234 CMR 7.00: MOBILE AND PORTABLE DENTISTRY

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7.01: ~~Scope~~Purpose

~~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:~~

* + 1. ~~The service is provided as emergency treatment;~~
    2. ~~A patient of record is homebound; or~~
    3. ~~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.~~

The purpose of 234 CMR 7.00 is to protect the safety of patients treated by licensed dental professionals outside a dental office or facility or in a public health setting by requiring licensees practicing in those settings to use properly maintained equipment, materials and instruments appropriate for providing dental or dental hygiene services and to have protocols and procedures in place to make necessary referrals, obtain timely consultation and effectuate emergency rescue and transfer.

7.02: ~~Purpose~~ Permit Requirement, Eligibility and Exceptions

~~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~~

(1) Except as provided in 234 CMR 7.02(3) and (4), no licensee may provide dental, dental hygiene or public health dental hygiene services outside a dental office or facility or in a public health setting unless the licensee holds a current Portable Dental Operation (PDO) or a Mobile Dental Facility (MDF) permit at the time of delivering such services.

(2) Licensed dentists and PHDHs who hold a current license that is in good standing are eligible to apply for a PDO or MDF permit, in accordance with 234 CMR 7.03 and 7.04.

(3) A licensed dentist may provide dental services through the use of dental instruments and materials taken out of a dental office without first obtaining a MDF or PDO Permit if:

(a) The service provided is only emergency treatment;

(b) A patient of record seen in the dentist’s office becomes homebound; or

(c) The service rendered is limited to a dental screening only.

(4) A dentist or public health dental hygienist may provide dental and public health dental hygiene services in community or public health settings without first obtaining a PDO or MDF permit if such services are provided:

(a) By a hospital or clinic licensed pursuant to M.G.L. c. 111, §§51-56;

(b) In a school setting approved by the ADA’s CODA; or

(c) By a local or state government agency pursuant to M.G.L. c. 112, §51.

7.03: ~~Permit M: Application for Mobile Dental Facility Permit and/or Portable Dental Operation Eligibility for PDO or MDF Permit~~ Initial Application for PDO Permit

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.~~
3. ~~On-site Inspection. The Board may require an on-site inspection of the MDF or PDO prior to the issuance of a permit.~~

1. ~~A permit issued pursuant to 234 CMR 7.00 is not transferable to another person or entity.~~
2. Licensed Dentists: Each applicant for a PDO permit shall submit a complete and accurate application on forms provided by the Board for that purpose and accompanied by the permit fee determined by the Executive Office of Administration and Finance. At minimum, a complete application shall include the following:
3. Applicant’s name and Massachusetts dental license number;
4. Applicant’s address of record, electronic mail address and contact information including address of dental office or facility or place of business;
5. Scope of services to be provided in out-of-office settings under the PDO permit;
6. Documentation of most recent maintenance of equipment and expiration date of emergency drugs required for providing dental services;
7. Documentation of passing weekly spore testing results for the immediate three months prior to submitting an application if using non-disposable patient care items. A PDO newly established less than three months prior to submitting a PDO permit application shall provide all weekly spore testing results if using non-disposable patient care items;
8. Documentation necessary to determine compliance with CDC Guidelines;
9. A request for an on-site inspection by the Board of the applicant's equipment, materials and medications; and
10. Copies of the following:
11. Medical history form to be used by the applicant;
12. Informed consent form to be used by the applicant;
13. Schedule of emergency drug and equipment checks and maintenance;
14. Written protocol for managing emergencies; and
15. Schedule of emergency drills.

(i) Other information as may be required by the Board

1. PHDHs: Each applicant for a PDO permit shall submit a complete and accurate application on forms provided by the Board for that purpose and accompanied by the permit fee determined by the Executive Office of Administration and Finance. At minimum, a complete application shall include the following:
2. Applicant’s name and Massachusetts dental hygiene license number;
3. Applicant’s address of record, electronic mail address and contact information including address of place of business;
4. Documentation of successful completion within twenty-four months of submitting a PDO permit application of the following;
   * + 1. A minimum of six hours hands-on experience in a public health setting;
       2. One CEU on CDC Guidelines;
       3. One CEU of risk management for practice in a public health setting; and
       4. One CEU in management of medical emergencies.
5. Scope of services to be provided in public health settings under the PDO permit;
6. A copy of the Written Collaborative Agreement (WCA) with collaborating licensed dentist;
7. Documentation with respect to ownership of equipment and materials to be used by applicant, including but not limited to sterilizing equipment, and if the applicant is not the owner, documentation of authorization for applicant to use equipment and materials and for Board inspection;
8. Documentation of most recent maintenance of equipment and materials to be used by applicant;
9. Documentation of passing weekly spore testing results for the immediate three months prior to submitting an application if using non-disposable patient care items. A PDO newly established less than three months prior to submitting a PDO permit application shall provide all weekly spore testing results if using non-disposable patient care items;
10. A request for an on-site inspection by the Board of the equipment and materials to be used by the applicant; and
11. Copies of the following:
12. Medical history form to be used by the applicant;
13. Informed consent form consistent with M.G.L. c. 112, §51 to be used by the applicant;
14. Information Sheet for referral and assessment of dental needs to be used by the applicant;
15. Schedule of emergency equipment checks and maintenance; and
16. Written protocol for managing emergencies.

