

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number <u>2022-25</u>	Rule Number <u>Den 302.06</u>				
1. Agency Name & Address: Board of Dental Examiners c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: <u>RSA 317-A:12, XII-b</u> 3. Federal Authority: <u>n/a</u> 4. Type of Action: <input type="checkbox"/> Adopt <input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.) <input type="checkbox"/> Repeal <input type="checkbox"/> Readoption <input checked="" type="checkbox"/> Readoption w/amendment				
5. Short Title: Dental Assistant Qualification in Specific Area					
6. Contact person for copies and questions: <table style="width: 100%;"> <tr> <td style="width: 50%;">Name: Tina M. Kelley</td> <td style="width: 50%;">Title: Program Specialist IV</td> </tr> <tr> <td>Address: Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</td> <td>Phone #: (603) 271-5247</td> </tr> </table>		Name: Tina M. Kelley	Title: Program Specialist IV	Address: Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301	Phone #: (603) 271-5247
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7. The rulemaking notice appeared in the <u>Rulemaking Register</u> on February 24, 2022 . <p style="text-align: center;">SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET AND ONE COPY OF THE FOLLOWING: (optional to number correspondingly)</p>					
8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.					
9. Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.				
10. Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).				
11. Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.				

Notice Number 2022-25

Rule Number Den 302.06

1. Agency Name & Address:

**Board of Dental Examiners
c/o Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301**

2. RSA Authority: RSA 317-A:12, XII-b

3. Federal Authority: n/a

4. Type of Action:

Adoption _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Dental Assistant Qualification in Specific Area**

6. (a) Summary of what the rule says and of any proposed amendments:

Den 302.06 specifies the qualifications for a dental assistant qualification in specific areas. The rule is being readopted with amendment to add patient management and cone-beam computed tomography to the list of tasks dental assistants may perform after having successfully completed an expanded duty course in dental radiology.

6. (b) Brief description of the groups affected:

The groups affected by these rule changes are licensed dental assistants.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute the Rule Implements
Den 302.06	RSA 317-A:12, XII-b

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley**

Title: **Program Specialist IV**

Address: **Office of Professional
Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **(603) 271-0597**

E-mail: **OPLC-Rules@oplcrules.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, April 4, 2022, at the conclusion of the public hearing**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, April 4, 2022 at 3:30 p.m.**
Office of Professional Licensure and Certification
Place: **7 Eagle Square**
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:024 , dated 2-15-2022

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no difference in cost when comparing the proposed rules to the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**
 - A. **To State general or State special funds:**
None
 - B. **To State citizens and political subdivisions:**
None
 - C. **To independently owned businesses:**
None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

This rule does not violate Part I, Article 28-a of the New Hampshire Constitution. This rule does not mandate or assign this program to any political subdivision in any way.

Readopt with amendment Den 302.06, effective 12-6-17 (Document #12428), to read as follows:

Den 302.06 Dental Assistant Qualification in Specific Area.

Unclear. There isn't a "(ac)".

(a) Any dental assistant who is 18 years of age or older shall be considered qualified in a specific area if he or she has successfully completed an expanded duty course, or successfully challenged an examination in same, or both, as stated in Den 302.06 (a) through (ac). A course or exam given by an entity other than the board itself shall include the passing grade or other standard for successful completion of said course or exam set by the entity giving said course or exam. Course records, pursuant to Den 403.06, and a certificate of course completion shall be retained by the course participant and provided to the board upon request by the board. Traditional dental assistants, before qualifying in any other area addressed in Den 302.06, shall have taken and passed an introduction to dental assisting course and qualify for infection control in the dental office as stated in Den 302.06(b)(1)c.

(b) Traditional dental assistants shall qualify in infection control in the dental office after successfully completing a course in the topic, as follows:

Edit. Since these are separate requirements, they should be in different paragraphs.

