HOUSE DOCKET, NO. 164 FILED ON: 1/11/2011

HOUSE . . . . . No. 103

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to allow regulation and licensing of denturists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
William N. Brownsberger		*1/11/2011*

HOUSE DOCKET, NO. 164 FILED ON: 1/11/2011

HOUSE . . . . . No. 103

By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 103) of William N. Brownsberger for legislation to establish licensing requirements for denture care professionals. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to allow regulation and licensing of denturists.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SUBCHAPTER 1000 DENTURISTS

Section 100B. Definitions.

As used in this subchapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings.

1. Board. “Board” means the Board of Denturitry.

2. “Denturist” means a person engaged in the practice of Denturity.

3. Practice of Denturity. “Practice of Denturity” means:

A. Recognizing oral conditions pertaining to denture care; referring patients for various professional, medical, and dental services, examining, taking and evaluating radiographs and evaluating and treating temporomandibular disfunction relative to denture care.

B. The taking of denture impressions and bite registration for the purpose of or with die view to designing, making, producing, reproducing, constructing, finishing, supplying, altering or repairing a complete or partial upper or lower prosthetic denture, or any combination, to be fitted to an arch or arches;

C. The fitting of a complete and partial upper or lower prothestic denture, or both, to an arch or arches, including the designing, making, producing, constructing, finishing, supplying, altering and repairing of dentures; and

D. The procedures incidental to the procedures specified in paragraphs A and B, as defined by the board.

Section 100C. Rules.

1. Rules required within one year. The board shall adopt rules necessary to implement this subchapter. Rules adopted may pertain, but are not limited to, continuing education and record retention

requirements, and the specification of procedures incidental to the practice of denturitry.

2. Limited scope denturist license. The board shall issue a limited scope license to denturists to engage in providing the public with complete dentures, denture relines and denture repairs who

demonstrate to the satisfaction of the board:

A. A minimum of 5 years in some combination of training and experience in dental mechanics or technology or as a dental laboratory technician.

B. Enrolls in and continues to be an active student and maintains a passing grade in a denturist curriculum that is approved by the American Denturist Society Council of Denturitry Education.

C. Has completed one post secondary course in head and neck anatomy and physiology, one post secondary course in oral pathology, one post secondary course in United States Center for

Disease Control guidelines for disinfection sterilization, one post secondary course in clinical removable prosthodontics, one post secondary course in temporomandibular joint disorders, one post

secondary course in principles of dental radiology, and one post secondary course in ethics and jurisprudence.

D. Has successfully completed certification for Cardio Pulmonary Resuscitation equivalent to the standards of the American Heart Association.

E. Produces satisfactory documented verification of having served a minimum of six months performing clinical prosthetic duties under the general supervision of a licensed/certified denturist

or a licensed dentist.

F. And has successfully passed the limited scope denturitry examination (Part 1) or a comparable board approved written and practical examination.

G. Licensees of this section are prohibited from providing partial dentures and radiographs to the public until successfully meeting the requirements for (Part 2) of the written and clinical

examination to become a full scope denturist.

H. All limited scope denturist licenses will expire on January 1,

2115.

3. Full scope denturist license. The board shall issue a license to denturists to engage in providing the public with any of the services included in section 100 — A, B, C and D who demonstrate

to the satisfaction of the board:

A. A minimum of 5 years, in some combination of training and experience in dental mechanics or technology or as a dental laboratory technician.

B. Who graduates and holds a degree from a denturist program that is approved by the American Denturist Society Council of Denturitry Education.

C. Has successfully completed certification for Cardio Pulmonary Resuscitation equivalent to the standards of the American Heart Association.

D. Produces satisfactory documented verification of having served a minimum of six months performing clinical prosthetic duties under the general supervision of a licensed/certified denturist

or a licensed dentist.

F. Has successfully passed the full scope denturist examination (Part 2) or a comparable board approved written and practical examination.

Section 100D. Examinations.

1. Authority. The board is authorized to appoint a qualified subcommittee or entity to prepare and give written and clinical examinations in denturitry for the purpose of licensing denturists.

1-A. Examination Part I content: A limited scope denturist examination must consist of a written examination concerning, but not limited to, dental materials, denture technology, United States

Department of Health and Human Services Centers for Disease Control guidelines, physiology and head and neck anatomy, oral pathology, radiology, ethics and jurisprudence.

1-B. Examination Part 2 content: A full scope denturist examination must consist of a written portion covering dental radiolog, partial denture design, clinical partial denture evaluation and procedures,

and related subject matter pertaining to denturitry and the practice of clinical partial denture delivery.

1-C. Examination exemptions: Denturists licensed in other states in the U.S. or Canada or who have passed the National Board of Medical Denturitry examination are exempt from having

to take the written examination in subsection 1-A; denturists who have passed the National Board of Medical Denturitry examination are exempted from having to take written examination in subsection

1-B.

2. Eligibility for limited scope denturist examination (Part 1):

Eligibility for taking the examination pursuant to subsection 1 is determined as follows:

A. A person is eligible to take the limited scope denturitry examination (Part 1) that includes providing complete dentures to the public if that person:

(1) Is a high school graduate or has obtained high school equivalency.

(2) Has completed and can demonstrate to the satisfaction of the board a minimum of 5 years in some combination of training and experience in denture mechanics or technology or as a denture

laboratory technician or has successfully earned a diploma from a reputable two year dental laboratory educational program.

(3) Enrolls in and continues to be an active student and maintains a passing grade in a denturist curriculum that is approved by the American Denturist Society Council of Denturitry Education.

