

## 234 CMR: BOARD OF REGISTRATION IN DENTISTRY

### 234 CMR 4.00: LICENSURE AND LICENSE RENEWAL REQUIREMENTS

#### Section

- 4.01: Purpose
- 4.02: Reporting of Disciplinary Action, License Denial or Other Restriction of Professional Privileges
- 4.03: Initial Dentist Licensure by Examination
- 4.04: Initial Dentist Licensure by Credentials
- 4.05: Initial Licensure as Limited License Full-time Faculty or Limited License Dental Intern
- 4.06: Renewal of Limited License Full-time Faculty License and Limited License Dental Intern License
- 4.07: Initial Dental Hygienist Licensure by Examination
- 4.08: Initial Dental Hygienist Licensure by Credentials
- 4.09: Application for Licensure as a Dental Hygienist by a Dental Student
- 4.10: Minimum Requirements for Chapter 112-approved Programs and Chapters 69- and 74-approved Programs That Do Not Have CODA Accreditation
- 4.11: Initial Dental Assistant Licensure for EFDA-, CA- and FTDA-qualified Individuals
- 4.12: Initial Licensure for Dental Assistants Trained on the Job
- 4.13: Notice of Intent to Apply as a First-time Dental Assistant Trained on the Job (OJT)
- 4.14: License Renewal, Reactivation, and Reinstatement
- 4.15: Applicant and Licensee Responsibilities
- 4.16: Reinstatement of a License Which Has Been Revoked, Surrendered or Suspended
- 4.17: License Retirement

#### 4.01: Purpose

The purpose of 234 CMR 4.00 is to specify the eligibility and application requirements to obtain an initial or renewal license and to specify requirements for the reinstatement of a license that has been suspended, surrendered or revoked.

#### 4.02: Reporting of Disciplinary Action, License Denial or Other Restriction of Professional Privileges

For license applications, disciplinary actions include, but are not limited to, revocation, suspension, probation, censure, reprimand, or restriction of a license to practice dentistry, dental hygiene or dental assisting, non-renewal, denial or restriction of privileges or termination of participation. An applicant for initial licensure or renewal of licensure shall report:

- (1) A denial or restriction of privileges related in any way to:
  - (a) The applicant's competence to practice dentistry, dental hygiene or dental assisting; or
  - (b) A complaint or allegation regarding any violation, whether specifically cited or not, of the laws, regulations, or policies of the Board.
- (2) Information concerning any disciplinary action taken against an applicant by any of the following:
  - (a) Governmental authorities, including boards of registration in other jurisdictions;
  - (b) Hospitals;
  - (c) Health care facilities, but not including disciplinary action taken against a student by a dental school, dental hygiene school or program, or dental assisting school or program;
  - (d) Professional dental, dental hygiene or dental assisting associations, but not including professional association peer review proceedings;
  - (e) Insurance companies or other third party payors which shall only include findings of billing irregularities for any of the following as stated in M.G.L. c. 112, § 52E:
    - 1. Obtaining a total payment in excess of that usually received by the dentist for services rendered;
    - 2. Falsely reporting treatment dates for the purpose of obtaining payment;
    - 3. Reporting charges for services not rendered;
    - 4. Falsely reporting services rendered for the purpose of obtaining payment; or
    - 5. Abrogating the co-payment provisions of a contract by accepting the payment received from the third party as full payment.
- (3) Information concerning any civil litigation related to the practice of dentistry, dental hygiene or dental assisting that resulted in a finding against or a settlement with the applicant, as the Board may require.

## 234 CMR: BOARD OF REGISTRATION IN DENTISTRY

### 4.02: continued

- (4) Information concerning any criminal proceedings commenced against the applicant but not including minor traffic offenses, as the Board may require.
- (5) Information concerning an applicant's privilege to possess, prescribe or dispense controlled substances.