(1) The expanded duty course shall:

- a. Be offered by a course provider as defined in Den 403.07(a)(1);
- b. Be a minimum of 4 hours;
- c. Pursuant to RSA 317-A:17, II (g), follow the current Centers for Disease Control "Infection Control Recommendations for the Dental Office and the Dental Laboratory"; and

d. Require the passing of a written exam administered by the continuing education provider; and

(2) Written evidence certifying that the infection control course has been successfully completed shall be signed by the course provider and given to the dental assistant.

Unclear/Edit. When read with the intro language of (1), the rule says the expanded duty course shall require passing of the written exam. Passing the exam is a separate requirement and must be moved from (1). See (f)(4) below.

(c) Any dental assistant may petition the board for approval of an expanded duty course or equivalent training course. The petition shall include all information that the petitioner wishes the board to consider in evaluating the proposed course, such as the entity giving the course, an outline of the topics to be covered, the number of hours of lectures and hours of practical experience and the textbooks to be used. The board shall, within 60 days of receipt of such petition, send written notice of approval or a written request for further information from the petitioner.

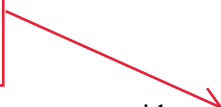
(d) No dental assistant shall be considered qualified prior to the date that he or she is officially informed by the course or examination provider that he or she has successfully completed an expanded duty course approved by the board.

(e) A traditional dental assistant shall have 200 hours of experience in clinical dental assisting in order to qualify to take a course in introduction to dental assisting, which course shall be a prerequisite to any other expanded duty course described in this section.

(f) Any introduction to dental assisting course shall:

Legislative Intent. See RSA 541-A:29, I. A request for further info must be made within 30 days.

Edit. The course providers aren't defined. They are listed in the cited rule.

- 
- (1) Be offered by a course provider as defined in Den 403.07(a)(1);
 - (2) Be a minimum of 6 hours;
 - (3) Contain at least the following subjects:
 - a. The taking of medical and dental histories;
 - b. Obtaining and reading vital signs;
 - c. Oral and dental anatomy;
 - d. Charting existing restorations and teeth;
 - e. Inspection of the oral cavity; and
 - f. The Health Insurance Portability and Accountability Act of 1996 (HIPAA);
 - (4) Require the passing of a written examination administered by the continuing education provider; and
 - (5) Provide to the dental assistant written evidence certifying that the course has been successfully completed, which is signed by the course provider.
- (g) Any dental assistant who successfully completes the introduction to dental assisting course shall be qualified to perform those duties set forth in Den 401.01 and Den 401.02.
- (h) Any traditional dental assistant shall have 200 hours of experience in clinical dental assisting in order to qualify to take a radiology course.
- (i) Any dental assistant shall be considered qualified in dental radiology after successfully completing an expanded duty course in dental radiology which:
- (1) Is offered by a continuing education provider as specified in Den 403.07(a)(1);
 - (2) Is a minimum of 8 lecture hours, which may be taken online, and 8 laboratory hours;
 - (3) Includes at least the following:
 - a. Asepsis, radiation safety;
 - b. Patient management;
 - c. Parallel and bi-secting techniques;
 - d. Full mouth projections, panoramic projections, projections, and extra-oral projections;
 - e. Cone-beam computed tomography;
 - f. Radiographic landmarks, interpretation, and mounting;

Unclear/Edit. This is a requirement of the Board, not the course. See comment to 302.06(b)(1)d. on page 1. Applies here and subsequently.

g. Passing the radiology written examination of the Dental Assisting National Board, provided that dental assistants who have been practicing since before December 9, 1998 shall be exempt from taking and passing the DANB exam; and

h. Passing of a written exam administered by the continuing education provider; and

(4) Provides to the dental assistant written evidence certifying that the course has been successfully completed and which is signed by the course provider.

(j) The duty of dental radiology shall be performed only under the direct supervision of a licensed dentist.

(k) Any traditional dental assistant shall have 200 hours of experience in clinical dental assisting in order to qualify to take a course in provision crown and bridge restorations.

