCL 333.16656(1)(x) for clarity.

Curcuru inquired whether a dentist can authorize a dental therapist to do anything that they might have been trained to do. Ditschman indicated that both the statute and rules will state that the dental therapist's activities are limited to those in the practice agreement, in their scope of practice, authorized by the supervising dentist, and included in this rule.

Provision (1): Sullivan suggested adding the same language to R 338.11501. The provision would read "...signed by the dental therapist and dentist, licensed and practicing in Michigan, which....."

ADJOURNMENT

Johnston adjourned the meeting at 3:31 p.m.

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

May 21, 2019

Draft Dental Therapy Rules – May 31, 2019

PART 1. GENERAL PROVISIONS

R 338.11101 Definitions.

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

“Dental Therapist” means a person licensed under part 165 of the code to provide the care and services and perform any of the duties described in section 16656 of the code, MCL 333.16656.

“Dentist” means a person licensed by the board under the code and these rules **to engage in the practice of dentistry.**

“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~~ **a dental therapist**, RDA, or RDH after receiving approval from the assigning dentist.

“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. “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.

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.

(1) ~~The A~~ **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.

PART 2. LICENSURE

R 338.11205 Licensure by examination to practice dental therapy.

Rule 1205. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dental 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 meets the standards in R 338.11302.

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

(c) Complete 500 hours of supervised clinical practice as required under R 338.11209.

(d) Demonstrate a working knowledge of the English language as required by R 338.11273.

R 338.11207 Dental therapy examinations; required passing scores.

Rule 1207. 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 therapy supervised clinical practice in board approved program; requirements.

Rule 1209. (1) The dental therapy supervised clinical practice required for licensure shall comply with all of the following:

(a) The supervised clinical practice shall be included in a dental therapy education program that meets the standards in R 338.11302.

(b) The dental therapy student shall complete at least 500 supervised clinical practice hours.

(c) The dental therapy student shall 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 5 years before the supervised clinical practice begins.

(d) A dentist under disciplinary review or action shall not supervise a dental therapy student in a 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 he or she must notify the dental therapist program and discontinue supervising the dental therapy student in their clinical practice.

(e) For the purposes of this rule "direct supervision" means that the supervising dentist complies with all of the following:

(i) Designates a patient of record upon whom the procedures are to be

performed by the dental therapy student.

(ii) Describes the procedures to be performed to the dental therapy student.

(iii) Examines the patient before prescribing the procedures to be performed by the dental therapy student.

(iv) Examines the patient upon completion of the procedures that were performed by the dental therapy student.

(v) Is physically present in the office at the time the procedures are being performed by the dental therapy student.

(f) The clinical practice shall be earned 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 assistant 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 not more than 7 times. An extension may be granted by the board upon written request and proof of the need for an extension. 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 assistant 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, dental therapy, 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, dental therapist, or 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 therapy, 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 therapy, dental hygiene, or dental assistant 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, dental therapy, 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)(c), for clinical academic services, to an individual applicant who is a graduate of a dental, dental therapy, 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 therapy, dental hygiene, or dental assistant 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, dental therapy, 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, dental therapist, or 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.

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 as a dental therapist in another state and is in good standing, 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) Passed the comprehensive, competency-based clinical examination developed and scored by the CDCA with a converted passing score of not less than 75 on each component of the examination.

(c) Verifies completion of 500 hours of clinical practice in a dental therapy education program that meets the standards in R 338.11302, while directly supervised as defined in R 338.11209, by a Michigan licensed dentist located in or out of this state.

(d) 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 dental therapist, including the record of any disciplinary action taken or pending against the applicant.

(2) 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.

(3) 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, or 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.

(4) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider factors including but not limited to the following:

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

(5) 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 338.11264 Relicensure requirements for dental therapists.