### 4.03: Initial Dentist Licensure by Examination

The Board may grant a license by examination to an applicant, who is of good moral character, has met all eligibility requirements and has submitted the following information to the Board:

- (1) An accurate, complete and signed application, as specified by the Board for that purpose;
- (2) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance, unless waived in accordance with M.G.L. c. 112, § 1B;
- (3) An original transcript with the college seal stating the degree granted and the date of issue from a CODA-accredited dental school or any successor accrediting agency approved by the Board, or a letter including the college's seal signed by the appropriate authority attesting to the applicant's degree and date of graduation;
- (4) A physician's statement made after an examination conducted within one year of the date of application, attesting to the health of the applicant and to any impairments that may affect the ability of the applicant to practice dentistry;
- (5) Documentation of a passing score on each of the following exams:
  - (a) Parts I and II of the ADA National Board Examination;
  - (b) The CDCA or other state or regional examination approved by the Board; and
  - (c) Massachusetts Dental Ethics and Jurisprudence Examination or a Board-approved successor examination.
- (6) Documentation of current BLS certification or CPR/AED certification, except an applicant applying for an individual anesthesia permit shall provide documentation that complies with 234 CMR 6.00: *Administration of Anesthesia and Sedation*;
- (7) A passport-size color photograph;
- (8) A statement disclosing any and all disciplinary, civil, or criminal action taken or filed against the applicant any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (9) Proof satisfactory to the Board of good moral character;
- (10) An attestation, signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G.L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a); and
- (11) Proof satisfactory to the Board of completion of training required pursuant to M.G.L. c. 94C, § 18(e) as a condition precedent for obtaining licensure.

### 4.04: Initial Dentist Licensure by Credentials

The Board may grant a license by credentials, without further professional examination, to a dentist currently licensed in another jurisdiction, provided the applicant is of good moral character, has met all eligibility requirements and has submitted the following information to the Board:

- (1) An accurate, complete and signed application on forms specified by the Board for that purpose;

4.04: continued

- (2) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance, unless waived in accordance with M.G.L. c. 112, § 1B;
- (3) An original transcript with the college seal stating the degree granted and the date of issue from a CODA-accredited dental school or any successor accrediting agency approved by the Board, or a letter including the college's seal signed by the appropriate authority attesting to the applicant's degree and date of graduation;
- (4) A physician's statement made after an examination conducted within one year of the date of application, attesting to the health of the applicant and to any impairments that may affect the ability of the applicant to practice dentistry;
- (5) Proof satisfactory to the Board of a minimum of five years of practice in dentistry or dental education immediately preceding the application for licensure by credentials. An applicant may include private practice; the practice of dentistry in the armed forces; federal, state, and municipal programs; and intern and residency programs as part of this five year dental practice requirement;
- (6) Proof satisfactory to the Board that the applicant is currently licensed and in good standing in another jurisdiction based on passing a Board-approved examination;
- (7) Documentation of a passing score on each of the following exams:
  - (a) Parts I and II of the ADA National Board Examination;
  - (b) The CDCA or other state or regional examination approved by the Board; and
  - (c) Massachusetts Dental Ethics and Jurisprudence Examination or a Board-approved successor examination.
- (8) Certified letters of standing from all jurisdictions in which the applicant has been issued a license to practice dentistry attesting to the standing of the applicant's license, including report of any past or pending disciplinary action, or any pending complaints against the applicant;
- (9) Letters of endorsement from two licensed dentists who are in good standing and familiar with the applicant and his or her practice of dentistry which attest to the applicant's professional competency and good moral character;
- (10) Original report from the NPDB Self-query;
- (11) Documentation of current BLS certification or CPR/AED certification, except an applicant applying for an individual anesthesia permit shall provide documentation that complies with 234 CMR 6.00: *Administration of Anesthesia and Sedation*;
- (12) A statement disclosing any and all disciplinary action, civil or criminal action, or restriction of privileges taken or filed against the applicant at any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (13) A passport-size color photograph;
- (14) Proof satisfactory to the Board of good moral character;
- (15) An attestation, signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G.L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a); and
- (16) Proof satisfactory to the Board of completion of training required pursuant to M.G.L. c. 94C, § 18(e) as a condition precedent for obtaining licensure.

4.05: Initial Licensure as Limited License Full-time Faculty or Limited License Dental Intern

Pursuant to M.G.L. c. 112, § 45A, the Board may grant a limited license for an applicant to serve as a full-time member of a dental college faculty or as a limited license dental intern in a hospital or other institution maintained by the state, a county or municipality, or hospital or dental infirmary incorporated under the laws of the Commonwealth, provided that the applicant is of good moral character, has met all eligibility requirements and has submitted the following information to the Board:

