



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

Virginia Board of Dentistry

Dental Laboratory Work Group

April 20, 2012

Agenda

11:00 am

Call to Order – Dr. Hall

Introduction of members

Purpose of Work Group:

Representatives of the Board and the Virginia Dental Association will discuss pending legislation, HB267 and SB342, requiring registration of dental laboratories.

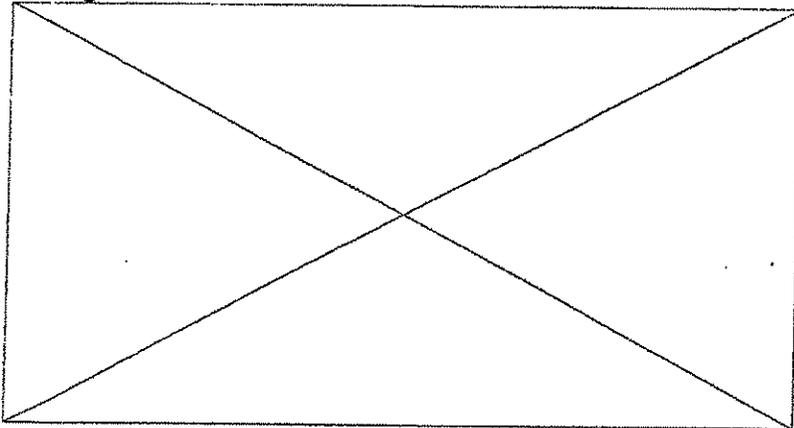
State Governing Boards for Dentistry

Only a few states have state laws regulating dental laboratories and/or dental technicians. For those states that do regulate dental laboratories, each state law is different, so it is the responsibility of the laboratory to ensure they are in compliance. Additionally, several states require out of state dental laboratories doing business with dentists in their state to also comply with state laws.

Outside of general regulation of dental laboratories, most states do regulate whether or not products made by dental laboratories are subject to sales tax. Please inquire of each state's Department of Revenue for the most up to date information.

Click on a state below to find contact information for the current governing board regulating the dental laboratory industry.

You may print the contact information or click through to the governing board's website.



State Board: Virginia Department of Health Professions (Virginia)
Address: 6603 W Broad St 5th Floor
Richmond, VA 23230-1712
Phone: (804) 662-9906
Fax: (804) 662-7246
Web Site: www.dhp.state.va.us/dentistry

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**TITLE 3
HEALTH PROFESSIONS
(DENTAL PRACTICE ACT)
(CHAPTERS 251 – 267)**

**CHAPTER 266
REGULATION OF DENTAL LABORATORIES**

**SUBCHAPTER B
DENTAL LABORATORY CERTIFICATION COUNCIL**

Sec. 266.051. Appointment of Council; Membership.

The Dental Laboratory Certification Council consists of three members appointed by the board.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.052. Member Eligibility.

(a) A person is eligible for appointment to the council if the person:

- (1) is a dental technician who is certified as described by Section 266.152(a); and
- (2) is an owner, manager, or employee of a dental laboratory registered with the board.

(b) A person is not eligible for appointment to the council if the person or the person's spouse is:

- (1) licensed by the board to practice dentistry;
- (2) a board employee; or
- (3) an employee of a dentist licensed by the board.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.053. Terms.

- (a) Council members serve two-year terms.
- (b) A member may not serve more than four terms.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.054. President.

The council shall elect from its members a presiding officer to serve a one-year term.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.055. Per Diem.

A council member is entitled to the per diem set for members of state boards and commissions by the General Appropriations Act.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.056. Meetings.

The council:

- (1) shall meet at least once each year; and
- (2) may meet at other times at the call of the presiding officer of the council if the presiding officer of the board approves.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.057. Civil Liability.

A member of the council is not liable in a civil action for an act performed in good faith while performing duties as a council member.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

[Sections 266.058 to 266.100 reserved for expansion]

TITLE 3
HEALTH PROFESSIONS
(DENTAL PRACTICE ACT)
(CHAPTERS 251 – 267)

CHAPTER 266
REGULATION OF DENTAL LABORATORIES

SUBCHAPTER C
POWERS AND DUTIES OF COUNCIL AND BOARD

Sec. 266.101. Council Powers and Duties.

- (a) The council shall review each application for registration or renewal of registration to determine if the applicant meets the requirements of this chapter.
- (b) The council may:
 - (1) recommend to the board rules relating to dental laboratories; and
 - (2) perform additional duties as requested by the board.
- (c) The council may not exercise rulemaking authority.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 772, Sec. 9, eff. September 1, 2009.

Sec. 266.102. Board Powers and Duties.

- (a) The board shall:
 - (1) not later than the 30th day after the date the board receives a recommended rule from the council, consider the rule under the process prescribed by Chapter 2001, Government Code; and
 - (2) provide to the council the board's reasons if the board amends or rejects the proposed rule.
- (b) The board may adopt rules regarding dental laboratories in only the following areas:
 - (1) processing registration applications;
 - (2) prescribing:
 - (A) requirements for registration;
 - (B) the form and content of registration applications and other forms required to administer this chapter;
 - (C) procedures for renewal of certificates of registration; and
 - (D) fees necessary to administer this chapter;
 - (3) monitoring records necessary to administer this chapter;
 - (4) establishing continuing education requirements for dental technicians employed by dental laboratories, including prescribing the content of continuing education courses; and
 - (5) regulating:
 - (A) infection control;
 - (B) shade-taking procedures authorized by a prescription from a licensed dentist;
 - (C) computer-imaging procedures for an oral cavity authorized by a prescription from a licensed dentist;
 - (D) referral of dental prescriptions to out-of-state laboratories to be filled; and
 - (E) the transportation and manufacture of dental prosthetic devices or other dental work performed by a dental laboratory located in another state or a foreign country for use in this state.

- (c) in prescribing the content of continuing education courses under Subsection (b)(4), the board shall require the course content to be at least as comprehensive as a course approved by a recognized board of certification for dental technology.
- (d) The board shall allow the council to review and comment on a proposed rule under Subsection (b) for 30 days following the date the rule is proposed by the board.
- (e) The board shall provide annually to each dentist licensed in this state a list of dental laboratories registered under this chapter. The list must include the expiration date of each laboratory's registration certificate.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 1240, Sec. 2, eff. Sept. 1, 2003.

TITLE 3
HEALTH PROFESSIONS
(DENTAL PRACTICE ACT)
(CHAPTERS 251 – 267)

CHAPTER 266
REGULATION OF DENTAL LABORATORIES
SUBCHAPTER D
CERTIFICATION, REGISTRATION, AND RENEWAL

Sec. 266.151. Registration Required.

- (a) In this section, "person" means an individual or a private legal entity, including a corporation, association, or partnership.
- (b) A person may not operate or offer to operate a dental laboratory or provide or offer to provide dental laboratory services unless the person holds a registration certificate issued under this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.152. Certified Dental Technician.

- (a) A dental laboratory must have at least one dental technician working on the laboratory's premises who is certified by a recognized board of certification for dental technology.
- (b) A dental laboratory is exempt from Subsection (a) if the laboratory is:
 - (1) owned by a licensed dentist engaged in the practice of dentistry in this state or by a professional corporation or partnership in which that dentist is an officer, partner, or employee; and
 - (2) located on the premises within which the dentist practices dentistry.
- (c) The exemption under Subsection (b) does not apply to a dental laboratory if the laboratory employs three or more dental technicians.
- (d) The owner of a dental laboratory registered with the board on September 1, 1987, is exempt from Subsection (a) if:
 - (1) the registration of the laboratory has been renewed each year since that date, and all registration fees have been paid;
 - (2) the beneficial ownership of at least 51 percent of the laboratory has not been transferred; and
 - (3) the owner is employed on the laboratory's premises for not less than 30 hours each week.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.094(a), eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1240, Sec. 3, eff. Sept. 1, 2003.

Sec. 266.153. Application for Registration.

- (a) An owner or manager of a dental laboratory shall annually:
 - (1) apply to the board for the registration of each dental laboratory doing business in this state to which the owner or manager is connected or in which the owner or manager has an interest; and
 - (2) pay the application fee set by the board.
- (b) The application must include:
 - (1) evidence satisfactory to the board that the dental laboratory meets the requirements prescribed by Section 266.152(a), if applicable; and
 - (2) any other information required by the board.

- (c) The board may issue a certificate of registration only to a dental laboratory that complies with the requirements of this section.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 1240, Sec. 4, eff. Sept. 1, 2003.

Sec. 266.154. Registration Renewal.

- (a) An applicant for renewal of a dental laboratory registration must provide evidence satisfactory to the board that at least one employee who works on the dental laboratory's premises:
- (1) has completed at least 12 hours of continuing education during the previous registration period; or
 - (2) is certified as required by Section 266.152(a), if applicable.
- (b) An owner or manager of a dental laboratory may renew an unexpired registration certificate for a dental laboratory if the owner or manager:
- (1) pays the required renewal fee to the board on or before the expiration date; and
 - (2) complies with any other renewal requirements.
- (c) If the owner or manager of a dental laboratory fails to renew the dental laboratory's registration and pay the annual renewal fee before the date the registration expires, the board shall suspend the registration certificate of the laboratory.
- (d) An owner or manager of a dental laboratory whose registration certificate has been expired for 90 days or less may renew the registration certificate if the person pays to the board the required renewal fee and a fee equal to one-half of the amount of the renewal fee. If the registration certificate has been expired for more than 90 days but less than one year, the owner or manager may renew the certificate by paying to the board all unpaid renewal fees and a fee equal to the amount of the initial registration fee.
- (e) An owner or manager of a dental laboratory may not renew a registration certificate that has been expired for one year or more. The owner or manager may obtain a new certificate by complying with the requirements for obtaining an original certificate.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.094(b), eff. Sept. 1, 2001.

Sec. 266.155. Initial Registration Certificate Fee.

An initial registration certificate issued under this subchapter expires on the 30th day after the date the registration certificate is issued if the holder of the registration certificate fails to pay the required registration certificate fee on or before that date.

Added by Acts 2009, 81st Leg., R.S., Ch. 772, Sec. 10, eff. September 1, 2009.

TITLE 3
HEALTH PROFESSIONS
(DENTAL PRACTICE ACT)
(CHAPTERS 251 – 267)

CHAPTER 266
REGULATION OF DENTAL LABORATORIES
SUBCHAPTER E
PRACTICE BY REGISTRATION HOLDER

Sec. 266.201. Prescription Required.

- (a) A dentist who orders a dental laboratory service shall prepare and deliver to the dental laboratory a prescription or work order for the service to be performed.
- (b) The prescription or work order must contain:
 - (1) the signature and Texas dental license number of the dentist;
 - (2) the date the prescription or work order is signed;
 - (3) the patient's name; and
 - (4) a description of the dental laboratory service ordered.
- (c) A dentist shall keep a copy of each prescription or work order at the dentist's office in a separate file for two years for inspection by the board's officers, agents, or employees.
- (d) A dentist shall label as provided by board rule a removable dental prosthesis fabricated in this state by the dentist or by a person under a prescription or work order prepared by the dentist.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 1240, Sec. 5, eff. Sept. 1, 2003.

Sec. 266.202. Reliance on Prescription.

- (a) The owner, manager, or employee of a dental laboratory or a dental technician may not perform or aid or abet another person in performing a dental laboratory service unless:
 - (1) the service was ordered by and any resulting item will be delivered to:
 - (A) a dentist engaged in the practice of dentistry in this state or in a jurisdiction in which the dentist maintains a dental office and engages in the practice of dentistry; or
 - (B) an employee of the dentist, if the service is performed for and on behalf of the dentist; and
 - (2) the dental laboratory receives a prescription or work order for the service in accordance with Section 266.201.
- (b) If a dental laboratory receives a prescription or work order for dental laboratory services and refers the work to another laboratory, the referral must be accompanied by a written statement that the prescription or work order is on file with the original laboratory.
- (c) A dental laboratory owner or manager shall maintain on the premises of a dental laboratory as a part of the laboratory's records a record of each prescription or work order completed at the dental laboratory until the second anniversary of the date the prescription or work order is furnished. The owner or manager shall also maintain the record in an alphabetized file in a separate place.
- (d) The premises of a dental laboratory, the records of a dental laboratory or a dental technician employed by the dental laboratory pertaining to dental prescriptions or work orders, and records relating to the referral of work to a dental technician or the owner or manager of a dental laboratory shall be open and available for inspection by a member, officer, employee, investigator, or agent of the board during regular office hours.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.203. Transportation of Dental Materials Permitted.

This chapter does not prohibit a person who is subject to and complies with this chapter from using the United States mail, a railway express agency, Western Union, or a messenger or common or contract carrier to handle, accept from, or transport or deliver to a dentist or dental laboratory an item in any form or state of completion on which a dental laboratory service will be or has been offered or ordered to be performed.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

**TITLE 3
HEALTH PROFESSIONS
(DENTAL PRACTICE ACT)
(CHAPTERS 251 – 267)**

**CHAPTER 266
REGULATION OF DENTAL LABORATORIES**

**SUBCHAPTER F
DISCIPLINARY ACTION**

Sec. 266.251. Grounds for Disciplinary Action.

- (a) The board may refuse to issue a registration certificate, may impose a fine on a person who holds a registration certificate, may suspend or revoke a person's registration certificate, or may probate any portion of the suspension if, after a hearing, the board determines that the applicant or certificate holder has:
- (1) violated or aided another person in violating a law regulating the practice of dentistry; or
 - (2) required or allowed a person under the direction or control of the person to violate a law regulating the practice of dentistry.
- (b) In this section, an applicant for or holder of a registration certificate includes a person who has at least a 20 percent ownership interest in or is the general partner or managing partner in a dental laboratory that is registered under this chapter or for which an application for registration has been filed.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.252. Procedures for Disciplinary Action.

The board shall follow the procedures under Chapter 263 in a complaint or disciplinary action under this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

**TITLE 3
HEALTH PROFESSIONS
(DENTAL PRACTICE ACT)
(CHAPTERS 251 – 267)**

**CHAPTER 266
REGULATION OF DENTAL LABORATORIES**

**SUBCHAPTER G
PROHIBITED PRACTICES, ENFORCEMENT, AND PENALTIES**

Sec. 266.301. Dental Prosthetic Appliance.

- (a) In this section, "person" means an individual or a private legal entity, including a corporation, association, or partnership.
- (b) A person may not fill a prescription to prepare or repair a dental prosthetic appliance that is to be delivered to a dental patient by a licensed dentist unless the person is a dental laboratory or dental technician.
- (c) A dental laboratory that prepares or repairs a dental prosthetic appliance for a dentist shall provide to the dentist in writing at the time of the delivery the dental laboratory's assigned registration number and the expiration date of the dental laboratory's registration certificate.
- (d) A dentist may not knowingly prescribe, order, or receive a dental prosthetic appliance that is to be prepared or has been prepared by an unregistered dental laboratory.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.302. Injunction.

The board may apply for a restraining order or injunction to enforce this chapter or a board rule adopted under this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 266.303. Criminal Penalties.

- (a) A person commits an offense if the person:
 - (1) is a dentist and provides a dental laboratory service without being exempt under Section 266.002(2); or
 - (2) violates Section 266.151 or 266.301.
- (b) An offense for a violation of Section 266.151 or Section 266.301(b) is a felony of the third degree.
- (c) An offense for a violation of Section 266.301(c) is a Class C misdemeanor. If it is shown on the trial of an offense under this section that the defendant has previously been convicted for an offense for a violation of Section 266.301(c), the offense is a Class A misdemeanor.
- (d) An offense for a violation of Section 266.301(d) is a Class B misdemeanor. If it is shown on the trial of an offense under this section that the defendant has previously been convicted of an offense for a violation of Section 266.301(d), the offense is a Class A misdemeanor.
- (e) Each day of a violation is a separate offense.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.
Amended by: Acts 2009, 81st Leg., R.S., Ch. 772, Sec. 11, eff. September 1, 2009.

TEXAS STATE BOARD OF DENTAL EXAMINERS



RULES

AND

REGULATIONS



CHAPTER 116

DENTAL LABORATORIES

Texas State Board of Dental Examiners

333 Guadalupe, Tower 3, Suite 800

Austin, Texas 78701-3942

Website: www.tsbde.state.tx.us

E-Mail: information@tsbde.state.tx.us

Phone: (512) 463-6400 ~ Fax: (512) 463-7452





CHAPTER 116

DENTAL LABORATORIES

116.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) "Dental laboratory" - any place where a person performs, offers to perform or undertakes to perform any act or service listed in Occupations Code, 266.001, subject to the exemptions listed in 116.2 of this chapter.
- (2) "Dental student" - a person enrolled as a full-time student in an accredited dental school.
- (3) "Dental technician" - a person who performs the services as set out in Occupations Code, 266.001 including, but not limited to, a certified dental technician ("CDT") who has a current certificate issued by a recognized board of certification for dental technology, or its successor.
- (4) "Designated CDT of a dental laboratory" - the person so designated on the annual registration form of a CDT laboratory who meets the CDT certification requirement and minimum employment requirements of these rules.
- (5) "Designated employee of a dental laboratory" - the person so designated on the annual registration form of a dental laboratory exempted under 116.5 of this chapter, who meets the continuing education and minimum employment requirements of these rules.

Source Note: The provisions of this §116.1 adopted to be effective May 10, 2004, 29 TexReg 4484.

116.2. Exemptions.

This chapter does not apply to:

- (1) a student enrolled in a program of a school of dentistry;
- (2) a licensed dentist engaged in the practice of dentistry in this state who performs a dental laboratory service for compensation or an employee of the dentist or of the professional corporation or partnership in which the dentist is an officer, partner, or employee if the service is performed:
 - (A) for a patient of the dentist or of the professional corporation or partnership in which the dentist is an officer, partner, or employee; and
 - (B) on the premises in which the dentist practices dentistry; or
- (3) a manufacturer of materials or component parts, used in the fabrication of a dental prosthetic appliance and for sale or use by a dental laboratory, that are not directly fitted to a dental model or cast of the human teeth, gums, jaws, or alveolar process.