Rule 1264. An applicant whose dental therapist 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).		√	√

<p>(d) CPR certification: submit proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component 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.</p>	√	√	√
<p>(e) Continuing education: submit proof of having completed 35 hours of continuing education in courses and programs approved by the board as required under R338.11701, 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>		√	√
<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.</p>	√	√	√
<p>(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 dental therapist. Verification must include the record of any disciplinary action taken or pending against the applicant.</p>	√	√	√

<p>(h) Examination or another state license: meet 1 of the following:</p> <ul style="list-style-type: none"> • Within 2 years of the period immediately preceding the application for relicensure, retake and pass the a comprehensive, competency-based clinical examination approved by the department with a converted passing score of not less than 75. • 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. 		√	
<p>(i) 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 338.11302. <p>Provide proof of having passed a comprehensive, competency-based clinical examination as required in R 338.11207, within 2 years of the period immediately preceding the application for relicensure.</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.

(2) A dental therapy education program that is accredited by CODA or a successor

organization is considered board approved.

(3) For applicants applying for a dental therapy license before **January 1, 2024**, upon application for licensure on a department form, the board will review and may approve the applicant's dental therapy education program if the program was administered by a college or school that operates an accredited dental or dental hygiene program and the college or school substantially conforms to the dental therapy education program CODA accreditation standards at the time of graduation of the dental therapy applicant.

(4) A dental therapy program must be taught at a postsecondary education institution that meets the standards in R 338.11302a.

(5) The CODA standards may be obtained at no cost from the CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 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, Michigan, 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 (chea) or the recognition procedures and criteria of the United States department of education. The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the United States 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 chea, effective June 28, 2010. Copies of the standards and criteria of the chea accreditation and the United States department of education are available for inspection and distribution at cost from the Michigan Board of Dentistry, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. 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 United States department of education office of postsecondary education, at <http://www.ed.gov/about/offices/list/OPE/index.html>.

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.~~

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 health professional licensed and practicing in Michigan.

(ii) Availability of a health professional licensed and practicing in Michigan 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 supervising health professional licensed and practicing in Michigan of predetermined procedures and drug protocol.

R 338.11503 Practice agreement; care or services.

Rule 1503. (1) A dental therapist may practice only under the supervision of a dentist licensed and practicing in Michigan, through a written practice agreement that is signed by the dental therapist and dentist licensed and practicing in

Michigan, which meets all the requirements in section 16655 of the code, MCL 333.16655.

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

(3) A dental therapist may supervise no more than 3 dental assistants and 2 dental hygienists in any 1 health setting to the extent permitted in a written practice agreement. The practice agreement shall define the type of supervision required by the dental therapist and the dental assistants and dental hygienists.

(4) A dentist may not authorize a dental therapist to do the following:

(a) Prescribe controlled substances.

(b) Administer phentolamine mesylate.

(5) A dentist may authorize a dental therapist to provide care or services described in subdivisions (a) to (w) of section 16656 of the code, MCL 333.16656.

(6) A dental therapist may perform other services and functions authorized by the supervising dentist for which the dental therapist is trained that are ancillary to those care and services described in subdivisions (a) to (w) of section 16656 of the code, MCL 333.16656.

(7) A dental therapist shall identify themselves to a patient as a dental therapist and obtain written consent from the patient before providing care or services to the patient.

R 338.11505 Health settings.

Rule 1505. (1) The health setting in section 16654(f) of the code, MCL 333.16654, includes a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services in both geographic health professional shortage areas based on geographic area or population groups.

(2) The computations to determine 50 percent of the annual total patient base of the dental therapist in section 16654(i) of the code, MCL 333.16654, will include any patient that has been seen at least once by the dental therapist.

PART 7. CONTINUING EDUCATION

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

Rule 1703. (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 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).

(7) 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. • 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 	<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>

	<p>individual approved by the Michigan Dental Association (MDA), Michigan Dental Hygienists Association (MDHA), and Michigan Dental Assistants Association (MDAA).</p> <ul style="list-style-type: none"> • 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>	
(b)	<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 part 3, 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</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>

	completed.	
(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>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</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 registered dental assistant may be earned in each renewal period.</p>

	activity completed.	
(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>One hour for each 50 minutes of participation may be earned per activity.</p> <p>A maximum of 10 hours may be</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>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-profit entity, program, or event, or a school or nursing home. • The program provides patient or 	<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>A registered dental hygienist, registered dental assistant, special retired volunteer</p>

	<p>supportive dental services to the indigent or dentally underserved populations.</p> <ul style="list-style-type: none">• 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>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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