

234 CMR: BOARD OF REGISTRATION IN DENTISTRY

234 CMR 7.00: MOBILE AND PORTABLE DENTISTRY

Section

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7.01: Scope

The Board may issue a permit for operation of a Mobile Dental Facility (MDF) or Portable Dental Operation (PDO) to a dentist licensed pursuant to M.G.L. c. 112, § 45 provided that the applicant has met all the requirements of 234 CMR 2.00.

The Board may issue a permit for operation of an MDF or PDO to a dental hygienist practicing pursuant to M.G.L. c. 112, § 51, provided that the services are limited to services provided in a public health setting as described in 234 CMR 5.00.

A MDF is any self-contained facility where dentistry will be practiced, which may be driven, moved, towed or transported from one location to another. A PDO is any dental practice where a portable dental unit is transported to and utilized on a temporary basis at an out-of-office location.

Exceptions: Licensees may provide dental services through the use of dental instruments and materials taken out of a dental office without a MDF or PDO permit if:

- (a) The service is provided as emergency treatment;
- (b) A patient of record is homebound; or
- (c) The services rendered are limited to dental screening only.

234 CMR 7.00 takes effect on February 20, 2011. A MDF or PDO which is in operation on or before February 20, 2011 must submit their application for a Facility D-P Permit (234 CMR 6.00) on or before February 20, 2011. A MDF or PDO commencing operation after February 20, 2011 shall not do so without a Facility D-P Permit.

7.02: Purpose

The purpose of 234 CMR 7.00 is to set forth the requirements for the practice of dentistry utilizing a MDF or PDO in the Commonwealth.

7.03: Permit M: Application for Mobile Dental Facility Permit and/or Portable Dental Operation

(1) Initial Application. The Board may issue a permit to operate a MDF or PDO to a qualified dentist who holds a valid license issued pursuant to M.G.L. c. 112, § 45 or a qualified dental hygienist who holds a valid license pursuant to M.G.L. c. 112, § 51, provided the applicant is of good moral character, has met all of the eligibility requirements, and has submitted a complete, accurate and signed application on forms specified by the Board for that purpose and which is accompanied by the permit fee established by the Secretary of Administration and Finance.

(2) Renewal of Permit. A MDF or PDO permit issued pursuant to 234 CMR 7.00 shall be subject to biennial renewal at the same time the applicant's license to practice dentistry or dental hygiene is renewed on forms specified by the Board for that purpose and accompanied by the permit fee established by the Secretary of Administration and Finance.

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- (3) On-site Inspection. The Board may require an on-site inspection of the MDF or PDO prior to the issuance of a permit.
- (4) A permit issued pursuant to 234 CMR 7.00 is not transferable to another person or entity.

7.04: General Requirements

- (1) Official Business or Mailing Address. The operator of a MDF or PDO shall maintain a phone number and official address of record which shall be filed with the Board. The operator of a MDF or PDO who does not maintain an office in Massachusetts shall also file the name, address, and telephone number of the entity's resident agent as filed with the Massachusetts Secretary of the Commonwealth.
- (2) The Board shall be notified within 30 days of any change in the address or telephone number of record, or director of the MDF or PDO.
- (3) All written or electronic publications and documents issued by the MDF or PDO shall include the name of the MDF or PDO director and official telephone number and the address of record for the MDF or PDO.
- (4) Patient Records. Patient records shall be maintained in accordance with 234 CMR 5.14 and 5.15. In addition, the MDF or PDO shall also comply with the following:
 - (a) Treatment in a School Setting. Where consent has been granted by the patient or legal representative, a copy of the patient's information sheet or other written summary of the screening, examination or treatment shall be provided to the official designated by the school.
 - (b) Treatment in a Nursing Home or Residential Treatment Facility. A copy of the patient's information sheet or other written summary of the screening, examination or treatment shall be provided to the official designated by the nursing home or residential treatment facility and shall become part of the patient's record.
- (5) Informed Consent. The MDF or PDO shall obtain a signed written consent from the patient or legal representative which conforms to the requirements of 234 CMR 5.15(3)(f).
- (6) Discharge and Referral.
 - (a) Information Sheet. At the conclusion of the patient's visit to the MDF or PDO, the patient or institutional facility, as may be appropriate shall be given a written report that shall include the following:
 1. Results of the dental and/or dental hygiene examination;
 2. The name(s) of the licensed dentist and dental auxiliaries who provided services;
 3. A description of the treatment rendered, including billed service codes and fees associated with treatment, and tooth numbers when appropriate;
 4. Information on how to contact the MDF or PDO;
 5. A timely written referral to a dentist in order to address emergent needs and achieve positive oral health outcomes for the patient;
 6. Names of dentists or other organizations providing dental services located within a reasonable geographic distance from the patient's home and with whom the MDF or PDO has communicated regarding acceptance of referrals; and
 7. The signature of the dentist or dental hygienist.
 - (b) If the patient has given consent for an institutional facility (school, nursing home, residential facility, *etc.*) to access the patient's dental health records, the MDF or PDO shall provide the institution with a copy of the Information Sheet.
- (7) Emergency or Other Follow-up Treatment. The MDF or PDO shall:
 - (a) Have a written procedure for referral of patients for emergency or other follow-up treatment;