Source Note: The provisions of this rule 116.2 adopted to be effective May 7, 2004, 29 TexReg 4484.

116.3. Registration and Renewal.

- (a) A dental laboratory shall be registered according to the provisions of Occupations Code, Subchapter D, §§266.151 - 266.154.
- (b) The Dental Laboratory Certification Council (DLCC) shall review each application for registration or renewal of registration to determine if the applicant meets the requirements of Occupations Code, Chapter 266. Applications will be forwarded with a recommendation to the Board for registration if the



RULES AND REGULATIONS
Chapter 116 – Dental Laboratories

Texas State Board of Dental Examiners
333 Guadalupe Tower 3, Suite 800
Austin, Texas 78701-3942

requirements of Occupations Code, Chapter 266 and this chapter are met, and the following materials are submitted:

- (1) A complete application or renewal, with all required information;
 - (2) proof of compliance with §116.6 of this chapter;
 - (3) the appropriate fee; and,
 - (4) effective January 1, 2009, for initial registrations only and once every three years for registration renewals, proof of completion of the Texas Jurisprudence Assessment for dental laboratories.
- (c) It shall be the duty of each laboratory owner or manager to notify the Board in writing within 60 days of:
- (1) a change in ownership or management of the laboratory;
 - (2) a change in location of the laboratory;
 - (3) closure of the laboratory;
 - (4) a change of designated CDT, in which case the notice must be accompanied by proof of current CDT certification for the replacement CDT;
 - (5) a change of designated employee, if the laboratory is exempted under §116.5 of this chapter. A change of designated employee will require proof within six (6) months of the change that the designated employee meets continuing education requirements; or
 - (6) a change in mailing address for the owner or manager of the laboratory.
- (d) Any laboratory owner applying for a new laboratory registration who has pending fees and/or penalties due from a previous laboratory registration when such laboratory was closed for non-compliance with subsection (c) of this section must first remit to the Board any fees and penalties due on that previous registration before the new registration application will be considered by the DLCC.
- (e) An initial registration certificate issued under this chapter on or after September 1, 2009 expires on the 30th day after the date the registration certificate is issued if the holder of the registration certificate fails to pay the required registration certificate fee on or before that date.

Source Note: The provisions of this §116.3 adopted to be effective May 10, 2004, 29 TexReg 4484; amended to be effective February 26, 2009, 34 TexReg 1246; amended to be effective February 3, 2010, 35 TexReg 642

116.4. Requirements

- (a) The following procedures, performed in relation to permitted dental laboratory services described in Occupations Code, 266.001, and pursuant to a written prescription from a licensed dentist, may be undertaken by a registered dental laboratory:
- (1) Shade taking. Dental laboratories providing this service shall institute and maintain infection control procedures for in-laboratory shade verification to protect the patient and laboratory staff from infectious contamination. Each laboratory shall:
 - (A) Dedicate a specific area of the laboratory for performance of shade verification procedures.
 - (B) Maintain the area used for shade verification in a neat, clean, and clutter-free state at all times.
 - (C) Disinfect areas of patient contact both before and after each patient.
 - (D) Provide a dedicated set of shade guides to be used only for patient shade verification, and disinfect shade guides before and after each use.
 - (E) Provide a patient hand mirror for extraoral use, and disinfect the mirror before and after each patient's use.
 - (F) Use a disinfecting agent for cleaning shade guides that are accidentally dropped.
 - (G) Require that the technicians taking the shade wear protective clothing, including gloves.



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Chapter 116 – Dental Laboratories

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- (2) Computer imaging pertaining to the oral cavity by a registered laboratory. Computer imaging may be performed only when authorized by a written prescription from a licensed dentist. The result should be furnished to that dentist, accompanied by a disclaimer to the patient that computer imaging is an artistic interpretation and does not guarantee exact results.
- (b) A dental laboratory shall furnish each licensed dentist from whom prescriptions are accepted with its permanent registration number and the expiration date of such registration, and shall maintain for a period of two years any work orders of any laboratory with which it contracts services. Each work order shall reflect the Texas registration number and registration expiration date of the contracted laboratory.
- (c) No work may be outsourced, except to a dental laboratory registered under this chapter.
- (d) A person owning or operating a laboratory in the State of Texas must maintain the entire laboratory in a clean and sanitary condition without any accumulation of trash, debris, or filth, and such premises shall be maintained in full compliance with all health requirements of the city or county, or both, in which such a laboratory is located and in conformity with the health laws of the State of Texas.

Source Note: The provisions of this §116.4 adopted to be effective May 10, 2004, 29 TexReg 4484

116.5. Certified Dental Technician Required.

- (a) All dental laboratories must have a certified dental technician employed by and working on the premises of the dental laboratory a minimum of 30 hours per week.
- (b) A dental laboratory is exempt from subsection (a) of this section if the laboratory is:
 - (1) owned by a licensed dentist engaged in the practice of dentistry in this state or by a professional corporation or partnership in which that dentist is an officer, partner, or employee; and
 - (2) located on the premises within which the dentist practices dentistry.
- (c) The exemption under subsection (b) of this section does not apply to a dental laboratory if the laboratory employs three or more dental technicians.
- (d) A dental laboratory is exempt from subsection (a) of this section if:
 - (1) the dental laboratory was registered with the Board on September 1, 1987;
 - (2) the dental laboratory's registration has been renewed each year and all registration fees have been paid;
 - (3) the beneficial ownership of at least 51% interest in the laboratory has not transferred; and
 - (4) the owner and/or the designated employee of the dental laboratory is employed on the premises of the laboratory for at least 30 hours per week.
- (e) The owner of the dental laboratory shall maintain employment records validating compliance with this section for a period of not less than two years.

Source Note: The provisions of this §116.5 adopted to be effective May 10, 2004, 29 TexReg 4484; amended to be effective November 5, 2006, 31 TexReg 8835

116.6. Continuing Education.

- (a) A dental laboratory renewing a certificate must provide proof that the designated CDT has met the continuing education requirements of a recognized board of certification for dental technology, or its successor.



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- (b) A dental laboratory that meets the exemption qualifications in §116.5 of this chapter must provide, in lieu of the requirement of subsection (a) of this section, proof, that the designated employee has completed at least 12 hours of continuing education during the preceding 12-month period. Continuing education hours may only be used for one renewal period.
- (c) Acceptable continuing education shall be comprised of business management, infection control, and technical competency courses presented in seminars or clinics as accepted by a recognized organization of dentistry or dental technology, subject to the following requirements:
 - (1) The designated employee must complete at least one course in regulatory compliance annually. Examples include courses in Infection Control, Occupational Safety and Health Administration (OSHA), Federal Drug Administration (FDA), Texas Jurisprudence, Cardiopulmonary Resuscitation (CPR) or Ethics.
 - (2) No more than one course in business management may be applied toward the annual continuing education requirement.
 - (3) Self-study in a course approved by a recognized organization of dentistry or dental technology may be taken for not more than four hours of the annual continuing education requirement.
- (d) In lieu of furnishing proof of continuing education as set forth in subsection (c) of this section, a dental laboratory may furnish proof that the designated dental technician has a current certification from a recognized board of certification for dental technology or its successor. Certification as "retired" does not qualify the technician.

Source Note: The provisions of this §116.6 adopted to be effective May 10, 2004, 29 TexReg 4484; amended to be effective February 26, 2009, 34 TexReg 1246

Rules 116-7 – 116-9 (RESERVED)

116.10. Prosthetic Identification.

- (a) It shall be the duty of the licensed dentist to insure that all removable prosthetic devices or removable orthodontic appliances delivered to a patient under his or her care bear a permanent identification marking suitable to determine that the prosthetic device or removable orthodontic appliance belongs to that patient.
- (b) A suitable marking shall be defined as one that includes the patient's last name and first initial, and/or social security number. This marking shall be placed in the denture base of the removable prosthetic device or acrylic portion of the removable orthodontic appliance in such a manner as not to compromise the aesthetics of the restoration.
- (c) The licensed dentist shall install this identification marking or shall request on the prescription to a registered dental laboratory that the laboratory place the identification marking in the removable prosthetic device or removable orthodontic appliance.
- (d) Nothing in this rule shall preclude a dental laboratory from charging a fee for this service.
- (e) This rule shall not apply to any removable prosthetic device or removable orthodontic appliance that contains no acrylic, vinyl or plastic denture base, or if said appliance is too small to reasonably accomplish this procedure.
- (f) A dental laboratory that is required to register with the State Board of Dental Examiners shall clearly label or certify in writing to the prescribing dentist that the prosthesis or appliance being delivered to the prescribing dentist was either:
 - (1) manufactured entirely by the SBDE registered dental laboratory;
 - (2) manufactured in part or whole by a domestic laboratory inside of the United States; or,



RULES AND REGULATIONS
Chapter 116 – Dental Laboratories

Texas State Board of Dental Examiners
333 Guadalupe Tower 3, Suite 800
Austin, Texas 78701-3942

- (3) manufactured in part or whole by a foreign laboratory outside of the United States and clearly identify the country in which the dental laboratory work was performed.
- (g) A dental laboratory that is required to register with the State Board of Dental Examiners may return to the dentist who issued the prescription written certification of all materials utilized in the prosthesis or appliance, including the percentage of each ingredient used in the fabrication of the prosthesis or appliance.

Source Note: The provisions of this §116.10 adopted to be effective May 26, 2005, 30 TexReg 3020; amended to be effective February 26, 2009, 34 TexReg 1247; amended to be effective December 22, 2010, 35 TexReg 11257

Rule 116.11 – 116.19 (RESERVED)

116.20. Responsibility.

- (a) Each owner and manager named in an application to register a dental laboratory, irrespective of the person signing the application, is responsible for the proper registration and operation of the laboratory pursuant to the Dental Practice Act and these rules.
- (b) For the purposes of this section, "owner" includes a person who has at least a 20 percent ownership interest in a dental laboratory that is registered under this chapter or for which an application for registration has been filed.
- (c) The provisions of Occupations Code, Chapter 266, providing that persons violating the Dental Practice Act are subject to criminal penalties and subject to loss of registration or refusal by the board to issue a registration, apply to the owner and manager of any dental laboratory having or seeking registration in Texas.

Source Note: The provisions of this §116.20 adopted to be effective May 10, 2004, 29 TexReg 4484.

SOAH DOCKET NO. 504-11-2831
SBDE NO. 10-1020-0712

TEXAS STATE BOARD of
DENTAL EXAMINERS,
Petitioner

v.

DENTAL CREATIONS D/B/A
DENTAL ESTHETICS
TEXAS DENTAL LABORATORY
REGISTRATION NUMBER 3290,
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: DENTAL CREATIONS D/B/A
DENTAL ESTHETICS
c/o MICHAEL MILLS, OWNER
3838 LOCKHILL SELMA, #215
SAN ANTONIO, TX 78230

REBECCA S. SMITH
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on August 5, 2011, the Board considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; and (2) Staff's recommendation that the Board adopt the PFD regarding the Texas Dental Laboratory Registration of Dental Creations d/b/a Dental Esthetics.

The State Board of Dental Examiners finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's Findings of Facts and Conclusions of Law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as

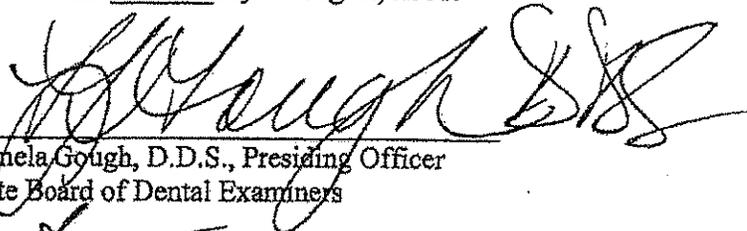
part of the record herein.

The State Board of Dental Examiners, after review and due consideration of the PFD and Staff's recommendations, adopts all of the Findings of Fact and Conclusions of Law of the ALJ contained in the PFD, as if fully set out and separately stated herein. Further, all proposed findings of fact and conclusions of law filed by any part not specifically adopted herein are hereby denied.

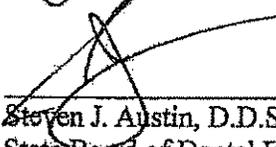
IT IS, THEREFORE, ORDERED THAT, Texas Dental Laboratory Registration No. 3290, previously issued to DENTAL CREATIONS D/B/A DENTAL ESTHETICS, in the State of Texas be, and the same is hereby, REVOKED.

STATE BOARD OF DENTAL EXAMINERS

Entered this 5th day of August, 2011.



Pamela Gough, D.D.S., Presiding Officer
State Board of Dental Examiners



Steven J. Austin, D.D.S., Secretary
State Board of Dental Examiners

Attachment: Proposal for Decision; Docket No. 504-11-2831 (March 23, 2011).

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

March 23, 2011

Sherri Sanders Meek
Executive Director
State Board of Dental Examiners
333 Guadalupe, Tower 3, Ste. 800
Austin, Texas 78701-3942

INTER-AGENCY

RE: Docket No. 504-11-2831; Texas State Board of Dental Examiners v. Dental Creations d/b/a Dental Esthetics, Texas Dental Laboratory Registration No. 3290

Dear Ms. Meek:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in black ink that reads "Rebecca S. Smith".

Rebecca S. Smith
Administrative Law Judge

RSS/lr
Enclosures

xc: Joy Sparks, General Counsel, SBDE, 333 Guadalupe, Tower 3, Suite 800, Austin, TX 78701 – (with Certified Evidentiary Record) – **VIA INTER-AGENCY**
Michael J. Mills, Sr., Owner, Dental Creations d/b/a Dental Esthetics, 3838 Lockhill Selma #215, San Antonio, TX 78230 - **VIA REGULAR MAIL**

300 West 15th Street Suite 502 Austin, Texas 78701 / P.O. Box 13025 Austin, Texas 78711-3025
512.475.4993 (Main) 512.475.3445 (Docketing) 512.475.4994 (Fax)
www.soah.state.tx.us

SOAH DOCKET NO. 504-11-2831

TEXAS STATE BOARD OF DENTAL EXAMINERS, Petitioner	§	BEFORE THE STATE OFFICE
	§	
	§	
V.	§	OF
	§	
DENTAL CREATIONS D/B/A DENTAL ESTHETICS, TEXAS DENTAL LABORATORY REGISTRATION NO. 3290, Respondent	§	ADMINISTRATIVE HEARINGS
	§	

PROPOSAL FOR DECISION

This matter was scheduled for hearing at the request of the Texas State Board of Dental Examiners. Despite being sent proper notice, the Respondent did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law, the Administrative Law Judge finds that the relief requested by the referring agency should be granted on a default basis.

FINDINGS OF FACT

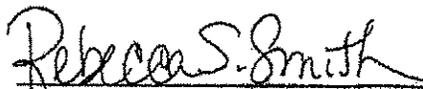
1. Notice of the hearing was mailed to the Respondent at the Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on March 23, 2011.
5. The Respondent did not appear at the scheduled hearing and was not represented at the hearing.

6. The referring agency's staff moved for a default, which was granted.
7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The referring agency has jurisdiction over this matter.
3. Proper and timely notice was provided to the Respondent in accordance with TEX. GOV'T CODE ch. 2001 and 1 TEX. ADMIN. CODE ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. The referring agency staff has established the basis for sanction alleged in the notice of hearing, which is incorporated into this Conclusion of Law.
6. The referring agency is entitled to the relief requested in its notice of hearing.

SIGNED March 23, 2011.



REBECCA S. SMITH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

SBDE NO. 10-0597-0401

IN THE MATTER OF
THE LICENSE OF

AFFORDABLE ESTHETICS
DENTAL LAB

TEXAS DENTAL LAB REGISTRATION
NUMBER 3271

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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 20th day of August, 2010, the State Board of Dental Examiners ("Board" or "SBDE") met in a regularly scheduled meeting and the above styled case was heard.

On July 20, 2010, SBDE staff proposed this Agreed Settlement Order in the above captioned case against Affordable Esthetics Dental Lab, hereinafter "Respondent," holder of Texas Dental Laboratory Registration No. 3271. At issue are allegations that the Respondent violated the laws and rules regulating the performance of dental laboratory services.

Respondent wishes to waive further formal adjudicatory proceedings and voluntarily enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent fully understands the nature of the findings of fact and conclusions of law set out herein, that Respondent has been advised of the right to legal representation, and that Respondent has been given the opportunity to formally contest any Board allegations in an adjudicatory proceeding.

The following Agreed Settlement Order is proposed, contingent on Board approval.

FINDINGS OF FACT

1. EDWARD WATSON is the owner of Affordable Esthetics Dental Lab, and acts on behalf of Respondent, Affordable Esthetics Dental Lab. Respondent holds Dental Laboratory Registration No. 3271. Respondent's registration was initially issued on May 17, 2010.
2. Respondent has no previous disciplinary history against his registration.
3. Between April 1, 2010 and May 17, 2010, Edward Watson provided dental lab services to a Texas licensed dentist at Affordable Esthetics Dental Lab – a dental laboratory not licensed by the Board on those dates.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Texas State Board of Dental Examiners has authority and jurisdiction over this case pursuant to Tex. Occ. Code § 251.001 et seq. and 22 Tex. Admin. Code § 101 et seq.
2. The conduct described above constitutes a violation of Tex. Occ. Code § 266.251; and 22 Tex. Admin. Code § 116.3.

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental Laboratory Registration No. 3271, issued to Affordable Esthetics Dental Lab, is hereby issued the sanction of a WARNING.
2. Respondent SHALL pay an administrative monetary fine in the amount of one thousand dollars (\$1,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701. The administrative monetary fine SHALL be paid in one (1) lump sum or in installment payments, the total amount due no later than six (6) months from the effective date of this Order.
3. Respondent SHALL complete a total of twelve (12) hours of Continuing Education courses. Under this stipulation, the continuing education courses SHALL be completed within six (6) months of the effective date of this Order. Continuing Education courses completed SHALL be in the following area(s):
 - a. Ethics - 6 hours
 - b. Sanitation and Infection Control - 6 hours

This continuing education SHALL be in addition to Respondent's annual continuing education hours required for licensure by the Board.

