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HOUSE BILL NO. 1642

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare, and Institutions
on January 18, 2011)

(Patron Prior to Substitute—Delegate O'Bannon)

A *BILL to amend and reenact §§ 54.1-2709, 54.1-2711.1, 54.1-2712, 54.1-2713, 54.1-2714, and 54.1-2725 of the Code of Virginia and to repeal § 54.1-2714.1 of the Code of Virginia, relating to the licensure of dental school faculty.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2709, 54.1-2711.1, 54.1-2712, 54.1-2713, 54.1-2714, and 54.1-2725 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2709. License; application; qualifications; examinations.

A. No person shall practice dentistry unless he possesses a current valid license from the Board of Dentistry.

B. An application for such license shall be made to the Board in writing and shall be accompanied by satisfactory proof that the applicant (i) is of good moral character; (ii) is a graduate of an accredited dental school or college, or dental department of a university or college; (iii) has passed ~~Part I and Part II~~ *all parts* of the examination given by the Joint Commission on National Dental Examinations; (iv) has successfully completed a clinical examination acceptable to the Board; and (v) has met other qualifications as determined in regulations promulgated by the Board.

C. The Board may grant a license to practice dentistry to an applicant licensed to practice in another jurisdiction if he (i) meets the requirements of subsection B; (ii) holds a current, unrestricted license to practice dentistry in another jurisdiction in the United States and is certified to be in good standing by each jurisdiction in which he currently holds or has held a license; (iii) has not committed any act that would constitute grounds for denial as set forth in § 54.1-2706; and (iv) has been in continuous clinical practice for five out of the six years immediately preceding application for licensure pursuant to this section. Active patient care in the dental corps of the United States Armed Forces, volunteer practice in a public health clinic, or practice in an intern or residency program may be accepted by the Board to satisfy this requirement.

D. The Board shall provide for an inactive license for those dentists who hold a current, unrestricted dental license in the Commonwealth at the time of application for an inactive license and who do not wish to practice in Virginia. The Board shall promulgate such regulations as may be necessary to carry out the provisions of this section, including requirements for remedial education to activate a license.

E. The Board shall promulgate regulations requiring continuing education for any dental license renewal or reinstatement. The Board may grant extensions or exemptions from these continuing education requirements.

§ 54.1-2711.1. Temporary licenses to persons enrolled in advanced dental education programs and accredited continuing dental education programs; Board regulations.

A. Upon recommendation by the dean of the school of dentistry *or the program director*, the Board may issue a temporary annual license to practice dentistry to persons enrolled in advanced dental education programs, serving as dental interns, residents or post-doctoral certificate or degree candidates in hospitals or schools of dentistry that maintain dental intern, residency or post-doctoral programs accredited by the Commission on Dental Accreditation of the American Dental Association. ~~No such license shall be issued to a dental intern or resident or post-doctoral certificate or degree candidate who has not completed successfully the academic education required for admission to examination given by the Board.~~ Such license shall expire upon the holder's graduation, withdrawal or termination from the relevant program.

B. *Such temporary license shall be for patient care activities associated with the educational program and that take place only within facilities owned or operated by, or affiliated with, the dental school or program. The license holder shall not be permitted to practice dentistry in other offices or clinics.*

C. The Board may prescribe such regulations not in conflict with existing law and require such reports from any hospital or the school of dentistry operating an accredited advanced dental education program in the Commonwealth as may be necessary to carry out the provisions of this section.

§ 54.1-2712. Permissible practices.

The following activities shall be permissible:

1. Dental assistants or dental hygienists aiding or assisting licensed dentists, or dental assistants aiding or assisting dental hygienists under the general supervision of a dentist in accordance with regulations promulgated pursuant to § 54.1-2729.01;

60 2. The performance of mechanical work on inanimate objects only, for licensed dentists, by any
61 person employed in or operating a dental laboratory;

62 3. Dental students who are enrolled in accredited D.D.S. or D.M.D. degree programs performing
63 dental operations, under the direction of competent instructors (i) within a dental school or college,
64 dental department of a university or college, or other dental facility within a university or college that is
65 accredited by an accrediting agency recognized by the United States Department of Education; (ii) in a
66 dental clinic operated by a nonprofit organization providing indigent care; (iii) in governmental or
67 indigent care clinics in which the student is assigned to practice during his final academic year rotations;
68 (iv) in a private dental office for a limited time during the student's final academic year when under the
69 direct tutorial supervision of a licensed dentist holding appointment on the dental faculty of the school
70 in which the student is enrolled; or (v) practicing dental hygiene in a private dental office under the
71 direct supervision of a licensed dentist holding appointment on the dental faculty of the school in which
72 the student is enrolled;

73 4. A licensed dentist from another state or country appearing as a clinician for demonstrating
74 technical procedures before a dental society or organization, convention, or dental college, or performing
75 his duties in connection with a specific case on which he may have been called to the Commonwealth;
76 and

77 5. Dental hygiene students enrolled in an accredited dental hygiene program performing dental
78 hygiene practices as a requisite of the program, under the direction of competent instructors, as defined
79 by regulations of the Board of Dentistry, (i) within a dental hygiene program in a dental school or
80 college, or department thereof, or other dental facility within a university or college that is accredited by
81 an accrediting agency recognized by the United States Department of Education; (ii) in a dental clinic
82 operated by a nonprofit organization providing indigent care; (iii) in a governmental or indigent care
83 clinic in which the student is assigned to practice during his final academic year rotations; or (iv) in a
84 private dental office for a limited time during the student's final academic year when under the direct
85 supervision of a licensed dentist or licensed dental hygienist holding appointment on the dental faculty
86 of the school in which the student is enrolled; and

87 6. *A graduate of an accredited dental program or a graduate of an accredited dental hygiene*
88 *program, engaging in clinical practice under the supervision of a licensed faculty member, only while*
89 *participating in a continuing education course offered by a dental or dental hygiene program accredited*
90 *by the Commission on Dental Accreditation of the American Dental Association.*

91 § 54.1-2713. Faculty licenses to teach dentistry; renewals.