- (1) An accurate, complete and signed application as specified by the Board for that purpose;
- (2) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance;
- (3) Proof satisfactory to the Board that the applicant has received a diploma in dentistry from the faculty of a reputable dental college:
  - (a) Graduates of a dental program accredited by CODA or any Board-approved successor accrediting agency shall submit an original transcript with the college seal stating the degree granted and the date of issue, or a letter including the college's seal signed by the appropriate authority attesting to the applicant's degree and date of graduation.
  - (b) Graduates of non-CODA or foreign dental programs shall submit an original transcript, with college seal stating the date of issuance of a dental diploma. If the transcript is not in English, the applicant shall provide a certified translated copy of the original dental college transcript demonstrating the applicant received a dental degree.
- (4) Proof satisfactory to the Board of employment as full-time faculty in a dental school accredited by CODA or as a dental intern in a hospital or other institution maintained by the state, a county or municipality, or hospital or dental infirmary incorporated under the laws of the Commonwealth.
  - (a) An applicant for a limited faculty license shall submit an original letter with the college seal confirming the applicant's status and dates of appointment as a full-time faculty member at a CODA-accredited dental school. The application shall also include the printed name, signature and license number of the applicant's supervising licensed dentist, who shall be in good standing with the Board.
  - (b) An applicant for a limited dental intern license shall submit an application for licensure stating the applicant's place(s) of employment and corresponding date(s) of appointment. The application shall also include the printed name, signature and license number of the applicant's supervising licensed dentist, whose license shall be in good standing.
- (5) Documentation of continuing education in the following areas or the applicant's signed attestation that the applicant will within one year of initial licensure complete the following in accordance with 234 CMR 8.00: *Continuing Education*:
  - (a) A minimum of three CEUs in CDC Guidelines;
  - (b) A minimum of three CEUs in OSHA Standards;
  - (c) A minimum of six CEUs in treatment planning and diagnosis;
  - (d) A minimum of three CEUs in record-keeping;
  - (e) A minimum of two CEUs in risk management; and
  - (f) A minimum of three CEUs in pharmacology, with emphasis on prescription writing; or
  - (g) Evidence of enrollment in a CODA-accredited dental school that includes the areas of study included in 234 CMR 4.05(5)(a) through (f).
- (6) Documentation of current BLS certification or CPR/AED certification;
- (7) If the applicant has graduated from a dental school where the language of instruction (including textbooks) is not English, the applicant shall submit documentation the applicant has achieved a minimum passing score, as specified by the Board, on a Board-designated test of English proficiency;
- (8) A physician's statement made after an examination conducted within one year of the date of application, attesting to the health of the applicant and reporting impairments that may affect the applicant's ability to practice dentistry;

## 234 CMR: BOARD OF REGISTRATION IN DENTISTRY

### 4.05: continued

- (9) Certified letters of standing from all jurisdictions in which the applicant has ever been issued a license to practice dentistry including report of any past or pending disciplinary action or any pending complaints against the applicant;
- (10) A practice history;
- (11) An original report from the NPDB Self-query;
- (12) A statement disclosing any and all disciplinary, civil or criminal action taken or filed against the applicant at any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (13) Proof satisfactory to the Board of good moral character;
- (14) Documentation of passing the Massachusetts Dental Ethics and Jurisprudence Examination or a Board-approved successor examination;
- (15) A passport-size color photograph;
- (16) An attestation, signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G.L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a); and
- (17) Proof satisfactory to the Board of completion of training required pursuant to M.G.L. c. 94C, § 18(e) as a condition precedent for obtaining licensure.

### 4.06: Renewal of Limited License Full-time Faculty License and Limited License Dental Intern License

- (1) Full-time Faculty. A limited licensee issued a limited full-time faculty license may apply to the Board annually to renew the limited license by submitting the application, fees and information required by the Board including the applicant's compliance with CEU requirements at 234 CMR 8.02(2).
- (2) Limited License Dental Intern. A limited licensee issued a limited dental intern license may apply annually to renew the limited license(s) and shall not practice dentistry under any initial or renewal limited licenses for more than five years. Before the fifth renewal of a limited license, a limited license dental intern shall pass the CDCA's CED or Board-approved clinical exam and may thereafter apply to the Board annually to renew the limited license(s). A limited licensee shall comply with CEU requirements at 234 CMR 8.02(2).
- (3) A limited licensee who holds a Massachusetts Controlled Substance Registration, DEA Registration or otherwise prescribes within the meaning of M.G.L. c. 94C, shall complete annual training required pursuant to M.G.L. c. 94C, §18(e) as a condition precedent to renewing a license.