All continuing education courses SHALL be approved in advance by the Board Secretary. It is the responsibility of the Respondent to obtain such approval. Courses taken without prior approval and prior to the effective date of this Order SHALL NOT satisfy the requirements of this Order. The Board Secretary SHALL have the authority to reduce the number of continuing education days or hours based on course availability. Upon the successful completion of each course, the Respondent SHALL provide completion documentation to the Board.

4. Respondent SHALL take and pass the jurisprudence assessment within thirty (30) days of the effective date of this Order. The fees for the assessment SHALL be borne by Respondent. A jurisprudence assessment taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement.
5. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this Order.

By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges Respondent's understanding of it, and agrees that Respondent will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.

Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this Order or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

Respondent, by signing this Agreed Settlement Order, waives any right to a formal hearing and any right to judicial review of this Order. Failure to comply with the terms and conditions of this Order SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.

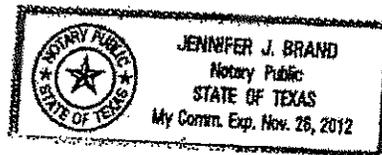
All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.

Edward Watson

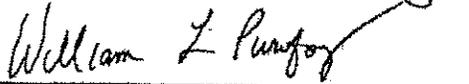
Edward Watson, owner of Affordable Esthetics Dental Lab, on behalf of Affordable Esthetics Dental Lab
Respondent

SWORN TO AND SUBSCRIBED before me on the 3rd day of August, 2010.

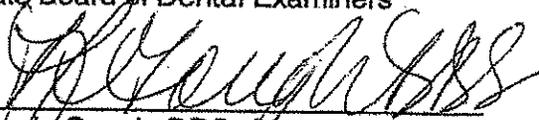
Jennifer J. Brand
NOTARY PUBLIC
IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 22nd day of August 2010.



William Purifoy, DDS, Presiding Officer
State Board of Dental Examiners



Tameka Gough, DDS, Secretary
State Board of Dental Examiners

IN THE MATTER OF
THE REGISTRATION OF

ADVANCED DENTAL
LABORATORIES

TEXAS DENTAL LAB
NUMBER 3272

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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 10th day of November, 2010, the State Board of Dental Examiners ("Board" or "SBDE") met in a regularly scheduled meeting and the above styled case was heard.

On October 14, 2010, SBDE staff proposed this agreed settlement order in the above captioned case against Advanced Dental Laboratories, hereinafter "Respondent," holder of Texas Dental Laboratory Registration No. 3272. At issue are allegations that the Respondent violated the laws and rules regulating the performance of dental laboratory services.

Respondent wishes to waive further formal adjudicatory proceedings and voluntarily enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent fully understands the nature of the findings of fact and conclusions of law set out herein, that Respondent has been advised of the right to legal representation, and that Respondent has been given the opportunity to formally contest any Board allegations in an adjudicatory proceeding.

The following Agreed Settlement Order is proposed, contingent on Board approval.

FINDINGS OF FACT

1. Respondent, Jonathan Ferrell, DDS, is the owner of Advanced Dental Laboratories, and acts on behalf of Advanced Dental Laboratories. Advanced Dental Laboratories holds Dental Laboratory Registration No. 3272. Respondent's registration was initially issued on June 1, 2010, and is currently in full force and effect.
2. Respondent has no previous disciplinary history against his registration.
3. From December 2008 to June 1, 2010, Jonathan Ferrell operated Advanced Dental Laboratories in the state of Texas without a dental laboratory registration issued by the State Board of Dental Examiners.

be borne by Respondent. A jurisprudence assessment taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement.

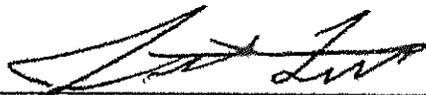
5. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this Order.

By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges Respondent's understanding of it, and agrees that Respondent will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.

Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this Order or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

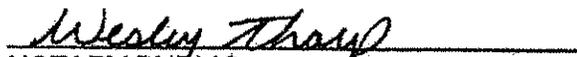
Respondent, by signing this Agreed Settlement Order, waives any right to a formal hearing and any right to judicial review of this Order. Failure to comply with the terms and conditions of this Order SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.

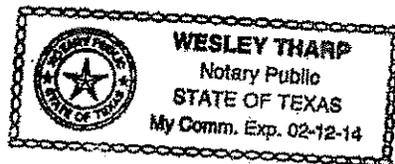
All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.



Jonathan Ferrell, owner of Advanced Dental Laboratories,
on behalf of Advanced Dental Laboratories
Respondent

SWORN TO AND SUBSCRIBED before me on the 5th day of
November, 2010.


NOTARY PUBLIC
IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS

SIGNED this 19th day of November 2010.

William Purifoy DDS

William Purifoy, DDS, Presiding Officer
State Board of Dental Examiners

Tamela Gough DDS

Tamela Gough, DDS, Secretary
State Board of Dental Examiners

Effective June 4, 2008, new legislation went into effect that changed the South Carolina Dental Practice Act. Beginning December 4, 2008, dental laboratories that perform dental technological work outside of South Carolina must employ a person registered by the South Carolina Board of Dentistry to authorize such work. Also, invoices for prescriptions must include the certificate number of the person employed by the lab which will perform the work.

Attached for your information is a copy of the new legislation. Please take time to review and familiarize yourself with these changes as they may directly affect your practice.

The Application and Requirements for Dental Technician Registration, and the Study Guide for the State Board Dental Technician Examination are available at: www.llr.state.sc.us/pol/dentistry under "Applications / Forms." The Dental Practice Act, Regulations of the Board and Guidelines for Infection Control in Dental Health Care Settings are available at this same web site under "Laws / Policies."

Information regarding the Written Comprehensive Examination of the National Board for Certification in Dental Laboratory Technology (NBC) is available at: <http://www.nbccert.org/CDT>.

Act No. 295, effective June 4, 2008, applies to dental technicians and prescriptions for dental technological work issued by a dentist licensed in South Carolina beginning December 4, 2008.

Requirements for having dental technological work performed outside of this State.

SECTION 1. Chapter 15, Title 40 of the 1976 Code is amended by adding:

"Section 40-15-125. A dental laboratory is considered to perform dental technological work in this State if the work product is prepared pursuant to a written prescription originating in this State, and in order for a dental laboratory to perform dental technological work that originated in this State:

1. the laboratory work must be authorized by a person employed in that laboratory who is registered with the State Board of Dentistry pursuant to Sections 40-15-120, 40-15-240, and 40-15-170;
2. the dental technological work must be based on a prescription issued by a dentist licensed and practicing in this State; and
3. the laboratory shall return to the dentist who issued the prescription certification of:
 - a. the country of origin where the dental technological work was performed, in whole or in part;
 - b. a list of all materials, including the percentage of each ingredient used in the fabrication of the dental device; and
 - c. the name, address, and certificate number of the person or organization authorized to manufacture the dental device."

Definition revised.

Section 2. Section 40-15-280 of the 1976 Code is amended to read:

"Section 40-15-280. 'Prescription' means a written order for dental technological work which has been issued by a licensed dentist. A prescription must be in a form prescribed by the board in regulation and must contain:

1. the name, address, and certificate number of the individual or organization to do the work;
2. identification of the patient by name or number;
3. the date on which the authorization was written;
4. a description of the work to be done, with diagrams, if necessary;
5. a specification of the type and quality of materials to be used;
6. the dentist's signature, complete address, and state license number."

**South Carolina Code of Laws
Unannotated
Current through the end of the 2011 Session**

DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2011 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history, may be copied from this website at the reader's expense and effort without need for permission.

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Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

Title 40 - Professions and Occupations

CHAPTER 15.

DENTISTS, DENTAL HYGIENISTS, AND DENTAL TECHNICIANS

SECTION 40-15-10. State Board of Dentistry created.

The practice of dentistry and dental hygiene and the performance of dental technological work, as hereinafter defined, shall be under the supervision of a board to be known as the South Carolina State Board of Dentistry. The term "board" as used in this chapter shall mean the South Carolina State Board of Dentistry unless otherwise specified.

HISTORY: 1962 Code Section 56-636.1; 1968 (55) 2502.

SECTION 40-15-20. Membership of board; appointment, terms, elections, vacancies, and removal.

There is created the State Board of Dentistry (board) to be composed of nine members, one of whom shall be a lay member from the State at large, one of whom shall be a dentist from the State at large, one of whom shall be a dental hygienist from the State at large, and six of whom shall be dentists representing each of six Congressional Districts.

Dentists shall be licensed, practicing dentists and residents of the State and of the Congressional District which they represent. The dental hygienist shall be a licensed, practicing dental hygienist and resident of the State.

The terms of the members shall be for six years and until successors are appointed and qualify. No member shall be allowed successive terms of office.

The dentist at large and lay member shall be appointed by the Governor. All appointments to the board of the six members of the board representing the Congressional Districts shall be made upon the recommendation of the board, which recommendation shall be based upon an annual election conducted by the board. This election shall be conducted on a rotating basis in the six Congressional Districts in numerical order so that each year the licensed dentists residing in the subject district shall elect from among themselves a member of the board. The board at its regular annual meeting shall certify in writing to the Governor the name of the person winning the election and the name of the person the nominee replaces on the board. The Governor may reject any or all of the nominees upon satisfactory showing as to the unfitness of those rejected. If the Governor declines to appoint any of such nominees so submitted, additional nominees shall be submitted in the same manner. Vacancies shall be filled in a like

(c) the work is performed pursuant to a properly executed work authorization, as provided for in this chapter, if the work is to be done by or under the direction and control of a registered dental or orthodontic technician.

(9) a certified or qualified dental assistant or licensed dental hygienist from taking impressions for dental study casts under the direct supervision of a licensed dentist present on the premises;

(10) a licensed dental hygienist employed within or contracted through the public health system from providing education and primary preventive care that is reversible. Primary preventive care and education are defined as promotion and protection of health to avoid the occurrence of disease through community, school, and individual measures or improvements in lifestyle. These services are to be performed under the direction of the Department of Health and Environmental Control State Dental Coordinator or the department's designee but do not require that the director or a licensed dentist be present when any public health dental program services are provided. Public health dental program services include oral screenings using a Department of Health and Environmental Control approved screening system, oral prophylaxis, application of topical fluoride including varnish, and the application of dental sealants.

(B) A dentist licensed in another state teaching in a dental college in this State accredited by the commission is exempt from the licensure requirement unless he engages in the intramural or private practice of dentistry.

(C) Nothing in this chapter may be construed to require licensure for interns or residents enrolled in an intern or residency training program approved by the commission.

(D) Unlicensed personnel in a dental office may perform those tasks as authorized by the board and for which minimal training standards and qualifications are established by regulation. All tasks permitted to be performed by other than licensed personnel must be under the direct supervision of a dentist present on the premises and licensed in this State.

(E) The Department of Health and Environmental Control shall target services in a public health setting to under-served populations. A public health setting is defined as a hospital, nursing home, long term care facility, rural or community health clinic, health facility operated by federal, state, county, or local governments, hospice, an educational institution, a bona fide charitable institution, or a mobile delivery program operated in one of these settings under the direction of the Department of Health and Environmental Control. Mobile delivery programs are defined as those that are not confined to a single building and can be transported from place to place.

(F) Dental assistants may perform oral screenings utilizing the Department of Health and Environmental Control approved screening system in school and public health settings under direction of the Department of Health and Environmental Control public health dental program.

(G) Dental assistants employed within or contracted through the public health system may assist in the delivery of public health dental program services as defined in this section. Program activities are performed under the direction of the Department of Health and Environmental Control State Dental Coordinator or the department's designee but do not require that the coordinator be present when services are performed.

(H) Licensed dental hygienists and dental assistants within the public health system may perform other duties authorized by regulations of the State Board of Dentistry.

HISTORY: 1962 Code Section 56-636.11; 1952 Code Sections 56-501, 56-532; 1942 Code Sections 5194, 5218; 1932 Code Sections 5194, 5218; 1922 (32) 844; 1968 (55) 2502; 1986 Act No. 363, Section 4; 1986 Act No. 517, Section 1; 1988 Act No. 493; 2003 Act No. 45, Section 4.

SECTION 40-15-120. Penalties for practice of dentistry or dental hygiene without license and for performance of dental or orthodontic technological work by unregistered person.

(A) It is unlawful for a person to:

(1) practice or attempt or offer to practice dentistry or dental hygiene in the State without having been licensed by the board; or

(2) practice or attempt or offer to practice dentistry or dental hygiene, or perform dental technological work in the State during any period of suspension or revocation of his license or registration certificate; or

(3) perform dental technological work without being registered by the board or if unregistered, without performing the work under the direction and control of a registered dental technician present on the premises or under the direction and control of a licensed dentist and on the dentist's premises; or

(4) perform orthodontic technological work without being a registered dental or orthodontic technician or if unregistered, without performing the work under the direction or control of a registered dental or orthodontic technician and on the technician's premises, or under the direction and control of a licensed dentist and on the dentist's premises.

(B) A person violating subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months or both. Each day a violation occurs constitutes a separate offense.

HISTORY: 1962 Code Section 56-636.12; 1952 Code Sections 56-533, 56-621, 56-634; 1942 Code Section 5212; 1932 Code Section 5212; 1922 (32) 844; 1946 (44) 2569; 1968 (55) 2502; 1986 Act No. 363, Section 5; 1996 Act No. 29.

SECTION 40-15-125. Dental laboratory filling prescription originating in State as performing dental technology work in State; requirements; information to be provided to dentist.

A dental laboratory is considered to perform dental technological work in this State if the work product is prepared pursuant to a written prescription originating in this State, and in order for a dental laboratory to perform dental technological work that originated in this State:

(1) the laboratory work must be authorized by a person employed in that laboratory who is registered with the State Board of Dentistry pursuant to Sections 40-15-120, 40-15-240, and 40-15-170;

(2) the dental technological work must be based on a prescription issued by a dentist licensed and practicing in this State; and

(3) the laboratory shall return to the dentist who issued the prescription certification of:

(a) the country of origin where the dental technological work was performed, in whole or in part;

(b) a list of all materials, including the percentage of each ingredient used in the fabrication of the dental device; and

(c) the name, address, and certificate number of the person or organization authorized to manufacture the dental device.

HISTORY: 2008 Act No. 295, Section 1.

SECTION 40-15-130. Advertisement of services; display of name and licensed area of practice; practice under trade names.

Dentists may advertise their services so long as these public communications are not false, deceptive, or misleading and do not attempt to create any impression, unsupported by fact, of superior skills or qualifications of those who practice thereunder. Licensed dental specialists may announce their specialization and may advertise their services so long as the public communications are not false, deceptive, or misleading.

Every dentist practicing dentistry under a trade name and every dentist practicing as an employee of another licensed dentist or a partnership or of a professional association shall cause his name and licensed area of practice to be conspicuously displayed and kept so displayed in a conspicuous place at the entrance of the place where the practice is conducted.

Dentists may practice or continue to practice under trade names so long as the names are not false, deceptive, or misleading and do not attempt to create any impression of superior skills or qualifications of those who practice thereunder.

HISTORY: 1962 Code Section 56-636.13; 1952 Code Section 56-570; 1942 Code Section 5209; 1932 Code Section 5209; 1922 (32) 844; 1968 (55) 2502; 1986 Act No. 363, Section 6.

SECTION 40-15-135. Certain dental services to be performed only by licensed dentist.

(A) Only a dentist licensed pursuant to this chapter may control the use of dental equipment or material while the equipment or material is being used to provide dental services in a dental office, whether those services are provided by a dentist, a dental hygienist, a dental assistant, or a dental auxiliary.

(B) No person other than a dentist, licensed pursuant to this chapter may exercise control over:

(1) the selection of a course of treatment of a patient, the procedures or materials to be used as part of the course of treatment, or the manner in which the course of treatment is carried out by the licensee;

(2) the patient records of a dentist. However, if the dentist is employed by a corporation or another dentist, the corporation or employing dentist is responsible for keeping the records for a period of five years and the practicing dentist shall have access to

(c) in any manner misrepresents or conceals his true name or former place of residence is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months or both.

HISTORY: 1962 Code Section 56-636.15; 1952 Code Section 56-569; 1942 Code Section 5208; 1932 Code Section 5208; 1922 (32) 844; 1968 (55) 2502; 1996 Act No. 295, Section 3.

SECTION 40-15-170. Reregistration; effect of foreign revocations.

The secretary of the board shall on or about the fifteenth day of October of each year send a reregistration application to the last address furnished the board of each person licensed or registered by the board. The failure to receive the application does not excuse a failure to reregister, as required by this chapter. An annual registration fee, to be set by the board, shall cover fully all costs and is payable by each licensed dentist and dental hygienist and each registered dental technician not later than the thirty-first of December. In setting the license fees for the year 1987-88, the board must set the license fees for each classification so that in the aggregate the revenues generated from all license fees for the year will equal one hundred fifteen percent of its total expenditures during the previous year. If reregistration is not completed by the thirty-first of December, the fee must be doubled. If the licensee or dental technician fails to reregister by the thirty-first of January of the following year, the secretary of the board shall notify the licensee or dental technician by registered mail at his last known address that failure to reregister by the first of March will result in the license or registration expiring as of the first of March. After the thirty-first of January, an additional five dollar penalty is added each day until the reregistration fee is paid. Any expired license may be reinstated or any dental technician may be reregistered by taking the licensure or dental technician examination or appearing in person before the board with a satisfactory explanation for the failure to reregister. An orthodontic technician may be reregistered by submitting a completed application or appearing in person before the board with a satisfactory explanation for the failure to reregister. It is the responsibility of each licensee or dental technician to keep the office of the secretary notified of his current mailing address.

If an individual's license to practice dentistry or dental hygiene is revoked by another state for cause this shall, in the discretion of the board, constitute grounds for revocation of his South Carolina license. The license of a dentist or dental hygienist who does not either reside or practice in South Carolina for a period of six successive years is considered inactive. The time spent in active service by any person in the armed forces or public health service of the United States or with the Veterans' Administration is not construed as absence from or failure to practice in the State. Relicensing after an absence of over six years may be made at the discretion of the board upon proof of high professional fitness and moral character.