(l) Any dental assistant shall be considered qualified in provisional crown and bridge restorations after successfully completing an expanded duty course in provisional crown and bridge restorations which:

(1) Is offered by a continuing education provider as defined in Den 403.07(a)(1);

(2) Is a minimum of 8 hours;

(3) Includes at least the following:

a. Provisional restoration anatomy;

b. Occlusal requirements;

c. Cementation; and

d. Passing of a written exam administered by the continuing education provider; and

(4) Provides to the dental assistant written evidence certifying that the course has been successfully completed and which is signed by the course provider.

(m) The duty of provisional crown and bridge restorations shall be performed with the following conditions:

(1) A dental assistant qualified in provisional crown and bridge restorations shall perform this service only under the direct supervision of a licensed dentist;

(2) The provisional restoration may be fabricated intraorally, however all occlusal adjustments and modifications shall be completed extraorally; and

(3) The completed provisional restoration shall be examined by the dentist prior to cementation by a qualified dental assistant.

(n) Any traditional dental assistant shall have at least 200 hours of experience in clinical dental assisting in order to qualify to take a course in orthodontics.

(o) Any traditional dental assistant shall be considered qualified in orthodontic duties after successfully completing an expanded duty course in orthodontic duties which:

- (1) Is offered by a continuing education provider as defined in Den 403.07(a)(1);
- (2) Is a minimum of 8 hours;
- (3) Includes at least the following:
 - a. Placement and removal of orthodontic separators;
 - b. Preparation of teeth for bonding of brackets;
 - c. Removal of orthodontic bands or brackets;
 - d. Trial fitting of orthodontic bands;
 - e. Using hand instruments to remove excess cement from bands on the coronal surfaces of the teeth;
 - f. Trial fitting of head gear;
 - g. Simple emergency adjustment of orthodontic appliances to relieve pain;
 - h. Taking impressions for orthodontic appliances;
 - i. Attachment or tying in and removal of orthodontic wires;
 - j. Bending arch wires; and
 - k. Passing of a written exam administered by the continuing education provider; and
- (4) Provides to the dental assistant written evidence certifying that the course has been successfully completed and which is signed by the course provider.

Edit. Please choose another verb as the course providers aren't defined. in the cited rule.

See previous comments.

(p) The duty of orthodontics shall only be performed under the direct supervision of a licensed dentist.

(q) Any traditional dental assistant shall have at 400 hours of experience in clinical dental assisting in order to qualify to take a sealants course.

(r) Any traditional dental assistant shall be considered qualified in dental sealants after successfully completing an expanded duty course in dental sealants which:

- (1) Is offered by a continuing education provider as specified in Den 403.07(a)(1);
- (2) Is a minimum of 8 hours;
- (3) Includes at least the following:
 - a. Use of chemical and light cured sealants;

b. Proper techniques of applying sealants;

c. Isolation techniques;

See previous comments. Practice in applying sealants in a laboratory setting;

e. Application of sealants on an actual patient in a clinical setting; and

f. Passing an exam administered by the continuing education provider; and

(4) Provides to the dental assistant written evidence certifying that the course has been successfully completed and which is signed by the course provider.

(s) The duty of dental sealants shall only be performed under the direct supervision of a licensed dentist.

(t) Traditional dental assistants shall have experience consisting of at least 400 hours in clinical dental assisting in order to qualify to take a course in coronal polishing.

(u) Any dental assistant other than a graduate dental assistant shall be considered qualified in coronal polishing after meeting the eligibility requirements and successfully completing an expanded duty course in coronal polishing which:

(1) Is offered by a continuing education provider as set forth in Den 403.07 (a);

(2) Is a minimum of 8 hours; and

(3) Includes at least the following subjects:

a. Handpiece maintenance and sterilization;

b. Polishing agents;

c. Polishing techniques;

d. Infection control;

e. Medical and dental history indications and contraindications;

f. Hands-on polishing in a clinical setting; and

g. Passing of a written examination administered by the continuing education provider; and

(4) Provides to the dental assistant written evidence certifying that the course has been successfully completed and which is signed by the course provider.