### 4.07: Initial Dental Hygienist Licensure by Examination

The Board may grant a license by examination to an applicant provided the applicant is of good moral character, has met all eligibility requirements and has submitted the following information to the Board:

- (1) An accurate, complete and signed application, as specified by the Board for that purpose;
- (2) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance, unless waived in accordance with M.G.L. c. 112, § 1B;
- (3) An original transcript with the college seal stating the degree granted and the date of issue from a CODA-accredited dental hygiene program or any successor accrediting agency approved by the Board, or a letter including the college's seal signed by the appropriate authority attesting to the applicant's degree and date of graduation;

4.07: continued

- (4) Documentation of passing each of the following examinations:
  - (a) Parts I and II of the ADA National Board Examination for Dental Hygienists;
  - (b) The CDCA examination for Dental Hygiene or other state or regional examination approved by the Board; and
  - (c) Massachusetts Dental Ethics and Jurisprudence Examination or any successor examination or a Board-approved successor examination;
- (5) Documentation of current BLS certification or CPR/AED certification;
- (6) A physician's statement made after an examination conducted within one year of the date of application, attesting to the health of the applicant and reporting impairments that may affect the applicant's ability to practice dental hygiene;
- (7) A passport-size color photograph;
- (8) A statement disclosing any and all disciplinary, civil or criminal action taken or filed against the applicant at any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (9) Proof satisfactory to the Board of good moral character; and
- (10) An attestation, signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G.L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a).

4.08: Initial Dental Hygienist Licensure by Credentials

The Board may grant a license by credentials, without further professional examination, to a dental hygienist currently licensed in another jurisdiction provided that the applicant is of good moral character, has met all eligibility requirements, and has submitted the following information to the Board:

- (1) An accurate, complete and signed application, as specified by the Board for that purpose;
- (2) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance, unless waived in accordance with M.G.L. c. 112, § 1B;
- (3) An original transcript with the college seal stating the degree granted and the date of issue from a CODA-accredited dental hygiene program or Board-approved successor accrediting agency, or a letter including the college's seal signed by the appropriate authority attesting to the applicant's degree and date of graduation;
- (4) A physician's statement made after an examination conducted within one year of the date of application, attesting to the health of the applicant and to any impairments that may affect the ability of the applicant to practice dental hygiene;
- (5) Proof satisfactory to the Board of a minimum of one year of practice in dental hygiene or dental hygiene education immediately preceding the application for licensure by credentials;
- (6) Proof satisfactory to the Board that the applicant is currently licensed and in good standing in another jurisdiction based on passing a Board-approved examination;
- (7) Documentation of passing each of the following examinations:
  - (a) Parts I and II of the ADA National Board Examination for Dental Hygienists; and
  - (b) Massachusetts Dental Ethics and Jurisprudence Examination or any successor examination or a Board-approved successor examination.

4.08: continued

- (8) Certified letters of standing from all jurisdictions in which the applicant has been issued a license to practice dental hygiene attesting to the standing of the applicant's license including a report of any past or pending disciplinary action, or any pending complaints against the applicant;
- (9) Documentation of current BLS certification or CPR/AED certification;
- (10) A statement disclosing any and all disciplinary, civil or criminal action taken or filed against the applicant at any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (11) A passport-size color photograph;
- (12) Proof satisfactory to the Board of good moral character; and
- (13) An attestation, signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G.L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a).

4.09: Application for Licensure as a Dental Hygienist by a Dental Student

The Board may grant a dental hygiene license to a student who has completed four full semesters in a CODA-accredited dental school provided that the applicant is of good moral character, has met the eligibility requirements and has submitted the following information to the Board:

- (1) An accurate, complete and signed application, as specified by the Board for that purpose;
- (2) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance, unless waived in accordance with M.G.L. c. 112, § 1B;
- (3) An original transcript with the college seal from the program's authorized official stating the applicant's enrollment and successful completion of four semesters in a CODA-accredited dental school;
- (4) Documentation of passing each of the following examinations:
  - (a) Part I of the ADA National Board Examination for Dentistry; and
  - (b) The CDCA for Dental Hygiene or other state or regional examination approved by the Board; and
  - (c) Massachusetts Dental Ethics and Jurisprudence Examination or a Board-approved successor examination;
- (5) Documentation of current BLS certification or CPR/AED certification;
- (6) A physician's statement made after an examination conducted within one year of the date of application, attesting to the health of the applicant and reporting impairments that may affect the applicant's ability to practice dental hygiene;
- (7) A passport-size color photograph;
- (8) A statement disclosing any and all disciplinary, civil or criminal action taken or filed against the applicant at any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (9) Proof satisfactory to the Board of good moral character; and
- (10) An attestation, signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G.L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a).