HISTORY: 1962 Code Section 56-636.17; 1952 Code Section 56-568; 1942 Code Section 5205; 1932 Code Section 5205; 1922 (32) 844; 1966 (54) 2672; 1968 (55) 2502; 1986 Act No. 363, Section 8; 1990 Act No. 482, Section 1.

SECTION 40-15-172. Mobile dental facilities or mobile dental operations; registration; operating requirements.

(A)(1) An organization or dental practice utilizing a licensed dentist to operate one or more mobile dental facilities or portable dental operations shall register with the board by submitting an application in the form and manner required by the board and shall pay a registration fee, as established by the board in regulation. These fees must be adjusted in accordance with Chapter 1 of Title 40.

(2) If the ownership of a mobile dental facility or portable dental operation changes, a new registration must be obtained from the board.

(3) An applicant shall submit proof of registration with the Secretary of State, as may be required by law, authorizing the entity to do business in this State.

(B) A registrant, in addition to the other requirements of this section, shall ensure that:

(1) a dentist licensed to practice in this State is responsible at all times for services provided at a mobile dental facility or portable dental operation;

(2) dental services provided at a mobile dental facility or portable dental operation are provided by persons authorized by law to provide these services;

(3) each dentist and dental hygienist providing dental services in a mobile dental facility or portable dental operation displays his or her authorization to practice in this State in plain view of patients;

(4) dental and official records are maintained and available for inspection and copying upon request by the board;

(5) a confidential written or electronic record is maintained at a central office location or portable dental operation documenting

has staff privileges, to states where the dentist, dental hygienist, or dental technician has a license or certificate as known to the board, or to any other agency the board considers appropriate. If a license or certificate is voluntarily limited or surrendered by the holder, a public record of the existence and duration of the limitation or surrender must be maintained by the board, and no further distribution of the information may be made. All information, investigations, and proceedings concerning the circumstances underlying an action by the holder of the license or certificate is privileged and confidential.

HISTORY: 1986 Act No. 363, Section 12; 1993 Act No. 181, Section 885.

SECTION 40-15-220. License to practice specialty.

A special license shall be required for the practice of each special area of dentistry recognized by the American Dental Association, in order for a dentist to hold himself out to the public as limiting his practice to, being a specialist in, or giving special attention to any special area of dentistry. No dentist shall announce or hold himself out to the public as limiting his practice to, or as being a specialist in or giving special attention to, any special area of dentistry without first having obtained a special license therefor from the board as herein provided. The volume of business performed in any limited area of dentistry and the restriction of a licensed dentist's activity to any one or more limited areas of dentistry shall not in themselves constitute a holding out to the public that the dentist is a specialist.

HISTORY: 1962 Code Section 56-636.22; 1952 Code Section 56-601; 1945 (44) 363; 1968 (55) 2502.

SECTION 40-15-230. Applicant for license to practice specialty must be licensed to practice dentistry.

Before an applicant can be licensed to practice a specialty, he must first have been licensed to practice dentistry in the State.

HISTORY: 1962 Code Section 56-636.23; 1952 Code Section 56-602; 1945 (44) 363; 1968 (55) 2502.

SECTION 40-15-240. Application for license to practice specialty.

Every person who desires to obtain a license to practice a specialty of dentistry shall apply therefor to the board in writing and upon blanks prepared and furnished for the purpose not less than forty-five days before the board meets.

HISTORY: 1962 Code Section 56-636.25; 1962 Code Section 56-605; 1952 Code Section 56-605; 1945 (44) 363; 1968 (55) 2502.

SECTION 40-15-250. Examinations for licensing as specialists.

Examinations for licensing as specialists are held annually or as the board may determine. The examinations must be theoretical and practical. The theoretical examinations shall include subjects represented in that recognized special area of dentistry in which the applicant desires to specialize. The examination must be given either orally or in writing, or by requiring a practical demonstration of the applicant's skill, or by any combination of the methods as the board may require. The fee for the examinations and special license is prescribed in the regulations of the board. Any applicant who fails to pass the examination may apply for a subsequent examination, in which case he shall pay to the secretary a fee prescribed in the regulations of the board for each subsequent examination. A diplomate of a national certifying board recognized by the American Dental Association may be granted a specialty license without examination by the board after satisfactory completion of the application and submission of fees applicable to other applicants. A dentist now holding a valid South Carolina specialty license is not required to be reexamined for that specialty license after April 13, 1968.

HISTORY: 1962 Code Section 56-636.26; 1952 Code Sections 56-606, 56-607; 1945 (44) 363; 1966 (54) 2672; 1968 (55) 2502; 1986 Act No. 363, Section 13.

SECTION 40-15-260. Issuance, recording, and reregistration of license to practice specialty.

The board, upon satisfactory proof that the applicant has satisfied the then current educational requirements as set forth by the American Dental Association for ethical announcement of a practice limited to that specialty and has complied with all requirements of the board, may issue a license to such a dentist authorizing him to hold himself out or announce to the public that he is a specialist in, limits his practice to, or gives special attention to such recognized special area of the dental profession. Such special license shall be reregistered in the same manner as provided in this chapter for a license to practice dentistry.

HISTORY: 1962 Code Section 56-636.24; 1952 Code Section 56-604; 1945 (44) 363; 1968 (55) 2502; 1981 Act No. 117, Section 5.

SECTION 40-15-265 Intern or resident authorized to provide treatment under supervision.

board is authorized to charge and collect fees as established in regulation.

HISTORY: 2005 Act No. 92, Section 1.

SECTION 40-15-280. "Prescription" defined; form and contents of prescription.

"Prescription" means a written order for dental technological work which has been issued by a licensed dentist. A prescription must be in a form prescribed by the board in regulation and must contain:

- (1) the name, address, and certificate number of the individual or organization to do the work;
- (2) identification of the patient by name or number;
- (3) the date on which the authorization was written;
- (4) a description of the work to be done, with diagrams, if necessary;
- (5) a specification of the type and quality of materials to be used;
- (6) the dentist's signature, complete address, and state license number.

HISTORY: 1962 Code Section 56-636.28; 1968 (55) 2502; 2008 Act No. 295, Section 2.

SECTION 40-15-290. Work authorization required for work performed off dentist's premises; retention of copy; effect of failure to write and retain.

A dentist ordering dental technological work to be performed off his premises shall issue therefor a work authorization. A copy of each work authorization shall be retained in a file by the issuing dentist for a period of at least three years. The work authorization copy shall be available for inspection by the board, or its duly authorized agents, on the premises during such period. Any dentist who fails to write and retain the above written work authorization or refuses to allow the board, or its duly authorized agents, to inspect the same, will be subject to the revocation or suspension of his license as herein provided.

HISTORY: 1962 Code Section 56-636.29; 1968 (55) 2502.

SECTION 40-15-300. Possession of prosthetic or orthodontic model, impression, or appliance unlawful without work authorization.

No person other than a licensed dentist, a student in an accredited dental school, or the recipient patient shall have in his possession any prosthetic or orthodontic model, impression, or appliance on which dental technological work has been, is being, or will be performed without having in his possession a properly executed written work authorization therefor. The board has authority to inspect the premises of any person licensed or registered by the board to insure compliance with this section. Nothing in this section precludes a certified or qualified dental assistant or licensed dental hygienist from taking impressions for dental study casts under the direct supervision of a licensed dentist present on the premises.

HISTORY: 1962 Code Section 56-636.30; 1968 (55) 2502; 1986 Act No. 363, Section 14.

SECTION 40-15-310. Subwork authorizations for subcontractors.

If the person receiving a written work authorization from a licensed dentist engages another person to perform some of the dental technological work relative to such work authorization, he shall furnish a written subwork authorization with respect thereto. The subcontractor shall retain the subwork authorization and the issuer thereof shall retain a duplicate copy, attached to the work authorization received from a licensed dentist, for inspection by the board, or its duly authorized agents, on the premises for a period of three years.

HISTORY: 1962 Code Section 56-636.31; 1968 (55) 2502.

SECTION 40-15-320. Possession of prosthetic or orthodontic model, impression, or appliance without work authorization as prima facie evidence of violation.

Any dental prosthetic or orthodontic model, impression, or appliance in the possession of any person other than a dentist, a student at an accredited dental school, or recipient patient without a written work authorization and corresponding number or identification on the model, impression, or appliance must be impounded by the board and is prima facie evidence of violation of

this chapter.

Nothing in this section precludes a certified or qualified dental assistant or licensed dental hygienist from taking impressions for dental study casts under the direct supervision of a licensed dentist present on the premises.

HISTORY: 1962 Code Section 56-636.32; 1968 (55) 2502; 1986 Act No. 363, Section 15.

SECTION 40-15-330. Return of appliance upon completion of dental technological work; retention of work authorization.

Upon completion of the dental technological work, the appliance shall be returned to the dentist by whom ordered or his office, the name or number of the written work authorization accompanying the invoice. Each work authorization or copy thereof shall be retained and filed by the person doing the dental technological work for a period of at least three years. The work authorization or copy thereof shall be available for inspection by the board, or its duly authorized agents, on the premises during such period.

HISTORY: 1962 Code Section 56-636.33; 1968 (55) 2502.

SECTION 40-15-340. Penalties for violations relating to work authorizations and for accepting dental technological work from general public.

(A) A person violating the provisions of this chapter relating to work authorizations is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months or both. Each day a violation occurs constitutes a separate offense.

(B) A person, other than a licensed dentist, who accepts dental technological work from the general public is considered to be practicing dentistry without a license and is subject to the penalties provided for in this chapter.

(C) The provisions of this chapter relating to work authorizations have no application where dental technological work is performed by or under the direction and control of a licensed dentist and on the licensed dentist's premises.

HISTORY: 1962 Code Section 56-636.34; 1968 (55) 2502; 1996 Act No. 295, Section 4.

SECTION 40-15-360. Pharmacists permitted to fill prescriptions of licensed dentists.

Licensed pharmacists of this State may fill prescriptions of licensed dentists in this State for any drug to be used in dental practice.

HISTORY: 1962 Code Section 56-636.36; 1952 Code Section 56-502; 1942 Code Section 5219; 1932 Code Section 5219; 1922 (32) 844; 1968 (55) 2502.

SECTION 40-15-370. Injunctions; Office of Attorney General as representative of board.

The board may, in its own name, maintain a suit for an injunction against any person violating any provision of this chapter. The suit shall be commenced and prosecuted before an administrative law judge as provided under Article 5 of Chapter 23 of Title 1 in the same manner as other suits in equity. An injunction may be issued without proof of actual damage sustained by any person. An injunction shall not relieve a person from criminal prosecution for violation of any provision of this chapter. The Office of the Attorney General of South Carolina shall, if requested by the board, represent the board in connection with legal proceedings undertaken pursuant to this chapter.

HISTORY: 1962 Code Section 56-636.37; 1968 (55) 2502; 1993 Act No. 181, Section 886.

SECTION 40-15-380. Jurisdiction of Administrative Law Court to enjoin violators of chapter.

An administrative law judge as provided under Article 5 of Chapter 23 of Title 1 of this State is hereby vested with jurisdiction and power to enjoin any person violating this chapter in a proceeding brought by the board or by any citizen of this State.

HISTORY: 1962 Code Section 56-636.38; 1968 (55) 2502; 1993 Act No. 181, Section 887.

Dental Laboratory Information

As of July 15, 2010, the laws regarding dental laboratories have changed.

Dental laboratories are no longer required to register with the Board of Dentistry to do business in the Commonwealth of Kentucky.

To protect the public, dentists and dental laboratories may do business in Kentucky subject to statutory requirements.

Requirements

KRS 313.550 requires dental laboratories in Kentucky to employ at least one certified dental technician (CDT) who supervises all work performed in accordance with a written work order issued by a Kentucky licensed dentist or to employ at least one dentist licensed in Kentucky.

Dentists licensed in Kentucky are required to submit to a dental lab a written work order before using the services of the laboratory to construct, alter, repair, or duplicate any denture, plate, bridge, splint, orthodontic, or prosthetic appliance. Both the commercial dental laboratory and the dentist producing the work order must keep a copy on file for two (2) years. Written work orders are subject to inspection by the Board.

A dental laboratory that employs or contracts with a dentist licensed in Kentucky may construct, alter, repair, or duplicate any denture, plate, bridge, splint, orthodontic, or prosthetic appliance without a work order from a referring dentist if the patient is seen or evaluated, or whose care is supervised by the referring dentist.

313.550 Dental laboratories -- Employees -- Prohibitions.

- (1) A dental laboratory shall employ at least one (1) of the following:
 - (a) A certified dental technician who shall supervise all work performed in accordance with a written laboratory procedure work order issued by a dentist licensed pursuant to this chapter; or
 - (b) A dentist licensed pursuant to this chapter.
- (2) No dentist shall use the services of any dental laboratory to construct, alter, repair, or duplicate any denture, plate, bridge, splint, orthodontic, or prosthetic appliance, without first furnishing the commercial dental laboratory a written procedure work order. Both the commercial dental laboratory and the dentist producing the work order shall keep a copy on file for two (2) years, and all laboratory procedure work orders required by this subsection shall be open to inspection by the board.
- (3) A dental laboratory that employs or contracts with a dentist licensed according to this chapter may construct, alter, repair, or duplicate any denture, plate, bridge, splint, orthodontic, or prosthetic appliance without a work order from a referring dentist if the patient is seen or evaluated, or whose care is supervised by the referring dentist.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 85, sec. 11, effective July 15, 2010.

DEPARTMENT OF HEALTH

BOARD OF DENTISTRY
DIVISION OF MEDICAL QUALITY ASSURANCE
Department of Health
4052 Bald Cypress Way, Bin #C08
Tallahassee, Florida 32399-3258



CHAPTER 466 FLORIDA STATUTES

AND

RULE 64B5, FLORIDA ADMINISTRATIVE CODE

JANUARY 2011

<http://www.doh.state.fl.us/mqa/dentistry>

AUDITING CONTINUING EDUCATION - Each licensee must show proof of completion of continuing education if he/she is selected by random audit. The licensee will be contacted by the Board office if selected. Ref: Chapter 466.0135 & 466.014, F.S.

DISPENSING PRACTITIONERS - This designation refers to dentists who, in their offices, fill the prescriptions they write. This does not refer to a dentist who writes prescriptions to be filled at a pharmacy. Dispensing fluorides and chlorohexidine rinse solutions are exempt from this requirement. Do not register as a dispensing practitioner unless you are one. The Department is required to inspect the dental facilities of all dispensing practitioners.

DENTAL LAB PADS - Dentists are required to use dental work order pads when prescribing work for dental laboratories. Only the dentist to whom the pads are issued may use them. If the dental laboratory used is located in Florida, it must be registered and the dentist shall place the lab's registration number on each work order. Dentists may utilize the printing company of their choice for printing of the dental work order pads. Rule 64B5-17.006, F.A.C., provides the minimum information approved by the Board that must be included on the form.

MILITARY STATUS - Licensees who are members in good standing in the Armed Forces and/or their spouses are exempt from the fees and continuing education requirements for license renewal. Military status must be indicated on the license for this to be applicable. Practice in the private sector is prohibited while on military status. Ref: 456.024, F.S.

FEES FOR DUPLICATE LICENSES AND CERTIFICATIONS - There is a \$25 fee for each duplication of a license, certification of licensure and permit. Ref: 64B5-15.016, F.A.C.

REMEDIABLE TASKS - To perform remediable tasks an assistant or hygienist shall post his/her certificate of completion from a dental hygiene or dental assisting program accredited by the American Dental Association's Commission on Dental Accreditation or a course or program approved by the Board for the purpose of providing expanded duties training. If a new task is determined delegable in the rule but was not included in the licensee's training, the Board approved expanded duty course teaching this task must be completed before the auxiliary can perform the task. The only intra-oral tasks deemed delegable are those listed in 64B5-16. Ref: Chapter 466.024, F.S. & 64B5-16, F.A.C.

CERTIFICATION FOR DENTAL RADIOGRAPHERS - If an auxiliary has completed a dental hygiene or dental assisting program approved by the American Dental Association's Commission on Dental Accreditation, he/she need only post in the dental office his/her certificate of completion to position and expose dental radiographic film. If not, an auxiliary must work under the direct supervision of a Florida licensed dentist assisting in the positioning and exposing of radiographic film, complete an ADA or Board approved radiology course and apply for certification on forms provided by the Board. A \$35 fee must accompany the application. Ref: 64B5-9, F.A.C.

STATE EXAMINATIONS - Dental examinations are given 3 times per year and generally include Spring, Summer and Fall exam administrations. Dental Hygiene examinations are given twice yearly, in June and October/November. The examinations are given at the University of Florida's College of Dentistry in Gainesville, Florida and at Nova Southeastern University's College of Dental Medicine in Ft. Lauderdale; however, the site for Fall examinations is usually alternated between the two dental schools. Please contact the Board office to request applications and examination information or view the website at www.doh.state.fl.us/mqa/dentistry.

Please know that in Florida there is no reciprocity and no licensure by endorsement. Ref: 64B5-2, F.A.C.

ANESTHESIA PERMITS - Each dentist in Florida who plans to administer general anesthesia, conscious sedation or pediatric conscious sedation must be permitted by the Board. Each facility at which he/she administers must be on file in the Board office with the type of anesthesia indicated for each facility. All permit holders shall inform the Board office in writing of any change in authorized location for the use of such permits prior to accomplishing such changes. To obtain a permit, call the Board office and request an application. As soon as the file is complete, it shall be submitted to the Anesthesia Committee for review. The

applicant must be evaluated and the office(s) where anesthesia will be administered must be inspected prior to issuance of the permit. For requirements to be permitted, refer to rule 64B5-14, F.A.C. Ref: Chapter 466.017, F.S., & 64B5-14, F.A.C. Anesthesia permit holders are required to complete at least four (4) hours of continuing education relating to anesthesia each biennium the permit is held, to include two (2) hours dealing with the management of medical emergencies. These hours would be included in the 30 hours of continuing education required by Section 466.0135(1), Florida Statutes.