(j) Other information as may be required by the Board.

7.04: ~~General Requirements~~Initial Application for MDF Permit

~~(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;~~

~~(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.~~

~~(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).~~

1. Licensed Dentists: Each applicant for a MDF permit shall submit an accurate and complete application on forms provided by the Board for that purpose and accompanied by the permit fee determined by the Executive Office of Administration and Finance. At minimum, the application shall include the following:
2. Applicant’s name and Massachusetts dental license number;
3. Applicant’s address of record, electronic mail address and contact information including address of dental office or facility or place of business and location where MDF is garaged;
4. Scope of services to be provided in out of office settings under the MDF permit;
5. Documentation of most recent maintenance of dental equipment and expiration date of materials and emergency drugs necessary for providing dental services;
6. Copy of vehicle registration and expiration date of inspection sticker;
7. Documentation of passing weekly spore testing results for the immediate three months prior to submitting an application if using non-disposable patient care items. A MDF newly established less than three months prior to submitting a MDF permit application shall provide all spore testing results if using non-disposable patient care items;
8. A request for an on-site inspection by the Board of the applicant's equipment, materials and medications;
9. Copies of the following:

1. Medical history form to be used by the applicant;

2. Informed consent form to be used by the applicant;

3. Schedule of emergency drug and equipment checks and maintenance;

4. Written protocol for managing emergencies; and

5. Schedule of emergency drills.

1. Other information as may be required by the Board.

(2) PHDHs: Each applicant for a MDF permit shall submit a complete and accurate application on forms provided by the Board for that purpose and accompanied by the permit fee determined by the Executive Office of Administration and Finance. At minimum, the application shall include the following:

(a) Applicant’s name and Massachusetts dental hygiene license number;

(b) Applicant’s address, electronic mail address and contact information including address of location where MDF is garaged;

1. Documentation of successful completion within twenty-four months of submitting a MDF permit application of the following;
   * + 1. A minimum of six hours hands-on experience in a public health setting;
       2. One CEU on CDC Guidelines;
       3. One CEU of risk management for practice in a public health setting; and
       4. One CEU in management of medical emergencies.

(d) Scope of services to be provided in out-of-office settings under the MDF permit;

(e) A copy of the Written Collaborative Agreement (WCA) with collaborating licensed dentist

(f) Documentation with respect to ownership of equipment and materials to be used by applicant, including but not limited to sterilizing equipment, and if the applicant is not the owner, documentation of authorization for applicant to use equipment and materials and for Board inspection;

(g) Documentation of most recent maintenance of dental equipment and expiration date of materials to be used by the applicant for providing dental hygiene services;

(h) Copy of vehicle registration and expiration date of inspection sticker;

(i) Documentation of passing weekly spore testing results for the immediate three months prior to submitting an application if using non-disposable patient care items. A newly established MDF less than three months prior to submitting a MDF permit application shall provide all spore testing results if using non-disposable patient care items;

(j) A request for an on-site inspection by the Board of the equipment, materials and medications to be used by the applicant;

(k) Copies of the following:

1. Medical history form to be used by the applicant;
2. Informed consent form consistent with M.G.L. c. 112, §51 to be used by the applicant;
3. Information Sheet for referral and assessment of dental needs to be used by the applicant;
4. Schedule of emergency equipment checks and maintenance; and
5. Written protocol for managing emergencies.

(l) Other information as may be required by the Board.

7.05: ~~Physical Requirements for Mobile Dental Facility and Portable Dental Operations~~Expiration and Renewal of a PDO or MDF Permit

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:~~ 
   1. ~~Handicap access;~~
   2. ~~Equipment and sterilization systems which are necessary to comply with~~ *~~CDC Guidelines~~*~~;~~
   3. ~~Ready access to an adequate supply of potable water;~~
   4. ~~Ready access to hand-washing and toilet facilities;~~
   5. ~~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.~~

(1) Unless timely renewed, a PDO or MDF permit shall expire on the 1st day of April in the year that the permit holder’s dental or dental hygiene license expires.

(2) A permit holder may renew his or her permit concurrently with his or her license to practice dentistry or dental hygiene. Renewal applications shall be made on forms specified by the Board for that purpose and accompanied by the permit fee established by the Secretary of Administration and Finance. Unless both license and permit are renewed concurrently, a permit holder with an expired license may not renew his or her permit.