92 A. Upon payment of the prescribed fee and provided no grounds exist to deny licensure pursuant to
93 § 54.1-2706, the Board shall may grant, without examination, a faculty license to teach dentistry in a
94 dental program accredited by the Commission on Dental Accreditation of the American Dental
95 Association to any applicant who (i) is meets any of the following qualifications:

96 1. *Is a graduate of a dental school or college or the dental department of a college or university*
97 *approved by the Board of Dentistry; (ii) has a D.D.S. or D.M.D. degree and is otherwise qualified; (iii)*
98 *is not, has a current, unrestricted license to practice dentistry in at least one other United States*
99 *jurisdiction, and has never been licensed to practice dentistry in the Commonwealth; (iv) has not failed*
100 *an examination for a license to practice dentistry in Virginia; and (v) has a license to practice dentistry*
101 *in at least one other state or*

102 2. *Is a graduate of a dental school or college or the dental department of a college or university,*
103 *has completed an advanced dental education program accredited by the Commission on Dental*
104 *Accreditation of the American Dental Association, and has never been licensed to practice dentistry in*
105 *the Commonwealth.*

106 The applicant shall also be certified to be on the faculty of an accredited program that teaches
107 dentistry. B. The dean or program director of the accredited dental program shall provide to the Board

108 verification that the applicant is being hired by the program, and shall include an assessment of the
109 applicant's clinical competency and clinical experience that qualifies the applicant for a faculty license.

110 C. The holder of such a license shall be entitled to perform all operations which that a person
111 licensed to practice dentistry would be entitled to perform but only for the express purpose of teaching
112 and that are part of their faculty duties. This includes all patient care activities associated with
113 teaching, research, and the delivery of patient care and that take place only within facilities owned or
114 operated by, or affiliated with, the dental school or program. A license holder who is educationally
115 qualified for a specialty board certification shall only practice in the specialty in which he is qualified.
116 This license does not entitle permit the holder to practice dentistry intramurally or privately or to receive
117 fees for service in other offices or clinics.

118 D. Any license issued under this section shall expire on the June 30 of the second year after its
119 issuance or shall terminate when the licensee leaves employment at the accredited dental program. Such
120 license may be renewed annually thereafter as long as the accredited program certifies to the licensee's
121 continuing employment.

§ 54.1-2714. Restricted licenses for a temporary appointment to teach dentistry for foreign dentists.
 A. The Board may grant, without examination, a restricted license *for a temporary appointment to* teach dentistry at a dental school in this Commonwealth to any person who:

1. Is a resident of a foreign country;
2. Is licensed to practice dentistry in a foreign country;
3. Holds a faculty appointment in a dental school in a foreign country;
4. Is a graduate of a foreign dental school or college or the dental department of a foreign college or university;
5. Is not licensed to practice dentistry in Virginia;
6. Has not failed an examination for a license to practice dentistry in this Commonwealth;
7. Has received a temporary appointment to the faculty of a dental school in this Commonwealth to teach dentistry;
8. Is, in the opinion of the Board, qualified to teach dentistry; and
9. Submits a completed application, the supporting documents the Board deems necessary to determine his qualifications, and the prescribed fee.

B. A restricted license shall entitle the licensee to perform all operations which a person licensed to practice dentistry may perform but only for the purpose of teaching. No person granted a restricted license shall practice dentistry intramurally or privately or receive fees for his services.

C. A restricted license granted pursuant to this section shall expire twelve months from the date of issuance and may not be renewed or reissued.

§ 54.1-2725. Faculty licenses to teach dental hygiene; renewals.

A. Upon payment of the prescribed fee, the Board shall grant, without examination, a license to teach dental hygiene to any applicant who (i) is a graduate of a dental hygiene school or college or the dental hygiene department of a college or university ~~approved by the Board of Dentistry~~ *accredited by the Commission on Dental Accreditation of the American Dental Association*; (ii) has a B.S., B.A., A.B., or M.S. degree and is otherwise qualified; (iii) is not licensed to practice dental hygiene; *and* (iv) ~~has not failed an examination for a license to practice dental hygiene in this Commonwealth; and~~ (v) has a license to practice dental hygiene in at least one other state *United States jurisdiction*. ~~The applicant shall be certified to be on the faculty of an approved institution that teaches dentistry or dental hygiene.~~

B. *The dean or program director of the accredited dental hygiene program shall provide to the Board verification that the applicant is being hired by the program, and shall include an assessment of the applicant's clinical competency and clinical experience that qualifies the applicant for a faculty license.*

C. The holder of such a license shall be entitled to perform all operations ~~which that~~ a person licensed to practice dental hygiene would be entitled to perform ~~but only for the express purpose of teaching and that are a part of his faculty duties. This includes all patient care activities associated with teaching, research, and the delivery of patient care and that take place only within facilities owned or operated by, or affiliated with, the dental school or program.~~ This license does not entitle the holder to practice dental hygiene intramurally or privately or to receive fees for services in other offices or clinics.

D. Any license issued under this section shall expire on the ~~second~~ June 30 of the second year after its issuance ~~but may be renewed or shall terminate when the licensee ceases employment at the accredited dental program. Such license may be renewed annually thereafter as long as the accredited program certifies to the licensee's continuing employment.~~

2. That § 54.1-2714.1 of the Code of Virginia is repealed.