Telephone number for Board of Dentistry: (850) 245-4474

Make checks payable to: Board of Dentistry

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RULES 64B5

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DENTAL ASSOCIATION OR THE FLORIDA BOARD OF DENTISTRY."

(4) The purpose of this section is to prevent a dentist from advertising without appropriate disclosure membership in an organization which may be perceived by the public as recognizing or accrediting specialization or other unique competencies in an area of dentistry that is not recognized or accredited by the American Dental Association or the board in accordance with this section. The purpose of this section is also to prohibit a dentist from advertising a specialty or other area of dental practice without appropriate disclosure unless the special competencies held by the dentist satisfy the requirements of subsection (1) or subsection (2). The Legislature finds that dental consumers can reasonably rely on these requirements as satisfactory evidence of a dentist's attainment of meaningful competencies in the specialty or other bona fide area of dental practice advertised. The Legislature also finds that this process for the recognition of dental specialties and other bona fide areas of dental practice is the least restrictive means available to ensure that consumers are not misled about a dentist's unique credentials.

History.—s. 4, ch. 94-105; s. 6, ch. 96-281; s. 1111, ch. 97-103; s. 3, ch. 99-183.

466.0285 Proprietorship by nondentists.—

(1) No person other than a dentist licensed pursuant to this chapter, nor any entity other than a professional corporation or limited liability company composed of dentists, may:

(a) Employ a dentist or dental hygienist in the operation of a dental office.

(b) Control the use of any dental equipment or material while such equipment or material is being used for the provision of dental services, whether those services are provided by a dentist, a dental hygienist, or a dental assistant.

(c) Direct, control, or interfere with a dentist's clinical judgment. To direct, control, or interfere with a dentist's clinical judgment may not be interpreted to mean dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

Any lease agreement, rental agreement, or other arrangement between a nondentist and a dentist whereby the nondentist provides the dentist with dental equipment or dental materials shall contain a provision whereby the dentist expressly maintains complete care, custody, and control of the equipment or practice.

(2) The purpose of this section is to prevent a nondentist from influencing or otherwise interfering with the exercise of a dentist's independent professional judgment. In addition to the acts specified in subsection (1), no person who is not a dentist licensed pursuant to this chapter nor any entity that is not a professional corporation or limited liability company composed of dentists shall enter into a relationship with a licensee

pursuant to which such unlicensed person or such entity exercises control over the following:

(a) The selection of a course of treatment for a patient, the procedures or materials to be used as part of such course of treatment, and the manner in which such course of treatment is carried out by the licensee;

(b) The patient records of a dentist;

(c) Policies and decisions relating to pricing, credit, refunds, warranties, and advertising; and

(d) Decisions relating to office personnel and hours of practice.

(3) Any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any contract or arrangement entered into or undertaken in violation of this section shall be void as contrary to public policy. This section applies to contracts entered into or renewed on or after October 1, 1997.

History.—ss. 4, 41, ch. 82-179; ss. 19, 23, 24, ch. 86-291; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429; s. 4, ch. 97-67.

466.031 "Dental laboratory" defined.—The term "dental laboratory" as used in this chapter:

(1) Includes any person, firm, or corporation who performs for a fee of any kind, gratuitously, or otherwise, directly or through an agent or employee, by any means or method, or who in any way supplies or manufactures artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, or reproduces or repairs any prosthetic denture, bridge, or appliance to be worn in the human mouth or who in any way holds itself out as a dental laboratory.

(2) Excludes any dental laboratory technician who constructs or repairs dental prosthetic appliances in the office of a licensed dentist for such dentist only and under her or his supervision and work order.

History.—ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 20, 23, 24, ch. 88-291; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429; s. 263, ch. 97-103.

466.032 Registration.—

(1) Every person, firm, or corporation operating a dental laboratory in this state shall register biennially with the department on forms to be provided by the department and, at the same time, pay to the department a registration fee not to exceed \$300 for which the department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of 2 years.

(2) Upon the failure of any dental laboratory operator to comply with subsection (1), the department shall notify her or him by registered mail, within 1 month after the registration renewal date, return receipt requested, at her or his last known address, of such failure and inform her or him of the provisions of subsections (3) and (4).

(3) Any dental laboratory operator who has not complied with subsection (1) within 3 months after the registration renewal date shall be required to pay a delinquency fee of \$40 in addition to the regular registration fee.

(4) The department is authorized to commence and maintain proceedings to enjoin the operator of any dental laboratory who has not complied with this section

from operating a dental laboratory in this state until she or he has obtained a registration certificate and paid the required fees.

(5) The dental laboratory owner or at least one employee of any dental laboratory renewing registration on or after July 1, 2010, shall complete 18 hours of continuing education biennially. Programs of continuing education shall be programs of learning that contribute directly to the education of the dental technician and may include, but are not limited to, attendance at lectures, study clubs, college courses, or scientific sessions of conventions and research.

(a) The aim of continuing education for dental technicians is to improve dental health care delivery to the public as such is impacted through the design, manufacture, and use of artificial human oral prosthetics and related restorative appliances.

(b) Continuing education courses shall address one or more of the following areas of professional development, including, but not limited to:

1. Laboratory and technological subjects, including, but not limited to, laboratory techniques and procedures, materials, and equipment; and
2. Subjects pertinent to oral health, infection control, and safety.

(c) Programs meeting the general requirements of continuing education may be developed and offered to dental technicians by the Florida Dental Laboratory Association and the Florida Dental Association. Other organizations, schools, or agencies may also be approved to develop and offer continuing education in accordance with specific criteria established by the department.

(d) Any dental laboratory renewing a registration on or after July 1, 2010, shall submit a sworn affidavit, on a form approved by the department, attesting that either the dental laboratory owner or one dental technician employed by the registered dental laboratory has completed the continuing education required in this subsection in accordance with the guidelines and provisions of this subsection and listing the date, location, sponsor, subject matter, and hours of completed continuing education courses. The dental laboratory shall retain in its records such receipts, vouchers, or certificates as may be necessary to document completion of the continuing education courses listed in accordance with this subsection. With cause, the department may request that the documentation be provided by the applicant. The department may also request the documentation from applicants selected at random without cause.

(e)1. This subsection does not apply to a dental laboratory that is physically located within a dental practice operated by a dentist licensed under this chapter.

2. A dental laboratory in another state or country which provides service to a dentist licensed under this chapter is not required to register with the state and may continue to provide services to such dentist with a proper prescription. A dental laboratory in another state

or country, however, may voluntarily comply with this subsection.

*History.—*ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 21, 23, 24, ch. 86-291; s. 38, ch. 89-162; s. 1, ch. 89-374; s. 1, ch. 89-643; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429; s. 7, ch. 96-231; s. 1112, ch. 97-103; s. 10, ch. 2008-64.

466.033 Registration certificates.—The department shall not require an examination, but shall issue a registration certificate upon completion of the registration form and compliance with any rules promulgated by the department under s. 466.038.

*History.—*ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 23, 24, ch. 86-291; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429.

466.034 Change of ownership or address.—When the ownership or address of any dental laboratory operating in this state is changed, the owner thereof shall notify the department within 30 days of such change of ownership or address.

*History.—*ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 23, 24, ch. 86-291; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429.

466.035 Advertising.—Dental laboratories shall not solicit or advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio, television, or otherwise to the general public to construct, reproduce, or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth or for the regulation of natural teeth.

*History.—*ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 23, 24, ch. 86-291; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429.

466.036 Information; periodic inspections; equipment and supplies.—The department may require from the applicant for a registration certificate to operate a dental laboratory any information necessary to carry out the purpose of this chapter, including proof that the applicant has the equipment and supplies necessary to operate as determined by rule of the department, and shall require periodic inspection of all dental laboratories operating in this state. Such inspections shall include, but not be limited to, inspection of sanitary conditions, equipment, supplies, and facilities on the premises. The department shall specify dental equipment and supplies that are not permitted in a registered dental laboratory.

*History.—*ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 23, 24, ch. 86-291; s. 2, ch. 89-374; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429; s. 3, ch. 98-130.

466.037 Suspension and revocation; administrative fine.—The department may suspend or revoke the certificate of any dental laboratory registered under s. 466.032, for failing to comply with the provisions of this chapter or rules adopted by the department under this chapter. The department may impose an administrative fine.

*History.—*ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 23, 24, ch. 86-291; s. 3, ch. 89-374; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429; s. 35, ch. 2001-277.

466.038 Rules.—The department, upon consultation with the Board of Dentistry and industry representatives of the dental laboratory profession, has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to enforce the provisions of this chapter pertaining to and regulating dental laboratories.

*History.—*ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 23, 24, ch. 86-291; s. 4, ch. 89-374; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 4, ch. 91-429; s. 129, ch. 98-200.

466.039 Violations.—It shall be unlawful for any person, firm, or corporation to operate as a dental laboratory as defined in this chapter, except those registered as provided in s. 466.032. Violation shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 2, 3, ch. 79-330; ss. 2, 3, ch. 81-318; ss. 23, 24, ch. 86-291; s. 60, ch. 91-137; s. 7, ch. 91-156; s. 95, ch. 91-224; s. 4, ch. 91-429.

466.041 Hepatitis B carriers.—

(1) Any licensee or applicant for licensure who is a carrier of the hepatitis B virus is required to so notify the board.

(2) The board shall by rule establish procedures for reporting carrier status and shall establish practice requirements which will protect the public from transmission of the hepatitis B virus in a dental practice setting or during dental procedures.

(3) Any report of hepatitis B carrier status filed by a licensee or applicant in compliance with the requirements established by the board shall be confidential and exempt from the provisions of s. 119.07(1), except for the purpose of the investigation or prosecution of alleged violations of this chapter by the department.

History.—ss. 18, 19, ch. 89-374; ss. 80, 85, ch. 91-137; s. 25, ch. 91-140; ss. 7, s. ch. 91-156; s. 4, ch. 91-429; s. 320, ch. 99-406.

enhance the likelihood that these individuals will receive minimally competent dental treatment consistent with the requirements of Section 466.028(1)(m) and (y), F.S., the Board establishes an identification standard for removable prosthetic devices.

(2) Every licensed dentist in this State making or directing to be made a removable prosthetic device, bridge, appliance or other structure to be used and worn as a substitute for natural teeth and/or supporting structure shall offer to the patient for whom the prosthesis is intended the opportunity to have such prosthesis marked at the time of fabrication. The location and method used for marking the prosthesis shall be determined by the dentist and this marking shall be permanent, legible, and cosmetically acceptable and shall include the patient's name.

(3) If the dentist determines that identification is not practicable or clinically safe, the offer to mark the prosthesis need not be made.

(4) Any removable dental prosthesis fabricated prior to the effective date of this rule, shall be subject to the provisions of subsection (2) during a laboratory refining or rebasing of the prosthesis.

Specific Authority 466.004(4) FS. Law Implemented 466.028(1)(x) FS. History—New 4-26-87, Amended 6-20-89, Formerly 21G-17.005, 61F5-17.005, 59Q-17.005.

64B5-17.006 Prescription Forms.

(1) Approved prescription forms must contain all information necessary for completion of the assigned work and must include at a minimum:

(a) Title – “Laboratory Procedure Prescription;”

(b) Name, address and license number of the registered dental laboratory;

(c) Name, address and license number of the Florida licensed dentist who owns the prescription form and is authorizing the procedure;

(d) Patient's name or number;

(e) Date sent to lab;

(f) Signature of the licensed dentist, which may be an electronic signature;

(g) Sufficient descriptive information to clearly identify each separate and individual piece of work to be performed by the dental laboratory; and

(h) Specification of materials to be contained in each work product.

(2) Copies of prescription forms must be maintained, either on paper or stored electronically in an encrypted data base, in the prescribing dentist's office for a period of four (4) years following the date the prescription was issued. The original prescription shall be retained in a file by the dental laboratory for a period of four (4) years .

(3) A registered dental laboratory may perform work for another registered dental laboratory if that work is performed pursuant to a written authorization form containing all information necessary for completion of the assigned work and must include at a minimum;

(a) Title – “Laboratory Procedure Authorization;”

(b) Name, address and license number of the originating registered dental laboratory;

(c) Name, address and license number of the registered dental laboratory performing the work;

(d) Evidence that the originating laboratory has obtained a valid prescription which shall include the name, address and license number of the licensed dentist who wrote the original prescription authorizing the procedure.

(e) Sufficient descriptive information to clearly identify each separate and individual piece of work to be performed by the dental laboratory; and

(f) Specification of materials to be contained in each work product.

Rulemaking Authority 466.021 FS. Law Implemented 466.021 FS. History—New 12-21-99, Amended 3-23-06, 10-9-06, 5-28-09.

64B5-17.009 Patient Records; Copying Charges; Timely Release.

(1) A dentist who makes an examination of, or administers treatment to any person, shall upon the request of such person or his legal representative furnish copies of all reports or records made of such examination or treatment, including x-rays. The furnishing of copies shall not be conditioned upon payment of an unpaid or disputed fee for services rendered.

(2) A dentist may charge a fee for copying reports or records not to exceed the cost per page charged by the Clerk of the County Court where the dentist practices. The fee for copies of x-rays shall not exceed actual cost of duplication. Payment of copying fees may be required upon delivery of the copies.

(3) A dentist shall comply with a patient's written request for copies of records and reports in a timely manner, with due regard for the patient's health needs. In the absence of circumstances beyond the control of the licensee, timely shall mean less than 30 days.

Specific Authority 466.004(4) FS. Law Implemented 456.061 FS. History—New 4-26-87, Amended 6-20-89, Formerly 21G-17.009, 61F5-17.009, 59Q-17.009, Amended 1-23-01.

Final Order No. DOH-09-151-**S-DL**
FILED DATE 6-24-09
Department of Health
By: *[Signature]*
Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

Department of Health,
Division of Health Quality
Assurance,

Petitioner,

vs.

45th Custom Gold Grills,
Inc.,

Respondent.

DOH case no.: 2009-05039
Registration no.: DL 11160

DENTAL LAB

FINAL ORDER

A "Motion for Department's Final Order by Voluntary Relinquishment" having been received, this matter is before Department of Health (hereinafter the Department) for consideration. The Respondent is a registered dental laboratory pursuant to section 466.032, Florida Statutes.

To resolve this disciplinary proceeding, the Respondent has been offered the opportunity to give up registration as a dental laboratory. The Respondent accepted the offer and executed the "Voluntary Relinquishment of License" on May 17, 2009, which is incorporated by reference as exhibit A. The "Voluntary Relinquishment of License" includes the Respondent's waiver of confidentiality and waiver of a determination of probable cause by the Department. The "Motion for Department's Final Order by Voluntary Relinquishment" is incorporated by reference as exhibit B; the cover sheet of the Investigative Report is incorporated by reference as exhibit C.

Based on the foregoing, the Respondent's "Voluntary Relinquishment of License" is accepted, and this proceeding is CLOSED.

DONE and ORDERED this 23RD day of June 2009 in Tallahassee, Leon County, Florida.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

By: *[Signature]*
Jean L. Kline, R.N., B.S.N., M.P.H.
Deputy Secretary for Health

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. A REVIEW PROCEEDING IS GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH A PROCEEDING IS COMMENCED BY FILING A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF HEALTH AND A COPY ACCOMPANIED BY THE FILING FEE WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES OR THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE MUST BE FILED WITHIN 30 DAYS OF THE FILING DATE OF THIS FINAL ORDER.

Copy furnished to each of the following:

H. Wayne Mitchell, Esquire
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, bin C-65
Tallahassee, Florida 32399-3265

Miguel Encarnacion
19986 Black Falcon Road
Loxahatchee, Florida 33470

Department of Health
Dental Laboratory Program
Attention: Sue Foster
4052 Bald Cypress Way, bin C-06
Tallahassee, Florida 32399-3265

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing FINAL ORDER has been served by ordinary mail via the United States Postal Service, inter-office mail, or by hand delivery to each of the above-named persons this 24 day of June 2009.



Deputy Agency Clerk
Department of Health
4052 Bald Cypress Way, bin C-01
Tallahassee, Florida 32399-3251
phone: (850)245-4121

DEPARTMENT OF HEALTH,
Petitioner,

v.

45th Custom Gold Grills, Inc.
Respondent.

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Rachelle*
DATE *6.1.09*

DOH Case No. 2009-05039

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent 45th Custom Gold Grills, Inc., license number DL 11160, hereby voluntarily relinquishes Respondent's license to operate a dental laboratory in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Department of Health (hereinafter the Department) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for any licensure to operate a dental laboratory in the name of 45th Custom Gold Grills, Inc. in the State of Florida.
3. Respondent agrees to continue ceasing to operate a dental laboratory upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the operation of a dental laboratory until such time as this Voluntary Relinquishment is presented to the Department and the Department issues a written final order in this matter.



4. In order to expedite consideration and resolution of this action by the Department in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes

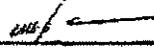
5. Upon the Department's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Department incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Department's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

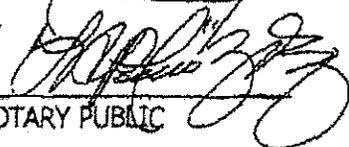
7. Respondent authorizes the Department to review and examine all investigative file materials concerning Respondent in connection with the Department's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Department shall not prejudice or preclude the Department, or any of its members, from further participation, consideration, or

resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Department.

DATED this 17 day of May, 2009.


Miguel Encarnacion, Owner
45th Custom Gold Grills, Inc.

STATE OF FLORIDA
COUNTY OF: Palm Beach
Before me, personally appeared Miguel Encarnacion, whose identity is known to me by _____ (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 17 day of May, 2009.


NOTARY PUBLIC

My Commission Expires: Jan. 02, 2010

NOTARY PUBLIC - STATE OF FLORIDA
 Luisa A. Parez
Commission # DD498094
Expires: JAN, 02, 2010
Bonded Thru Allstate Bonding Co., Inc.

DOH v. 45th Custom Gold Grills, Inc., Case Number 2009-05039

P. 1

MAY-21-2009 11:12 PM

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH

Petitioner,

vs.

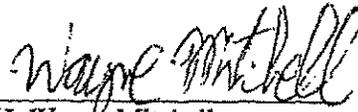
CASE NO. 2009-05039

45TH CUSTOM GOLD GRILLS, INC.,
Respondent.