7.06: ~~Cessation of Operation and Transfer of Ownership or Control~~Responsibilities of PDO or MDF Permit Holders

1. ~~Upon cessation of operation, the permit holder shall:~~
   1. ~~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;~~
   2. ~~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 howpatients may obtain a copy of their dental records; and~~
   3. ~~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.~~
   4. ~~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.~~
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.~~
4. A licensee holding a MDF or PDO permit shall ensure dental, dental hygiene and public health dental hygiene services are provided, recorded, and if applicable, billed consistent with 234 CMR 5.00: *Requirements for the Practice of Dentistry, Dental Hygiene, and Dental Assisting* unless otherwise expressly stated in 234 CMR 7.00.
5. A licensee holding a MDF or PDO permit shall maintain and file with the Board an active phone number and email address.
6. A licensee shall notify the Board in writing within 14 calendar days of any change in the address of record or phone number.
7. All publications, documents, records, treatment and consent forms used in connection with a MDF or PDO shall include the permit holder’s name, phone number and the address of record.
8. A licensee providing dental, dental hygiene or public health dental hygiene services under a PDO or MDF permit shall provide the patient or patient’s legal representative or guardian with a written Information Sheet at the conclusion of the patient's visit that shall at minimum include the following:
   * 1. Results of any examination;
     2. The names of all licensees who provided services;
     3. A description of the treatment provided, including billed service codes and fees associated with treatment, and tooth numbers when appropriate;
     4. Contact information of the MDF or PDO permit holder;
     5. A written referral to a dentist to address emergent needs;
     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 permit holder has communicated regarding accepting referrals; and
     7. The signature or electronic signature of the dentist or public health dental hygienist.
9. If the patient has provided general written consent for an institution, e.g., school, nursing home or residential facility, to receive a copy of the patient's dental health records, the licensee holding the MDF or PDO permit holder shall provide at minimum such institution with a copy of the Information Sheet.
10. A licensee providing dental, dental hygiene or public health dental hygiene services under a PDO or MDF permit shall:
    1. Have a written procedure for referring patients for emergency or follow-up treatment;
    2. 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 permit holder has communicated regarding acceptance of referrals;
    3. Where the patient has consented in writing, a licensee holding a PDO or MDF permit shall provide a copy of the patient’s dental record to the subsequent provider, including a diagnostic copy of radiographs, within a reasonable time not longer than 30 days.
11. The MDF or PDO permit holder shall maintain a service log that includes the dates, locations where services were provided, and names of all individuals providing services on behalf of the MDF or PDO.

7.07: Physical Requirements for MDFs and PDOs

* + 1. A licensee operating a MDF shall comply with all applicable local ordinances and state and federal laws concerning *CDC Guidelines*, radiographic equipment, infectious waste management, OSHA Standards, flammability, ventilation, construction, sanitation, zoning, and for the registration and operation of a motor vehicle used in connection with a mobile dental facility.
    2. A MDF or site where the PDO services are delivered shall have the following:
       1. Handicap access;
       2. Access to equipment and sterilization systems necessary to comply with *CDC Guidelines*;
       3. Immediate access to an adequate supply of potable water;
       4. Immediate access to hand-washing and toilet facilities;
       5. 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
       6. Equipment necessary for services being provided.

7.08: Non-Transferability of Permits

A PDO or MDF permit is non-transferable. No permit issued under this section shall be transferred to a licensee or permit holder. Non-licensed individuals, persons and entities are not eligible to hold a PDO or MDF permit. A PDO or MDF permit which purports to be transferred is void.

7.09: Posting of Permits and Licenses

(1) A MDF permit holder shall conspicuously post the MDF permit and licenses of all dental personnel working in the mobile dental facility such that patients or legal guardians can readily view.

(2) A PDO permit holder who is a dentist shall conspicuously post the PDO permit and licenses of all dental personnel working under the PDO permit such that patients or legal guardians can readily view.

* + 1. A PDO permit holder who is a public health dental hygienist shall conspicuously post the PDO permit and the holder’s hygiene license such that patients or legal guardians can readily view.

7.10: Duty to Update

Each permit holder shall be responsible to maintain and store dental materials according to manufacturer’s directions and maintain equipment in good working order according to manufacturer’s directions and properly transport equipment and materials to each site where MDF or PDO services are delivered.

PHDHs holding a PDO permit shall submit to the Board any updated WCA within 30 days of the execution thereof.

7.11: Cessation of Operation

When a permit holder ceases to operate a PDO or MDF, the permit holder shall:

* 1. Notify the Board in writing within 30 days of the final date of service under the permit;
  2. Notify all patients of record 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 reasonably targets those public health settings where services were provided about how patients may obtain a copy of their dental records; and
  3. Transfer, within 30 calendar days of receiving a patient’s written authorization, the patient's records, including if applicable, radiographs or copies thereof, to a succeeding practitioner or to the patient.
  4. Notify, at least 30 calendar days prior to cessation of operation, all entities for whom the MDF or PDO is providing services or who are hosting said services.

REGULATORY AUTHORITY

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