(v) The duty of coronal polishing shall be performed with the following conditions:

- (1) Coronal polishing by dental assistants shall be accomplished by a combination of slow speed handpiece, not to exceed 10,000 rpm, and appropriate polishing agents with a rubber cup or bristle brush;
 - (2) Coronal polishing shall be accomplished by dental assistants only after a dentist or dental hygienist has determined that the teeth are free of calculus;
 - (3) A dental assistant qualified in coronal polishing shall perform this service only under the direct supervision of a licensed dentist or dental hygienist; and
 - (4) Coronal polishing shall in no way be represented as a prophylaxis unless a dentist or dental hygienist has determined the teeth are free of calculus immediately prior to the polishing.
- (w) Any traditional dental assistant shall have 400 hours of experience in clinical dental assisting prior to taking an expanded duty course in monitoring the administration of nitrous oxide anesthesia.
- (x) Any traditional dental assistant shall be considered qualified to monitor the administration of nitrous oxide (N₂O) to patients after successfully completing an expanded duty course in monitoring the administration of nitrous oxide which:
- (1) Is offered by a course provider as defined in Den 403.07(a)(1);
 - (2) Is a minimum of 6 hours;
 - (3) Includes at least the following:
 - a. Aspects of pain and anxiety;
 - b. Anatomy and physiology of respiration;
 - c. Stages of drug induced central nervous system depression;
 - d. Pharmacology and physiological effects of nitrous oxide;
 - e. Advantages and disadvantages of inhalation sedation using nitrous oxide;
 - f. Medical assessment of patient prior to using nitrous oxide; and
 - g. Proper administration of nitrous oxide to include:
 1. Description and use of inhalation equipment;
 2. Patient monitoring;
 3. Possible reactions of patients under nitrous oxide;
 4. Hazards of nitrous oxide for patients and operator; and
 5. Management of complications;

- (4) Requires the passing of a written examination administered by the continuing education provider; and
- (5) Provides to the dental assistant written evidence certifying that the course has been successfully completed and which is signed by the course provider.
- (y) If qualification in monitoring the administration of nitrous oxide is determined, the duty shall be performed with the following conditions:
- (1) A dental assistant qualified in the monitoring of nitrous oxide shall monitor nitrous oxide only under the direct supervision of a dentist;
 - (2) A dental assistant qualified to monitor the administration of nitrous oxide shall monitor only after a dentist has initiated the administration and brought the patient to the intended level of nitrous oxide inhalation sedation; and
 - (3) A dental assistant qualified to monitor the administration of nitrous oxide shall be currently certified in BHLS-HCP; and
 - (4) A dental assistant who has qualified to monitor nitrous oxide in another jurisdiction shall qualify for endorsement by the board to perform that function by presenting written documentation of training equivalent to (x) above and a letter from a supervising dentist attesting to the assistant's experience monitoring nitrous oxide within the previous 2 years.
- (z) Any traditional dental assistant shall have at least 400 hours in clinical dental assisting in order to qualify to take a course in office whitening. Edit. Hyphenate.
- (aa) A dental assistant shall be qualified to perform in-office tooth whitening after successfully completing an expanded duty course in in-office tooth whitening which:
- (1) Is offered by a course provider as defined in Den 403.07(a)(1);
 - (2) Is a minimum of 4 hours;
 - (3) Includes at least the following:
 - a. An overview of prescription and non-prescription whitening systems;
 - b. Mechanisms of action;
 - c. Treatment methods;
 - d. Safety considerations, including:
 1. Contraindications; and
 2. Side effects; and
 - e. Passing of a written examination administered by the continuing education provider; and
- See previous comments. Edit. The course providers aren't defined. They are listed in the cited rule.

- (4) Provides to the dental assistant written evidence certifying that the course has been successfully completed and which is signed by the course provider.
- (ab) The duty of in-office tooth whitening shall only be performed under the direct supervision of a licensed dentist.

RULE	STATUTE
Den 302.06	RSA 317-A:12, III and XII-b