MOTION FOR DEPARTMENT'S FINAL ORDER BY
VOLUNTARY RELINQUISHMENT

Petitioner, Department of Health, by and through its undersigned counsel, moves the above-styled cause be scheduled before the Department for consideration of Voluntary Relinquishment. Enclosed herewith is a copy of the entire investigative report and additional documentation in support of this motion.

Respectfully Submitted,



H. Wayne Mitchell
Assistant General Counsel
Department of Health,
Bureau of Health Care
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been provided to Miguel Encaracion, Owner, 45th Custom Gold Grills, Inc., 19986 Black Falcon Road, Loxahatchee, Florida 33470 via: **XX postage- paid U.S. Mail**, Hand-Delivery, E-mail and /or Facsimile Transmission dated June 3, 2009.


H. Wayne Mitchell
Assistant General Counsel

HWM/mm



STATE OF FLORIDA

DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: W. Palm Beach	Date of Complaint: 3/3/09	Case Number: DL 2009-05039
-----------------------	---------------------------	----------------------------

Subject: 45 th CUSTOM GOLD GRILLS, INC. Owner: Miguel ENCARNACION 19986 Black Falcon Rd. Loxahatchee, FL 33470 (561) 502-5886 (r)	Source: DOH / ULAO
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Prefix: DL	License #: 11160	Profession: Dental Lab	Board: Dentistry	Report Date: 4/8/09
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Period of Investigation: 3/9/09 – 4/8/09	Type of Report: FINAL
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Alleged Violation: § 466.026(1)(a), 466.034 & 466.028(1)(II) Practicing dentistry or dental hygiene unless the person has an appropriate, active license issued by the department pursuant to this chapter. Changing ownership or address without notifying the Board.

Synopsis: This investigation is predicated upon receipt of a U.C.F. and attachments (EX#1), submitted by Michelle MILLER (ULAO) alleging owner ENCARNACION was taking molds for grill customers and the lab possessed dental items such as a dental chair and miscellaneous dental tools. This was discovered by W. Palm Beach PD (WPBPD) on 2/26/09 during a search warrant execution. The facility also failed to update their address with the Board.

45th CUSTOM GOLD GRILLS, INC. was notified of this investigation by letter, dated 3/9/09, and was provided a copy of the U.C.F. and attachments. (EX#2)

A check of DOH computer licensure records indicates 45th CUSTOM GOLD GRILLS, INC. is licensed as a Dental Lab. (EX#3)

There is no patient in this complaint.

45th CUSTOM GOLD GRILLS, INC. is not known to be currently represented by an attorney.

45th CUSTOM GOLD GRILLS, INC., through ENCARNACION, admits to the allegations regarding taking molds of grill customers.

Related Case(s): NONE

Investigator/Date: 4/8/09 Charles Hallden, Investigator	Approved By/Date: David Dimon, MMI
--	---------------------------------------

Distribution: HQ/ISU

RECEIVED - LEGAL
09 APR 13 AM 8:30





Rick Scott
Governor

**DENTAL LABORATORY
INFECTION CONTROL PROCEDURE
HBV AND HIV VIRUS**

Infection control procedures are designed to protect you as well as other employees of Dental Laboratory. In addition, these procedures will help prevent the cross-contamination of Appliances. This will help protect patients and staff.

1. All incoming cases should be considered and handled as if it were infectious.
2. Gloves must be worn at all times prior to disinfecting.
3. Eye protections and masks are recommended according to OSHA standards.
4. Do not touch anything else during the opening of a package and the disinfecting procedure until the entire procedure is completed. The gloves are then removed and hands are washed using an anti-bacterial soap before beginning another procedure.
5. All surfaces must be cleaned and disinfected after each receiving session.
6. Packages containing material and merchandise should be opened prior to or after packages containing prosthetics.
7. Liquid disinfecting solutions may be discarded into the sanitary sewer system.

**PLEASE BE AWARE THAT THE ABOVE INFECTION CONTROL PROCEDURES WERE
DESIGNED FOR YOUR OWN PROTECTION.**

THANK YOU FOR YOUR COOPERATION.

Office of Dental Laboratories
4052 Bald Cypress Way, Bin C-08
Tallahassee, FL 32399-3258
(850) 245-4474 Telephone/(850) 921-5389 Fax
www.doh.state.fl.us/mqa/dentistry



Rick Scott
Governor

DENTAL LABORATORY SANITATION CONTROL PROCEDURE

Sanitation control procedures are designed to protect you as well as other employees of Dental Laboratory. Please follow the guidelines listed below. These procedures will help prevent the cross-contamination of materials handled in the laboratory.

1. Each employee is responsible for maintaining his/her work area, instruments, and other materials used in his/her daily duties. These should be cleaned, disinfected, and stored in the proper place.
2. After the work day is over, counter spaces are to be sprayed with a disinfecting solution and wiped down.
3. Trash will be removed on a daily basis.
4. Sinks will be disinfected several times a day when being used for rinsing and steaming dental impressions and other types of dental work.
5. Eating utensils should not be washed or stored with the dental laboratory work or supplies.
6. Bathrooms should be maintained, cleaned, and disinfected.
7. Floors should be vacuumed or swept at the end of the day.
8. Dress code should be followed by the employees as directed by the employer.
9. The use of gloves, masks, and protective eyewear should be used as directed by the OSHA standards whenever necessary.

**PLEASE BE AWARE THAT THE ABOVE INFECTION CONTROL PROCEDURES WERE
DESIGNED FOR YOUR OWN PROTECTION.**

THANK YOU FOR YOUR COOPERATION.

Office of Dental Laboratories
4052 Bald Cypress Way, Bin C-08
Tallahassee, FL 32399-3258
(850) 245-4474 Telephone/(850) 921-5389 Fax
www.doh.state.fl.us/rqca/dentistry



Rick Scott
Governor

**DENTAL LABORATORY
INFECTION CONTROL PROCEDURE**

1. Using a box cutter when necessary, open all packages and store box cutter.
2. Put disposable gloves on.
3. Carefully remove all packing material.
4. Discard all packing materials.
5. Individually identify the contents of each package and place on counter.
6. Using the reference chart as a guide, dip or spray the contents with the appropriate disinfecting solution.
7. If blood or saliva is visible, the item must be rinsed thoroughly before dipping/spraying.
8. After dipping or spraying, place contents in plastic bag and seal.
9. Place bag and work order in appropriate work pan. Work pan should not be placed on receiving bench but on next work station.
10. After all packages are opened, disinfected, and placed in work pans, spray the receiving counter with chorine solution until completely covered. Wipe thoroughly with paper towel and then discard the towels.
11. Spray counter a second time with light even cover and allow it to dry.

**PLEASE BE AWARE THAT THE ABOVE INFECTION CONTROL PROCEDURES WERE
DESIGNED FOR YOUR OWN PROTECTION.**

THANK YOU FOR YOUR COOPERATION.

Office of Dental Laboratories
4052 Bald Cypress Way, Bin C-08
Tallahassee, FL 32399-3258
(850) 245-4474 Telephone/(850) 921-5389 Fax
www.doh.state.fl.us/mqa/dentistry



PROTOCOL FOR DENTAL LABORATORY APPLICATION REGISTRATION

Upon receipt of the application, you will be notified within 30 days of the status of your application. Once the application is complete our office will schedule an inspection. Please allow a minimum of 30 days for the inspection to be completed.

Please contact our office at (850) 245-4444 ext. 3491 if you have any questions.



ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED.

If you answer "YES" to ANY of the following questions, explain in full by addendum to the application and include disposition documents. You must make a statement that includes, but is not limited to, the date(s), location(s), and specific circumstances pertaining to the "YES" answer. Any "YES" answer must be substantiated by official documents sent directly to the board office. A "YES" answer is NOT an automatic cause for denial of application.

¹ Has any owner, partner, officer, director, stockholder or employee ever been convicted of, or entered a plea of guilty, nolo contendere, or no contest to a crime in any jurisdiction other than a minor traffic offense? You must include all misdemeanors and felonies, even if adjudication was withheld by the court so that you would not have a record or conviction. Driving under the influence or driving while impaired is not a minor traffic offense for purposes of this question. <i>*If yes, please list date, jurisdiction (state and county), offense, disposition, and all other relevant information on reverse side or an attached sheet.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
² Has any owner, partner, officer, director, stockholder or employee ever been a party to any civil, criminal or administrative proceeding involving any violation of Chapter 466, Florida Statutes, or any regulation governing the practice of the dental profession?	<input type="checkbox"/> YES <input type="checkbox"/> NO
³ Has any owner, partner officer, director, stockholder or employee ever had a professional license or registration revoked, suspended, or disciplined?	<input type="checkbox"/> YES <input type="checkbox"/> NO
⁴ Does the laboratory meet the requirements for sanitation and safety as outlined in rule 64B27-1.001, Florida Administrative Code?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>Pursuant to Section 456.0635(2), Florida Statutes, the following questions are being asked. If you answer yes to any of the following questions, provide explanation on a separate sheet providing accurate details and submit copies of supporting documentation.</i>	
^{5a} Has the applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant ever been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under Chapter 409, Chapter 817, or Chapter 893, Florida Statutes; or 21 U.S.C. ss. 801-970 or 42 U.S.C. ss. 1395-1396? <i>(If no, do not answer 5b.)</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
^{5b} Has it been more than 15 years prior to the date of this application since the sentence and completion of any subsequent period of probation for such conviction?	<input type="checkbox"/> YES <input type="checkbox"/> NO
^{6a} Has the applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant ever been terminated for cause from the Florida Medicaid Program pursuant to Section 409.913, Florida Statutes? <i>(If no, do not answer 6b.)</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
^{6b} If the applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant has been terminated, has the applicant been reinstated and in good standing with the Florida Medicaid Program for the most recent five years?	<input type="checkbox"/> YES <input type="checkbox"/> NO
^{7a} Has the applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant ever been terminated for cause, pursuant to the appeals procedures established by the state or federal government, from any other state Medicaid program or the federal Medicare program? <i>(If no, do not answer 7b and 7c.)</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
^{7b} Has the applicant been in good standing with a state Medicaid program or the federal Medicare program for the most recent five years?	<input type="checkbox"/> YES <input type="checkbox"/> NO
^{7c} Did the termination occur at least 20 years prior to the date of this application?	<input type="checkbox"/> YES <input type="checkbox"/> NO



PART III - APPLICANT STATEMENT

THE FOLLOWING STATEMENT MUST BE COMPLETED:

I, _____, state that I am the person referred to in the foregoing Dental Laboratory application and supporting documentation, that said application and any supporting documentation are true and accurate.

I understand that it is my responsibility to supplement my application as needed to reflect any material changes in any circumstance or condition stated in the application which might affect the decision of the department and which takes place between the initial filing of the application and the final granting or denial of opening dental laboratory.

I have carefully read the instructions and questions in the foregoing application and have answered them completely, without reservations of any kind. Should I furnish any false information in this application, or in any supporting documentation, I acknowledge that such an act constitutes cause for denial, disciplinary action, suspension or revocation of the dental laboratory under Chapter 466, Florida Statutes, Chapter 456, Florida Statutes, and Chapter 64B27, Florida Administrative Code, in the State of Florida.

I have received, read and understood Chapter 466, Florida Statutes, Chapter 456, Florida Statutes, and Chapter 64B27, Florida Administrative Code, and acknowledge that I must abide by them.

OWNER'S NAME (PRINT OR TYPE)

SIGNATURE OF OWNER

DATE



**CONFIDENTIAL AND EXEMPT FROM PUBLIC RECORDS
DISCLOSURE***

Florida Department of Health

Name: _____
 Last **First** **Middle**

Social Security Number: _____

*This page is exempt from public records disclosure. The Department of Health is required and authorized to collect Social Security Numbers relating to applications for professional licensure pursuant to Title 42 USCA s. 666(a)(13). For all professions regulated under chapter 456, Florida Statutes, the collection of Social Security Numbers is required by section 456.013(1)(a), Florida Statutes.

OK-Licensing and Registering of Dental Laboratories
From: James Seely [James.Seely@dentistry.ok.gov]
Sent: Tuesday, March 27, 2012 11:38 AM
To: Dematteo, Rose (DHP)
Subject: Licensing and Registering of Dental Laboratories

Ms. Dematteo,

Your email has been forwarded to me for a response.

The questions you posed are answered as follows:

1. 146 labs
2. A written complaint process.
3. Prior to 1980.
4. 1-2 per year.
5. Suspension or revocation.
6. Yes. 2 suspended.
7. Law and Rule.
8. Labs would not need to be licensed or permitted only if they were to be located within the office of a licensed dentist and provide services only for the dentist in whose office the lab is located.
9. All disciplinary actions are public record.

The bigger issue in Oklahoma has been "denturists" or unlicensed labs providing dental services directly to the public. Under Oklahoma's definition of the practice of dentistry, an unlicensed lab and unlicensed lab techs providing services directly to the public are practicing dentistry without a license. Since November 2008, practicing dentistry without a license is felony and those cases are worked as criminal cases. The Board's investigator is a certified peace officer and is considered a state police officer. The Board has also obtained permanent restraining orders against labs and lab techs.

Another twist for Oklahoma is Native American sovereignty. The State has no jurisdiction on Indian tribal lands. As a result, after 2008 several of the known denturists have moved their operations to locations on tribal lands.

Feel free to contact me if you have any additional questions.

Sincerely,

James L. Seely
Investigator
Oklahoma Board of Dentistry
(405) 524-9037
(405) 524-2223 fax
James.Seely@dentistry.ok.gov

Dental Laboratory Regulations by State

1. How many dental laboratories are registered in your state?
2. How do you enforce the regulations on the registered dental laboratories?
3. When did you start registering dental laboratories?
4. What is the number of complaints against dental laboratories?
5. What action has been taken against a dental laboratory that was found in violation of the regulation?
6. Have you ever suspended a dental laboratory's registration? If so how many?
7. Are there any guidance documents to address sanctioning of dental laboratories?
8. How do you enforce regulations if a lab does not have to register? (Missouri, Illinois, & Ohio)
9. May we obtain a copy of a Board Order given for violation of regulations governing dental laboratories?

**The State
Dental Act
of
Oklahoma**



Effective July 1, 2011

procedures. The advanced procedures shall include the administration of local anesthesia and the administration of nitrous oxide analgesia;

2. Establish guidelines for courses of study necessary for a dental hygienist to perform advanced procedures;
 3. Issue authorization to perform advanced procedures to those dental hygienists who meet the eligibility requirements; and
 4. Establish the level of supervision, whether direct, indirect or general, under which the advanced procedures may be performed.
- F. A dental hygienist shall not own or operate an independent practice of dental hygiene.
- G. Nothing in the State Dental Act shall be construed to prohibit a dentist from performing any of the procedures that may be performed by a dental hygienist.

§ 328.35 Repealed by Laws 1999.

§ 328.36 Permit to operate dental laboratory

- A. 1. Any person, firm, corporation, partnership or other legal entity who desires to operate a dental laboratory in this state shall file with the Board of Dentistry, on a form prescribed by the Board, an application for a permit to operate a dental laboratory and pay the fee established by the rules of the Board. The application shall include the name and address of each person, firm, corporation, partnership or other legal entity who owns an interest in or will operate the dental laboratory. Upon receipt of the application and fee, the Board shall determine the qualifications of the applicant and may grant a permit to the applicant to operate a dental laboratory.
2. Except as provided in subsection C of this section, no person, firm, corporation, partnership or other legal entity shall operate a dental laboratory in this state without having obtained a permit from the Board. The Board may inspect any dental laboratory prior to the issuance of any permit.

- B. Any change in ownership, operation or location of a dental laboratory shall immediately be communicated to the Board, which shall endorse upon the permit, without further fee, the change in ownership, operation or location.
- C. Nothing in the State Dental Act shall be construed to:
 - 1. Prohibit a dentist from owning or operating a private, noncommercial dental laboratory in a dental office for the dentist's use in the practice of dentistry;
 - 2. Require a dentist to obtain a permit from the Board for the operation of a dental laboratory in the office of the dentist unless dental laboratory technology is provided to persons other than the dentist at that location; or
 - 3. Require a dentist to issue a laboratory prescription for dental laboratory technology to be performed by an employee of, in the office of, and for a patient of, the dentist.
- D. The dental laboratory shall make available to the prescribing dentist, Board, or agent or employee of the Board:
 - 1. A list of all materials in the composition of the final appliance;
 - 2. The location where the appliance was fabricated, including the name, address, telephone number and Food and Drug Administration registration number, if applicable, of the person or entity performing the work; and
 - 3. A description of all disinfection methods used in the fabrication of the appliance.
- E. No permit shall be required for a licensed dentist in the State of Oklahoma, the licensed dentist's dental practice on-site dental lab, the licensed dentist's physical practice, or the licensed dentist's CAD or CAM technology used for fabricating dental prostheses including crowns, bridges and other dental restorations. If the licensed dentist provides dental prostheses for other licensed dentists in the State of Oklahoma, then the dental laboratory portion of the practice shall be required to have a permit as it is functioning as a commercial dental laboratory.

§ 328.36a Necessity for laboratory prescriptions forms and contents

- A. A dentist may utilize a dental laboratory technician and a dental laboratory to perform or provide dental laboratory technology. Except as provided in subsection C of Section 328.36 of this title, a dentist who utilizes the services of a dental laboratory technician or dental laboratory shall furnish a laboratory prescription for each patient for whom a work product is prescribed.
- B. Laboratory prescriptions issued by a dentist shall be on forms containing the minimum information required by subsection D of this section and shall be produced or printed by each dentist. Such forms shall be provided by the Board of Dentistry or downloaded from the Board's website. All forms shall be completed in full and signed by the prescribing dentist. The owner of a dental laboratory shall retain each original laboratory prescription received from a prescribing dentist and produce the document for inspection and copying by a member of the Board or by an agent or employee of the Board, for a period of three (3) years from the date of the laboratory prescription. The prescribing dentist shall retain the duplicate copy of each laboratory prescription and produce the document for inspection and copying by a member of the Board or by an agent or employee of the Board, for a period of three (3) years from the date of the laboratory prescription.
- C. The patient's name or the identification number of the laboratory prescription shall appear on all dental models and correspond to all dental restorations, appliances or other devices being constructed, reproduced or repaired. Any dental model, restoration, appliance or other device in the possession of a dental laboratory technician or dental laboratory without a laboratory prescription and corresponding number on the model, restoration, appliance or device shall be prima facie evidence of a violation of the State Dental Act. After completion, the prescribed work product shall be returned by the dental laboratory technician or dental laboratory to the prescribing dentist or the dental office of the dentist with the

name or number of the laboratory prescription accompanying the invoice.