4.10: Minimum Requirements for Chapter 112-approved Programs and Chapters 69- and 74-approved Programs That Do Not Have CODA Accreditation

All Chapter 112-approved Programs, and Chapters 69- and 74-approved Programs that are not accredited by CODA, must:

- (1) culminate in a diploma or certificate of completion or credential; and
- (2) consist of an academic program in which:
  - (a) Students must complete a minimum of 936 hours which includes courses in the content areas specified in 234 CMR 4.10(2)(a)1. through 5.:
    1. Biomedical sciences content area:
      - a. body structure and function;
      - b. basic concepts of microbiology pertaining to infection control; and
      - c. basic nutrition.
    2. Professional dental assisting content area:
      - a. dental materials and instruments;
      - b. dental radiography techniques and safety;
      - c. basic dental and oral anatomy;
      - d. introductory content in oral histology, embryology, pathology, and therapeutics; and
      - e. legal and ethical aspects (dental record keeping, terminology, charting and patient confidentiality);
    3. Clinical content area:
      - a. chairside dental assisting and appropriate laboratory procedures;
      - b. patient education and preventive dentistry;
      - c. dental radiographic procedures;
      - d. infection control; and
      - e. assisting in management of dental and medical emergencies;
    4. Course work in oral and written communications and basic behavioral concepts;
    5. A minimum of 200 hours of clinical experience.
  - (b) Instructors shall hold a degree in dentistry, dental hygiene or dental assisting from a CODA-accredited school or program or hold a current certificate in dental assisting from DANB or other Board-approved certifying body.

4.11: Initial Dental Assistant Licensure for EFDA-, CA-, and FTDA-qualified Individuals

Effective January 1, 2015, no individual may practice as an EFDA, CA, or FTDA, unless that individual holds a license granted by the Board pursuant to 234 CMR 4.11.

The Board may grant a license to an applicant provided the applicant is 18 years of age or older, of good moral character, has met all of the eligibility requirements, and has submitted the following information to the Board:

- (1) An accurate, complete and signed application, as specified by the Board for that purpose;
- (2) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance, unless waived in accordance with M.G.L. c. 112, § 1B;
- (3) Documentation of completion of a dental assisting program as follows:
  - (a) Proof of current certification from DANB or other Board-approved certifying body; or
  - (b) An original transcript including the date of graduation and degree granted from a dental assisting program that has been authorized, approved, accredited, licensed or certified by the Massachusetts Department of Higher Education (DHE), or the New England Association of Schools and Colleges (NEASC) or both; or
  - (c) An original transcript including the date of graduation and degree granted from a CODA-accredited program in dental assisting; or
  - (d) An original transcript including the date of graduation or a letter including the school or program's seal which is signed by the appropriate authority attesting to the applicant's degree, diploma, or certificate, from either a Chapters 69- and 74-approved Program in dental assisting or a Chapter 112-approved Program in dental assisting, provided that such program meets the criteria set forth at 234 CMR 4.10; or

234 CMR: BOARD OF REGISTRATION IN DENTISTRY

4.11: continued

- (e) Such other proof of completion of a Chapter 112-approved Program in dental assisting, as the Board may declare to be acceptable via an advisory ruling, provided that such program meets the criteria set forth at 234 CMR 4.10.
- (4) Certified letters of standing from all jurisdictions in which the applicant has been issued a license to practice dental assisting, dental hygiene or dentistry, including a report of any past or pending disciplinary action, or any pending complaints against the applicant;
- (5) An attestation, signed under the pains and penalties of perjury, that the applicant has read, understands and agrees to comply with *The Policy on Principles of Ethics and Code of Professional Conduct*, published by the American Dental Assistants Association;
- (6) Documentation of current BLS certification or CPR/AED certification;
- (7) A statement disclosing any and all disciplinary, civil or criminal action taken or filed against the applicant at any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (8) A passport-size color photograph;
- (9) An attestation, signed under the pains and penalties of perjury, that the applicant has obtained, within one year prior to the date of application, a written statement from a physician attesting to the applicant's health and fitness to practice dental assisting, which applicant shall make available to the Board upon request;
- (10) Proof satisfactory to the Board of good moral character; and
- (11) An attestation, signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G.L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a).

4.12: Initial Licensure for Dental Assistants Trained on the Job (OJT)

Effective January 1, 2015, no individual may practice as an OJT, unless that individual holds a license granted by the Board pursuant to 234 CMR 4.12.