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- (b) Provide necessary follow-up treatment or make a timely referral for follow-up examination and treatment by the patient's dentist or by another dentist with whom the MDF or PDO has communicated regarding acceptance of referrals;
- (c) Provide the patient with the names of dentists, community health centers or dental school clinics located within a reasonable geographic distance from the patient's home and with whom the MDF or PDO has communicated with regarding the acceptance of referrals; and
- (d) Where consent has been granted, provide the subsequent provider with treatment information, including a copy of radiographs, within a reasonable period of time.

7.04: continued

- (8) Emergency Protocol. The MDF and PDO shall:
 - (a) Have a written protocol for managing medical or dental emergencies;
 - (b) Have communication equipment that ensures rapid access to emergency responders and others as necessary; and
 - (c) Ensure that all staff are trained when hired, and at least annually thereafter, to implement the emergency protocols.
- (9) Identification of Personnel. Any person providing dental service(s) on behalf of a MDF or PDO shall wear a name tag that states his/her name, professional title, and function.
- (10) The MDF or PDO shall maintain a log that includes the dates, locations where services were provided, and names of all individuals providing services on behalf of the MDF or PDO.
- (11) Display of License(s). An original or copy of all licenses and permits issued by the Board shall be displayed at the location where services are being provided in an area where they may be viewed by patients.
- (12) Background Checks for Personnel. The MDF or PDO shall comply with any rules, regulations or statutory requirements for performance of Criminal Offender Record Information (CORI) and background checks of personnel serving vulnerable populations *e.g.* children, elderly or disabled person(s).

7.05: Physical Requirements for Mobile Dental Facility and Portable Dental Operations

- (1) An MDF or PDO shall comply with all applicable local, state and federal statutes, regulations, or ordinances concerning radiographic equipment, flammability, ventilation, construction, sanitation, zoning, infectious waste management, OSHA Standards at 29 CFR, *CDC Guidelines*, and for the registration and operation of a motor vehicle being used for the provision of mobile or portable dental services.
- (2) The MDF or PDO shall have the following:
 - (a) Handicap access;
 - (b) Equipment and sterilization systems which are necessary to comply with *CDC Guidelines*;
 - (c) Ready access to an adequate supply of potable water;
 - (d) Ready access to hand-washing and toilet facilities;
 - (e) A covered galvanized, stainless steel, or other non-corrosive container for deposit of refuse and waste material as required by 310 CMR 73.00: Amalgam, Wastewater and Recycling Regulations for Dental Facilities; and
 - (f) Equipment necessary for services being provided.

7.06: Cessation of Operation and Transfer of Ownership or Control

- (1) Upon cessation of operation, the permit holder shall:
 - (a) Within 30 calendar days notify the Board in writing of the last day of operations of the final date of service and the disposition of patient records;
 - (b) Notify all of the permit holder's patients who have received treatment within two years of the date of cessation of operations by letter to each patient or electronic notice or public notice in appropriate newspaper(s) or by other means which is widely disseminated how

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patients may obtain a copy of their dental records; and

(c) Within 30 calendar days make arrangements with the patients of the MDF or PDO for the transfer of the patient's records, including if applicable, radiographs or copies thereof, to a succeeding practitioner, or, at the written request of the patient, to the patient.

(d) A minimum of 30 calendar days prior to cessation of operation, notify any and all entities for whom the MDF or PDO is providing services or who are hosting said services.

(2) Upon cessation of operations or transfer of ownership and control, the existing MDF's or PDO's Permit M is not transferable to any person or entity and shall expire.

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7.06: continued

(3) A licensee who intends to purchase or acquire control of an existing MDF or PDO shall file an application for a permit to operate the MDF or PDO at least 30 calendar days before the anticipated sale or acquisition.

REGULATORY AUTHORITY

234 CMR 7.00: M.G.L. c. 13, § 19; c. 112, §§ 43 through 53 and 61.