- D. At a minimum, prescriptions shall contain the following information:
 - 1. The name and address of the dental laboratory;
 - 2. The patient's name and/or identifying number. In the event such identifying number is used, the name of the patient shall be written on a copy of the prescription retained by the dentist;
 - 3. A description of the work to be completed with diagrams, if applicable;
 - 4. A description of the type of materials to be used;
 - 5. The actual date on which the authorization or prescription was written or completed;
 - 6. The signature in ink or by electronic method of the dentist issue the prescription and the state license number and address of such dentist; and
 - 7. A section to be completed by the dental laboratory and returned to the issuing dentist that shall disclose all information and certify that the information is accurate by including the signature of a reasonable part of the primary contractor.
- E. The Board shall make readily available a sample form on the Board's website for use by any licensee at no cost.
- F. A dentist may produce, transfer and retain copies of the form electronically.

§ 328.37 Repealed by Laws 1996.

§ 328.38 Repealed by Laws 1996.

**§ 328.39 Dental laboratory technicians
— Grounds for penalties**

The following acts or occurrences by a dental laboratory technician shall constitute grounds for which the penalties specified in ¹Section 328.44a of this title may be imposed by order of the Board of Dentistry:

- 1. Publishing a false, fraudulent or misleading

**OHIO STATE DENTAL BOARD
LAW AND RULES**

Lili C. Reitz, Esq.
Executive Director

Law and Rules Effective March 25, 2011

Ohio State Dental Board
77 South High Street, 17TH Floor
Columbus, Ohio 43215-6135
Phone: (614) 466-2580
Fax: (614) 752-8995
www.dental.ohio.gov

OHIO STATE DENTAL BOARD

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restrain such practice. The court shall grant injunctive relief upon a showing that the respondent named in the petition is practicing dentistry or dental hygiene without a valid license or exemption from licensure granted pursuant to this chapter.
Effective Date: 06-29-1988

4715.06 COMPENSATION AND EXPENSES OF BOARD.

Each member of the state dental board shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day actually employed in the discharge of the official duties of the member, and the necessary expenses of the member. The secretary and vice-secretary shall be reimbursed for necessary expenses incurred in the discharge of the official duties of the secretary and vice-secretary, respectively. All vouchers of the board shall be approved by the board president or executive secretary, or both, as authorized by the board.

Effective Date: 09-29-1997; HB 215, § 1, eff. 9-13-2010

4715.07 AFFILIATION WITH AMERICAN ASSOCIATION OF DENTAL EXAMINERS.

The state dental board may affiliate with the American association of dental examiners, as an active member, and pay regular annual dues to said association and may send a delegate to the meetings of the said association; such delegate shall receive the compensation provided in section 4715.06 of the Revised Code.

Effective Date: 11-14-1969

4715.08 OFFICIAL SEAL AND RECORDS.

The state dental board shall have an official seal and shall keep a record of its proceedings, a register of persons licensed as dentists, and a register of licenses by it revoked. At reasonable times, its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety days after each examination. A transcript of an entry in such records, certified by the secretary under the seal of the board, shall be evidence of the facts therein stated.

Effective Date: 10-01-1953

LICENSING AND REGISTRATION

4715.09 UNLICENSED PRACTICE PROHIBITED.

- (A) No person shall practice dentistry without a current license from the state dental board. No person shall practice dentistry while the person's license is under suspension by the state dental board.
- (B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board. The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law of a municipal corporation wherein the work authorizations are located.
- (C) If the person, partnership, association, or corporation receiving a written authorization from a licensed dentist engages another person, firm, or corporation, referred to in this division as "subcontractor," to perform some of the services relative to the work authorization, he or it shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board. The subcontractor shall retain the sub-work authorization and the issuer thereof shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years in both cases.
- (D) No unlicensed person, partnership, association, or corporation shall perform any service described in division (B) of this section without a written work authorization from a licensed dentist. Provided, that if a written work authorization is demanded from a licensed dentist who fails or refuses to furnish it for any reason, the unlicensed person, partnership, association, or corporation shall not, in such event, be subject to the enforcement provisions of section 4715.05 or the penal provisions of section 4715.99 of the Revised Code.
- (E) No dentist shall employ or use conscious intravenous sedation unless the dentist possesses a valid permit issued by the state dental board authorizing him to do so.

Effective Date: 04-11-1990

CHAPTER 4715-4 CRIMINAL RECORDS CHECK

4715-4-01 CRIMINAL RECORDS CHECK.

- (A) All applicants for initial licensure pursuant to sections 4715.12, 4715.16, 4715.21, and 4715.27 of the Revised Code, shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with sections 4715.101 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice.
- (B) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the name and address for the Ohio state dental board.
- (C) In the request, the applicant shall ask the superintendent of the bureau of criminal identification and investigation to obtain from the federal bureau of investigation any information it has pertaining to the applicant.
- (D) The dental board will only accept the results of a criminal records check that is submitted to the board directly from the bureau of criminal identification and investigation.

Effective: 05-22-2009

CHAPTER 4715-5 DENTISTS

4715-5-01 CRITERIA FOR ADMISSION TO DENTAL LICENSING EXAMINATION.

The Ohio state dental board will admit to examination only those persons who have graduated from a dental college which was accredited at the time of graduation, or who has received certification from the dean of the accredited dental college stating the applicant will be graduating from the dental college and who have met the requirements set forth in section 4715.10 of the Revised Code.

Effective: 5-15-03

Prior Effective Dates: 8-1-74; 4-27-98

4715-5-01.1 REQUIREMENTS FOR INITIAL LICENSURE FOR DENTISTS.

- (A) Applicants for licensure to practice dentistry as provided in sections 4715.10, 4715.11 and 4715.12 of the Revised Code, shall furnish satisfactory proof of the following on a form prescribed and provided by the state dental board:
 - (1) He is at least eighteen years of age; and
 - (2) He is of good moral character; and
 - (3) He is a graduate of an accredited dental college, or a graduate of an unaccredited dental college located outside the United States and meets the requirements set forth in rule 4715-18-01 of the Administrative Code; and
 - (4) He has successfully passed all parts of the examination given by the joint commission on national dental examinations; and
 - (5) He provides evidence of successfully passing all components based on a conjunctive scoring method of one of the following regional board examinations: the North east regional board of dental examiners, inc. (NERB), the Central regional dental testing service, inc. (CRDTS), the Southern regional testing agency, inc. (SRTA), or the Western regional examining board (WREB); or
 - (6) He possesses a license in good standing from another state for five years and has actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application.
- (B) Each applicant shall successfully pass a written jurisprudence examination approved by the state dental board on the statute and rules governing the practice of dentistry in the state of Ohio.

Effective: 05-22-2009

Prior Effective Dates: 5-15-03, 6-7-04

4715-5-02 WRITTEN WORK AUTHORIZATION.

- (A) The Ohio state dental board hereby prescribes that the written work authorization required in division (B) of section 4715.09 of the Revised Code shall be on printed forms for both original and copy and shall contain the following:
 - (1) The name and address of the entity or person to whom the written work authorization is directed, hereinafter referred to as "primary contractor".

- (2) The patient's name and/or identifying number. In the event such identifying number is used, the name of the patient shall be written upon a copy of such written work authorization retained by the dentist.
- (3) A description of the work to be done, with diagrams if applicable.
- (4) A description of the type of the materials to be used.
- (5) The actual date on which the authorization was written.
- (6) The signature in ink by the dentist issuing the said written work authorization, his state dental license number and his office address.
- (7) A section to be completed by the primary contractor and returned to the issuing dentist that shall disclose all of the following information and certify that the information is accurate by including the signature of a responsible party of the primary contractor:
 - (a) A list of all materials in the composition of the final appliance;
 - (b) The location where the appliance was fabricated, including the name, address, phone number and FDA registration number, if applicable, of the person or entity performing the work;
 - (c) The location, including name, address, phone number and FDA registration number, if applicable, of any sub-contractors utilized to perform some or all of the services relative to the fabrication of the appliance;
 - (d) A description of all disinfection methods used in the fabrication of the appliance.
- (B) Upon request, the dentist shall provide each patient or authorized patient representative with a duplicate copy of the section of the form described in paragraph (A)(7) of this rule.
- (C) The dentist shall retain a copy of the written work authorization for two years from its date as a part of the patient record.
- (D) The primary contractor shall retain the original work authorization for two years from its date. Copies of work authorization forms shall be open for inspection by the Ohio state dental board and its investigators.
- (E) If the primary contractor receiving a written work authorization from a licensed dentist engages another unlicensed person, partnership, association, or corporation (herein referred to as "sub-contractor") to perform some of the services relative to such work authorization, as provided for in division (C) of section 4715.09 of the Revised Code, he or it shall notify the issuing dentist in advance of the fabrication of the appliance of the name and location of the subcontractor and shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board. The sub-contractor shall retain the sub-work authorization and the primary contractor shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years. Copies of work authorization forms shall be open for inspection by the Ohio state dental board and its investigators.
- (F) The foregoing does not prohibit the inclusion of additional information on the written work authorization when the same is necessary or desirable.
- (G) "Unlicensed person, partnership, association or corporation" as used in this rule, includes, but is not limited to, dental laboratory or dental laboratory technician.
- (H) "Appliance" as used in this rule, includes, but is not limited to, any denture, plate, bridge, splint, crown, veneer, or orthodontic or prosthetic dental device.

Effective: 10-1-08

Prior Effective Dates: 9-30-70; 4-27-98; 5-15-03

4715-5-03 EXAMINATION FOR DENTISTS.

- (A) In order to fulfill the requirements of paragraph (D)(1) of Ohio Revised Code 4715.10 and paragraph (A)(5) of agency level rule 4715-5-01.1, each applicant for licensure to practice dentistry in the state of Ohio must provide evidence of a passing score on each component of the regional examination as established by the agency for the component.
- (B) In cases wherein the regional examining agency has not established passing scores for each component of the examination the board requires that each component must be passed by a minimum seventy-five percent.

Effective 5-15-03; Rescinded and reenacted eff. 6-7-04

4715-5-04 SPECIALTY DESIGNATION.

- (A) A licensed dentist is recognized as a specialist in Ohio if the dentist meets the standards set forth in paragraph (B) of this rule. Any licensed dentist who does not meet the standards set forth in paragraph (B) of this rule is a general dentist. A general dentist is permitted to render specialty services in Ohio but may not formally limit his practice to any specific area(s) of practice.
- (B) A licensed dentist must comply with the following requirements before being recognized as a specialist in Ohio:

Reen, Sandra (DHP)

From: Dematteo, Rose (DHP)
Sent: Friday, March 30, 2012 4:27 PM
To: Reen, Sandra (DHP)
Subject: FW: Licensing/registration of dental laboratories

Sandy here is an email from the Pennsylvania board of dentistry. They do not license/register dental labs. The department of health does it. Also they do not license/register dental techs either.

-----Original Message-----

From: ST, DENTISTRY [<mailto:ra-dentistry@pa.gov>]
Sent: Friday, March 30, 2012 4:21 PM
To: Dematteo, Rose (DHP)
Subject: RE: Licensing/registration of dental laboratories

Pennsylvania does not license dental technicians.

Lisa M. Burns, Administrative Officer II Pennsylvania State Board of Dentistry Chief, Health Professionals Unit www.dos.state.pa.us/dent

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-----Original Message-----

From: Dematteo, Rose (DHP) [<mailto:Rose.Dematteo@DHP.VIRGINIA.GOV>]
Sent: Wednesday, March 28, 2012 1:21 PM
To: ST, DENTISTRY
Subject: RE: Licensing/registration of dental laboratories
Importance: Low

Thank you for your information. Another question, do you license or register dental technicians?

R. E. DeMatteo
Case Manager
804-367-4500
Board of Dentistry
Department of Health Professions
9960 Mayland Dr, Suite 300
Henrico, VA 23233-1463
rose.dematteo@dhp.virginia.gov

-----Original Message-----

From: ST, DENTISTRY [<mailto:ra-dentistry@pa.gov>]
Sent: Wednesday, March 28, 2012 10:19 AM
To: Dematteo, Rose (DHP)

Subject: RE: Licensing/registration of dental laboratories

Dental laboratories are not regulated by the Pennsylvania State Board of Dentistry. Dental labs in Pennsylvania are regulated by the Pennsylvania Department of Health.

Sincerely,

Lisa M. Burns, Administrative Officer II Pennsylvania State Board of Dentistry Chief, Health Professionals Unit www.dos.state.pa.us/dent

Notice: On ****Friday, July 29, 2011****, the commonwealth has added @pa.gov as the primary email domain for all state employees. For example: st-dentistry@state.pa.us <<mailto:jsmith@state.pa.us>> will now be st-dentistry@pa.gov <<mailto:jsmith@pa.gov>>. The email addresses ending in @state.pa.us will continue to function so that emails will never be interrupted. We appreciate your cooperation as we take a small step to increase the usability and consistency of the commonwealth's online communications.

This email may contain confidential information of the sending organization. Any unauthorized or improper disclosure, copying, distribution, or use of the contents of this email and attached document(s) is prohibited. The information contained in this email and attached document(s) is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify the sender immediately by email and delete the original email and attached document(s).

Protection Preserving Promoting small

From: Dematteo, Rose (DHP) [<mailto:Rose.Dematteo@DHP.VIRGINIA.GOV>]
Sent: Monday, March 26, 2012 4:24 PM
To: ST, DENTISTRY
Subject: Licensing/registration of dental laboratories
Importance: Low

I work for the Virginia Board of Dentistry and we are researching for information on the licensing/registration of dental laboratories. We would appreciate it if you could provide any information to the following questions:

1. How many dental laboratories are registered in your state?
2. How do you enforce the regulations on the registered dental laboratories?
3. When did you start registering dental laboratories?

4. What is the number of complaints against dental laboratories?
5. What action has been taken against a dental laboratory that was found in violation of the regulation?
6. Have you ever suspended a dental laboratory's registration? If so how many?
7. Are there any guidance documents to address sanctioning of dental laboratories?
8. How do you enforce regulations if a lab does not have to register? (Missouri, Illinois, & Ohio)
9. May we obtain a copy of a Board Order given for violation of regulations governing dental laboratories?

Thank you for any information you may be able to provide.

R. E. DeMatteo

Case Manager

804-367-4500

Board of Dentistry

Department of Health Professions

9960 Mayland Dr, Suite 300

Henrico, VA 23233-1463

rose.dematteo@dhp.virginia.gov

The Dental Law
Act of May 1, 1993, P.L. 216,
No. 76 Cl. 63

Commonwealth of Pennsylvania

**State Board of
Dentistry**

Printed in October 2010

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Dental Laboratory Regulations by State

	Texas	Missouri	South Carolina	Kentucky	Illinois	Florida	Oklahoma	Ohio	Pennsylvania
Laboratory Registration Fee	\$105.00 Annually		\$102.00 Annually	\$50.00 Annually*		\$200.00 Every 2 yrs	\$200.00		\$200.00
Laboratory Registration	Yes	No	Yes	Yes*	No	Yes	Yes	No	Yes
Technician Registration Fee	No	No	\$100 initial \$102 on renewal	\$10.00*	No	No	No	No	No
Registration of Technician Employees	No	No	No	Yes*	No	No	No	No	No
Requirement to Provide # of Employees	Yes	No	No	Yes*	No	No	No	No	No
Certificate to Perform Dental Technology	No	No	Yes**	No	No	No	No	No	No
CDT or Equivalent Required	Yes	No	Yes	Yes	No	No	No	No	No
State Laws and Rules Exam Required	No	No	Yes	No	No	No	No	No	No
Out-of-State Laboratories Required to Register	Yes	No	Yes	Yes*	No	No	No	No	No
Dentists Required to Use Registered Laboratory	Yes	No	Yes	Yes*	No	No	No	No	No
Material Disclosure	No	Yes	Yes	No	Yes	Yes	No	Yes	No
Point of Origin Disclosure	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No
CE for One Technician in each Laboratory	Yes	No	Yes	Yes		Yes	No	No	No

Laboratory Registration legislation has been filed in: Alabama, Minnesota, New York, New Jersey

NOTES:

* Kentucky repealed in 2010 re-enactment anticipated during the 2012 legislative session

** The certificate to perform dental technological work in SC requires each of the following:

HS or GED; 2 year DT degree or 3 years OJT; CDT or pass SC state board; and pass SC laws and rules exam

The following addresses some of the more common questions that arise when basic registration and disclosure requirements for dental laboratories are initially discussed.

Registration Fees

Texas	\$105 annually
South Carolina	\$102 annually
Kentucky	\$50 annually
Florida	\$200 every two years
Oklahoma	\$200
Pennsylvania	\$200

Average annual fee all states is less than \$150.

Current ADA policy urges constituent dental societies to pursue legislation requiring dental laboratories to disclose the point of origin of materials.

Source: ADA Policy Statement on Prosthetic Care and Dental Laboratories (1990:543; 1995:623; 1999:933; 2000:454; 2003:365; 2005:327; 2007:430) - Notification of Prosthetic Cases Sent to Foreign or Ancillary Domestic Labs for Custom Manufacture

Will this enacting basic minimum education, registration and disclosure standards for dental laboratories limit competition and result in higher prices?

Answer: Dental Laboratory Registration has not hurt Competition or Led to Higher Prices

Below are three examples of states that require Dental Laboratory Registration. Research shows the national average cost of a PFM Crown to \$155 and all three states have an average PFM cost that is less.