(4) Has completed one post secondary course in head and neck anatomy and physiology, one post secondary course in oral pathology, one post secondary course in United States Center for

Disease Control guidelines for disinfection sterilization, one post secondary course in clinical removable prosthodontics, one post secondary course in temporomandibular joint disorders, one post

secondary course in principles of radiology, and one post secondary course in ethics and jurisprudence.

(5) Produces satisfactory documented verification of having served a minimum of six months performing clinical prosthetic duties under the general supervision of a licensed/certified denturist

or a licensed dentist.

(6) Has successfully completed certification for Cardio Pulmonary Resuscitation equivalent to the standards of the American Heart Association.

2-A. Eligibility for full scope denturist examination (Part 2):

Eligibility for taking the examination pursuant to subsection 1 is

determined as follows:

A. A person is eligible to take the full scope denturitry examination (Part 2) that includes providing partial dentures to the public if that person:

(1) Is a high school graduate or has obtained high school equivalency.

(2) Has completed and can demonstrate to the satisfaction of the board a minimum of 5 years in some combination of training and experience in denture mechanics or technology or as a denture

laboratory technician or has successfully earned a diploma from a reputable two year dental laboratory educational program.

(3) Who graduates and holds a degree from a denturist program that is approved by the American Denturist Society Council of Denturitry Education.

(4) Produces satisfactory documented verification of having served a minimum of six months performing clinical prosthetic duties under the general supervision of a licensed /certified denturist

or a licensed dentist.

(5) Has successfully completed certification for Cardio Pulmonary Resuscitation equivalent to the standards of the American Heart Association.

3. Application for examination; fee. An eligible person desiring to take an examination in order to become licensed as a limited scope denturist or a full scope denturist shall make a written application

to the board to take either examination. An application fee, to be determined by the board, not to exceed $1200, must accompany the application. In addition, an examination fee to be determined

by the board may not exceed the actual cost of the examination. The application fee includes the fee for the initial license and is nonrefundable.

4. Additional examinations; fees. An applicant failing to pass an examination is entitled to a reexamination upon payment of the examination fee set by the board. If an applicant has failed three

examinations, the board may require the applicant to complete additional educational requirements prior to reexamination.

Section 100E Licenses; endorsement.

1. Authority. The board has the authority to issue licenses to qualified persons to practice denturitry pursuant to this subchapter.

2. License issued. The board shall issue a license for the practice in this state to each person who has passed an examination under section 100-D. This license authorizes the licensee to practice

as a denturist in the state until the expiration date that appears on the license.

3. Renewal; renewal fee. After a license has been issued under subsection 2, and on or before January 1 of odd-numbered years, a denturist must pay to the board a license renewal fee of not more

than $400 to be determined by the board in order to renew the license and to continue to be authorized to practice as a denturist in the state or 1/2 the biennial licensure fee if application is made in an

even-numbered year.

After the requirements for a license renewal, including any necessary continuing education, have been met, a renewal card of the denturist’s license must be issued, which the denturist shall place

beside or attach to the denturist’s initial license. Denturists who have not paid as provided as of January 1 must be reinstated upon payment of fee, to be determined by the board, of not more than

$200 if paid by February 1. A license to practice is automatically suspended on February 1. A license to practice is automatically suspended on February 1 and may be reinstated, if approved by

the board, on payment of a fee to be determined by the board of not more than $400.

4. Endorsement. The board, at its discretion, without examination, may issue a license to an applicant to practice as a denturist who furnishes proof satisfactory to the board that the denturist has

been licensed to practice and who has actively practiced for a period of five years in another state or Canadian province after full compliance with the requirements of its dental laws, if the

licensure requirements are, in all essentials, at least equivalent to those of this state. The board may require letters of reference about the denturist. Applicants for licensure by endorsement who

meet the requirements of this section must be interviewed in person by the board, or members of the board, prior to being issued a license. Every license so given must state upon its face

that it was granted on the basis of endorsement. The fee for the license may not exceed $400.

4-A. Duplicate license. A licensee must be issued a duplicate by the board for fee of $70 upon the attestation of loss of the original.

5. Mental or physical examination. For the purposes of this subsection, by the application for and acceptance of the license, a licensed denturist is deemed to have given consent to a mental or

physical examination when directed by the board. The board may direct the examination whenever it determines a denturist may be suffering from a mental illness that may be interfering with the

competent practice of Denturitry or from the use of intoxicants or drugs to the extent that they are preventing the denturist from practicing Denturitry competently and with safety to the patients.

A denturist examined pursuant to an order of the board does not have the privilege to prevent the testimony of the examining individual. Failure to comply with an order of the board to submit to a

mental or physical exam requires the Administrative Court to immediately order the license suspended until the denturist submits to the examination.

Section 100 — El. Continuing education.

As a condition of a license renewal, a denturist shall submit evidence of successful completion of 36 hours of continuing education consisting of board-approved courses completed within the

3 years preceding the application for renewal. The board shall proportionally reduce the continuing education hours required for denturists who have been licensed for less than a 3-year period

upon the date of renewal.

Section 100 — E Persons and practices not affected.

Nothing in this subchapter may be construed to prohibit a duly qualified dental surgeon, dental laboratory or dental hygienist from performing work or services performed by a denturist licensed under this subchapter to the extent those persons are authorized to perform the same services under existing state law. Nothing in this subchapter may be construed to prevent students of a dental college, university or school of dental hygiene from practicing dental hygiene under the supervision of their instructors.