<u>State</u>	<u>Year Registration Enacted</u>	<u>PFM Cost</u>
South Carolina	1942	Below National Average
Texas	1987	Below National Average
Florida	1990	Below National Average

Source: *Cost of Doing Business Survey – June, 2010 - Valmont Research*

Do the dental laboratories themselves really support basic registration and disclosure requirements? Will there be a big push-back from dental laboratories?

- 76% of dental laboratories **support required registration** of laboratories (through state dental practice acts).
- 92% of laboratories **support requiring all dental laboratories to disclose where a restoration was manufactured and provide a list of patient contact materials used in each restoration** (through state dental practice acts).

These survey results were presented at the American Dental Association's 2009 future of Dental Technology Conference in Chicago in August 2009. This survey was distributed to 6,000 dental laboratories in the U.S. with an over 25% response rate exceeding 25%.

Source: NADL and NBC Independent Third Party Survey, Valmont Research June 2009

VIRGINIA DENTAL LABORATORY SAFETY ACT BACKGROUND AND ANALYSIS

Current Situation:

Nationally, Dental Laboratories are a \$6 billion industry that includes over 10,000 domestic laboratories with over 500 dental laboratories located in Virginia alone. Currently there are no basic standards or requirements for the Dental Laboratories doing business in Virginia.

With the ever increasing globalization of our economy there is a growing national recognition as state after state recognizes the vital need to protect their citizenry by ensuring basic minimum standards with respect to dental prosthetics. While incidents such as the well publicized lead in crowns case that occurred in Ohio are rare other materials recalls related to material failure are not uncommon.

Dental Laboratory Registration has already been adopted by Pennsylvania, Texas, Florida, South Carolina, Oklahoma and Kentucky and is already otherwise regulated in Illinois, Ohio and Missouri. Dental laboratory legislation has also been recently filed in New York, New Jersey, Minnesota and Alabama.

Effect of Proposal:

The provisions of the proposed Virginia Dental Lab Safety Act are as follows:

Registration of Dental Laboratories – All dental laboratories located in or that do business in Virginia will be required to register with the Virginia Board of Dentistry every 2 years. Use of non-registered dental laboratories is prohibited.

Disclosure Required - Dental Laboratories will be required to disclose the materials content and point-of-origin of the manufacturer of the restoration to the Dentist.

Work Order/Prescription Required – A dental laboratory may not perform any manufacture or repair of dental prosthetic appliances without a valid prescription or work order. Allows for work orders/Prescriptions to be handwritten, faxed or sent electronically with an electronic signature.

Benefits of the Proposal:

Registration of dental laboratories with the Virginia Board of Dentistry will protect the public health and safety by establishing clear communication channels between dental laboratories and dental manufacturers, the U.S. Food and Drug Administration (FDA) and the Centers for Disease Control (CDC) should there be a recall on a dental material or equipment related to a health or safety issue that could ultimately impact the dentist and/or their patients.

Dental Laboratory registration is the most cost effective way to ensure compliance with materials disclosure and point-of-origin requirements. Labs that do not comply risk revocation of their registration or denial of renewal. Without a registration requirement there is no meaningful way to enforce any minimum standard.

12100510D

HOUSE BILL NO. 267

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact §§ 54.1-2700, 54.1-2712, and 54.1-2719 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 27 of Title 54.1 a section numbered 54.1-2708.4, relating to registration of dental laboratories.

Patron—Peace

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2700, 54.1-2712, and 54.1-2719 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 27 of Title 54.1 a section numbered 54.1-2708.4 as follows:

§ 54.1-2700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Dentistry;

"Dental hygiene" means cleaning and polishing teeth and assisting the members of the dental profession in providing oral health care and oral health education to the public;

"Dental hygienist" means a person trained in the practice of and practicing dental hygiene;

"Dental laboratory" means any individual or business entity engaged in the manufacture or repair of dental prosthetic appliances;

"Dentist" means a person who has been awarded a degree in and is licensed to practice dentistry;

"Dentistry" means the evaluation, diagnosis, prevention, and treatment, through surgical, nonsurgical or related procedures, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent and associated structures and their impact on the human body;

"License" means the document issued to an applicant upon completion of requirements for admission to practice dentistry or dental hygiene in this Commonwealth or upon registration for renewal of license to continue the practice of dentistry or dental hygiene in this Commonwealth;

"Maxillofacial" means pertaining to the jaws and face, particularly with reference to specialized surgery of this region-;

"Oral and maxillofacial surgeon" means a person who has successfully completed an oral and maxillofacial residency program, approved by the Commission on Dental Accreditation of the American Dental Association, and who holds a valid license from the Board-;

"Work authorization" means a written instrument executed by a registered dental laboratory by which such dental laboratory subcontracts all or part of the fabrication or repair of a dental prosthetic appliance authorized by a work order to another dental laboratory. A work authorization may be handwritten and may be faxed or sent electronically using an electronic signature, and shall, at a minimum, contain: (i) the name and address of the subcontractor; (ii) a number identifying the work authorization with the original work order; (iii) the date the work authorization was written; (iv) a description of the work to be done by the subcontractor including diagrams, if necessary; (v) a specification of the type and quality of materials to be used; and (vi) the signature of the person issuing the work authorization;

"Work order" means a written instrument executed by a dentist and directed to a registered dental laboratory authorizing the manufacture or repair of a dental prosthetic appliance for such dentist. A work order may be handwritten and may be faxed or sent electronically using an electronic signature and shall, at a minimum, contain: (i) the name and address of the registered dental laboratory; (ii) the patient's name or initials or an identification number; (iii) the date the work order was written; (iv) a description of the work to be done, including diagrams, if necessary; (v) specification of the type and quality of materials to be used; and (vi) the signature and address of the dentist.

§ 54.1-2708.4. Registration of dental laboratories.

No person shall operate a dental laboratory in the Commonwealth without first registering such dental laboratory with the Board. A dental laboratory shall be considered to be operating within the Commonwealth if its work product is prepared pursuant to a work order originating within the Commonwealth.

However, dental laboratories that operate as an in-office lab, under the direct supervision of a licensed dentist, or in an educational institution as part of the institution's educational program, shall be exempt from registration, provided that such laboratories do not also operate pursuant to work orders

1/10/12 13:58

59 *originating from outside the supervising dentist's office or educational institution.*

60 *The Board shall develop regulations governing the operating of dental laboratories, which shall*
 61 *require dental laboratories to:*

62 *1. Practice infectious disease control as required by the U.S. Occupational Safety and Health*
 63 *Administration;*

64 *2. Disclose to dentists the U.S. Food and Drug Administration registration number of all patient*
 65 *contact materials contained in prescribed restorations. Such numbers shall be included in the patient's*
 66 *record;*

67 *3. Disclose to dentists the point of origin of the manufacture of the prescribed restoration. If the*
 68 *restoration was partially or entirely manufactured by a third-party provider, the point of origin*
 69 *disclosure shall identify the portion manufactured by a third-party provider and the city, state, and*
 70 *country of such provider;*

71 *4. Perform any manufacture or repair of dental prosthetic appliances only pursuant to a valid work*
 72 *order or a valid work authorization from a registered dental laboratory, authorized by a valid work*
 73 *order. A subcontractor working pursuant to a valid work authorization, and the dental laboratory*
 74 *issuing the work authorization shall retain such authorization, along with the work order from the*
 75 *licensed dentist, for three years.*

76 *5. Allow the Board or its agents to inspect its files of work orders or work authorizations during*
 77 *ordinary business hours.*

78 *§ 54.1-2712. Permissible practices.*

79 *The following activities shall be permissible:*

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

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

85 *3. Dental students who are enrolled in accredited D.D.S. or D.M.D. degree programs performing*
 86 *dental operations, under the direction of competent instructors (i) within a dental school or college,*
 87 *dental department of a university or college, or other dental facility within a university or college that is*
 88 *accredited by an accrediting agency recognized by the United States Department of Education; (ii) in a*
 89 *dental clinic operated by a nonprofit organization providing indigent care; (iii) in governmental or indigent*
 90 *care clinics in which the student is assigned to practice during his final academic year rotations;*
 91 *(iv) in a private dental office for a limited time during the student's final academic year when under the*
 92 *direct tutorial supervision of a licensed dentist holding appointment on the dental faculty of the school*
 93 *in which the student is enrolled; or (v) practicing dental hygiene in a private dental office under the*
 94 *direct supervision of a licensed dentist holding appointment on the dental faculty of the school in which*
 95 *the student is enrolled;*

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

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

110 *§ 54.1-2719. Employing registered dental laboratories.*

111 *A. Licensed dentists may employ or engage the services of any ~~person, firm or corporation~~ registered*
 112 *dental laboratory to construct or repair, extraorally, prosthetic dentures, bridges, or other replacements*
 113 *for a part of a tooth, a tooth, or teeth. A ~~person, firm or corporation so employed or engaged~~ registered*
 114 *dental laboratory shall not be considered to be practicing dentistry. No such ~~person, firm or~~*
 115 *~~corporation~~ registered dental laboratory shall perform any direct dental service for a patient, but they*
 116 *may assist a dentist in the selection of shades for the matching of prosthetic devices when the dentist*
 117 *sends the patient to them with a written work order.*

118 *B. Any licensed dentist who employs the services of any ~~person, firm or corporation~~ a dental*
 119 *laboratory not ~~working~~ ~~in~~ functioning as part of a dental office under his direct supervision to construct*
 120 *or repair, extraorally, prosthetic dentures, bridges, replacements, or orthodontic appliances for a part of a*

121 tooth, a tooth, or teeth, shall furnish such person, firm or corporation dental laboratory with a written
122 work order on forms prescribed by the Board which shall, at minimum, contain: (i) the name and
123 address of the person, firm or corporation; (ii) the patient's name or initials or an identification number;
124 (iii) the date the work order was written; (iv) a description of the work to be done, including diagrams,
125 if necessary; (v) specification of the type and quality of materials to be used; and (vi) the signature and
126 address of the dentist.

127 The person, firm or corporation dental laboratory shall retain the original work order and the dentist
128 shall retain a duplicate for three years.

129 C. If the person, firm or corporation receiving a written work order from a licensed dentist engages a
130 subcontractor to perform services relative to the work order, a written subwork order shall be furnished
131 on forms prescribed by the Board which shall, at minimum, contain: (i) the name and address of the
132 subcontractor; (ii) a number identifying the subwork order with the original work order; (iii) the date the
133 subwork order was written; (iv) a description of the work to be done by the subcontractor including
134 diagrams, if necessary; (v) a specification of the type and quality of materials to be used; and (vi) the
135 signature of the person issuing the subwork order.

136 The subcontractor shall retain the subwork order and the issuer shall retain a duplicate attached to the
137 work order received from the licensed dentist for three years.

138 D. No person, firm or corporation engaged in the construction or repair of appliances shall refuse to
139 allow the Board or its agents to inspect the files of work orders or subwork orders during ordinary
140 business hours.

141 The provisions of this section shall not apply to a work order for the construction, reproduction, or
142 repair, extraorally, of prosthetic dentures, bridges, or other replacements for a part of a tooth, a tooth, or
143 teeth, done by a person, firm or corporation pursuant to a written work order received from a licensed
144 dentist who is residing and practicing in another state.

INTRODUCED

HB267

Concerns about HB267
(Delegate Peace)
Registration of Dental Laboratories

The Department of Health Professions does not have an official position on HB267, but does have the following concerns about the effect of this legislation:

- 1) Since there are many dental laboratories located in other states and even in other countries, enforcement of quality standards and inspections of laboratories would be cost-prohibitive and physically impossible; and enforcement of compliance with OSHA standards and disclosure of material content used in restorations could not be enforced without periodic inspections.
- 2) The legislation would prohibit any person from operating a dental laboratory without registering with the Board of Dentistry on the effective date of the Act, which would be July 1, 2012. As of that date, there would be no regulations in effect and no laboratories registered. Therefore, there could be no legally operating dental laboratories and only those prosthetic appliances repaired or manufactured for a patient by the dentist himself would be available.
- 3) Non-compliant laboratories would be subject to disciplinary action by the Board. In order to initiate disciplinary action, an investigation would be required. If a lab is located out-of-state or out of the country, only an electronic or paper investigation could be achieved. Therefore, labs located in Virginia could be subject to greater scrutiny than those outside of the state. As regulants of the Board of Dentistry, all laboratories would be entitled to the same administrative process as other licensees; the costs of which could exceed the biennial registration fees for laboratories. Costs for investigations and disciplinary proceedings would then be borne by regulated entities of the Board, including dentists, hygienists and assistants.
- 4) There has been no study performed to determine whether there is a need for regulation of these entities. The Board of Dentistry has recommended that such a study be conducted by the Board of Health Professions to determine whether the criteria for regulation have been met.
- 5) In response to public comment on the need to assure the materials used in the construction and repair of dental appliances are safe for patients and are as ordered by a dentist, the Board of Dentistry adopted, on September 9, 2011, two work order forms as required by §54.1-2719 of the Code of Virginia. This statute requires dentists to furnish a written work order on forms prescribed by the Board to any person, firm or corporation being engaged to construct or repair prosthetic dentures, bridges or other appliances. The content of the forms includes the disclosures which the legislation proposes to require of dental laboratories, so there is already applicable law and a process in place to protect the public. Copies of the laboratory forms are attached.

**VIRGINIA BOARD OF DENTISTRY APPROVED
DENTAL LABORATORY WORK ORDER FORM**

This form is prescribed by the Board for use by its licensees as required by §54.1-2719 of the Code of Virginia. A licensee shall provide all the information required to complete the form. A licensee may use a different form only if all the required information on this form is collected and conveyed.

PATIENT NAME, INITIALS or ID#: _____

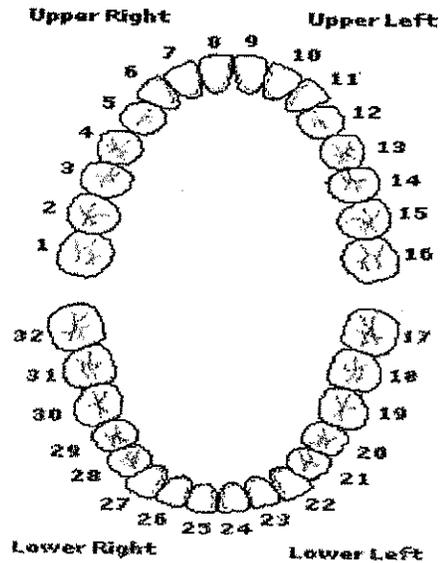
Laboratory Name: _____

Physical Address: _____

E-mail Address: _____

Contact Person: _____

Description of work to be done (include diagrams if needed):



Specify the type and quality of materials to be used:

Dentist's Signature: _____ Date: _____

Dentist's Name Printed: _____ Dental License # _____

Dentist's Address: _____ Telephone: _____

Dentist's Email Address: _____

Instructions to Lab

Laboratory must furnish dentist with subcontractor work order form if the dental lab uses a subcontractor and must comply with all items below:

1. Prior to beginning work, the prescribing dentist must be notified of any foreign subcontractor involved in fabrication or component/materials supply.
2. Prior to beginning work, the prescribing dentist must be notified of any domestic subcontractor involved in fabrication or component/materials supply.
3. Prescribing dentist must be notified of all materials in the delivered appliance/restoration.
4. Prescribing dentist must be notified in writing that materials in the delivered appliance/restoration DO NOT contain more than very small trace amounts (less than 200 ppm) of lead or any other metal not expressly prescribed.
5. Before returning finished case to prescribing dentist, the fabricated appliance/restoration must be cleaned disinfected, and sealed in an appropriate container or plastic bag.

**VIRGINIA BOARD OF DENTISTRY APPROVED
DENTAL LABORATORY SUBCONTRACTOR WORK ORDER FORM**

This form is prescribed by the Board as required by §54.1-2719 of the Code of Virginia for use by dental laboratories to subcontract work orders from dentists licensed and practicing in Virginia. A dental laboratory shall provide all the information required to complete the form. **A different form may be used only if all the required information on this form is collected and conveyed.** A copy of the signed work order received from the prescribing dentist shall be attached.

PATIENT NAME, INITIALS or ID#: _____

Subcontractor Name: _____

Physical Address: _____

E-mail Address: _____

Contact Person: _____

Contact information of the prescribing dentist:

Name: _____

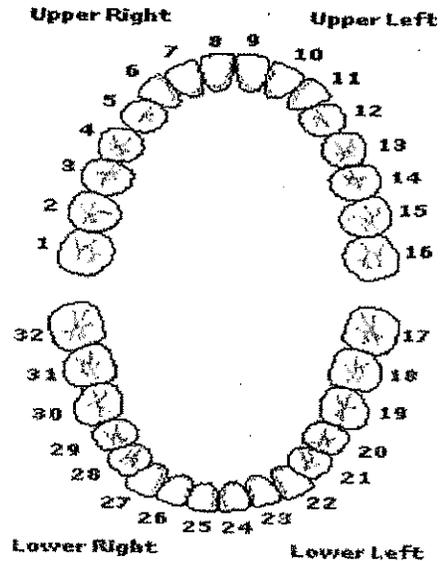
Address: _____

Telephone: _____

Email Address: _____

A copy of the signed work order received from the prescribing dentist is attached.

_____ Yes _____ No



Additional instructions for the handling, construction or repair of the appliance:

Contact information of person, firm or corporation issuing Subcontractor Work Order Form:

Signature: _____ Date: _____

Name Printed: _____ Telephone: _____

Address: _____

Email Address: _____

Instructions to Lab

Subcontractor laboratory must comply with all items below:

1. Prior to beginning work, the prescribing dentist must be notified of any foreign subcontractor involved in fabrication or component/materials supply.
2. Prior to beginning work, the prescribing dentist must be notified of any domestic subcontractor involved in fabrication or component/materials supply.
3. Contracting laboratory must be notified of all materials in the delivered appliance/restoration.
4. Contracting laboratory must be notified in writing that materials in the delivered appliance/restoration DO NOT contain more than very small trace amounts (less than 200 ppm) of lead or any other metal not expressly prescribed.
5. Before returning finished case to prescribing dentist, the fabricated appliance/restoration must be cleaned, disinfected, and sealed in an appropriate container or plastic bag.