The Board may grant a license to an applicant to practice as a dental assistant who is trained on the job provided that the applicant is 18 years of age or older, of good moral character, is not licensed as a dentist or dental hygienist and has submitted the following information to the Board:

- (1) An accurate, complete and signed application, as specified by the Board for that purpose;
- (2) Submission of the name and Massachusetts license number of the supervising licensed dentist;
- (3) Payment of a non-refundable licensing and application fee as determined by the Executive Office of Administration and Finance, unless waived in accordance with M.G.L. c. 112, § 1B;
- (4) Certified letters of standing from all jurisdictions in which the applicant has been issued a license to practice dental assisting, dental hygiene or dentistry, including a report of any past or pending disciplinary action, or any pending complaints against the applicant;
- (5) An attestation, signed under the pains and penalties of perjury, that the applicant has read, understands and agrees to comply with *The Policy on Principles of Ethics and Code of Professional Conduct*, published by the American Dental Assistants Association;
- (6) Documentation of current BLS certification or CPR/AED certification;

4.12: continued

- (7) Documentation of completed course on the CDC Guidelines;
- (8) A statement disclosing any and all disciplinary, civil or criminal action taken or filed against the applicant at any time after reaching the age of majority and prior to the date of application, with supporting documentation as the Board may require;
- (9) A passport-sized color photograph;
- (10) Proof satisfactory to the Board of good moral character;
- (11) An attestation signed under pains and penalties of perjury, that the applicant has complied with all state tax laws pursuant to M.G L. c. 62C, § 49A and child support laws pursuant to M.G.L. c. 119A, § 16(a);
- (12) An attestation, signed under the pains and penalties of perjury, that the applicant has obtained, within one year prior to the date of application, a written statement from a physician attesting to the applicant's health and fitness to practice dental assisting, which applicant shall make available to the Board upon request; and
- (13) If an applicant has received on-the-job training in a language other than English, the applicant shall achieve a minimum passing score, as specified by the Board, on a Board-designated test of English language proficiency.

4.13: Notice of Intent to Apply as a First-time Dental Assistant Trained on the Job (OJT)

- (1) A person who is 18 years of age or older, who has never been licensed or registered as a dentist, dental hygienist or dental assistant and who is not in violation of any rule or regulation adopted by the Board may practice as a dental assistant under the supervision of a licensed dentist without being registered by the Board for a one-time period of up to six consecutive months to commence from the beginning of the initial period of on-the-job training.
- (2) Notice of Intent. Before starting non-licensed on-the-job training, an individual shall notify the Board in writing of the intent to train on a form prescribed by the Board and submit the following documentation:
  - (a) A complete, accurate, signed, and notarized notice of intent as specified by the Board for that purpose;
  - (b) An attestation the applicant has never practiced or been licensed as a dentist, dental hygienist, or dental assistant;
  - (c) Certification by the supervising licensed dentist on a form prescribed by the Board that such dentist, is responsible for supervising the person named in the notice of intent to apply, has verified the person has completed education in CDC Guidelines, and is not in violation of any rule or regulation adopted by the Board; and
  - (d) Date when the six-month non-licensed, on-the-job training period will start.
- (3) Extension of On-the-job Training. Upon receipt of a written request, the Board may extend the on-the-job training period for up to an additional six months for a dental assistant who is enrolled in a program of professional educational training for dental assistants offered by a college, university, or dental school authorized to confer degrees or by another dental institution or association recognized by the Board. The written request must be submitted on a form provided by the Board and include the following:
  - (a) Name and signature of the supervising dentist responsible for the on-the-job training of the dental assistant; and
  - (b) Proof satisfactory to the Board of the OJT's enrollment in a dental assisting program that meets the requirements for licensure pursuant to 234 CMR 4.11(3).

4.14: License Renewal, Reactivation and Reinstatement

(1) A licensed dentist shall renew a dental license biennially no later than March 31<sup>st</sup> of even-numbered years. A licensed dentist shall include with a renewal application, an attestation, signed under the pains and penalties of perjury, the applicant participates in, or had applied to participate in, MassHealth as either a provider of services or as a nonbilling provider for the purpose of ordering and referring services covered by MassHealth, in accordance with M.G.L. c. 112, § 45.

(2) A licensed dental hygienist shall renew a dental hygiene license biennially no later than March 31<sup>st</sup> of odd-numbered years.

(3) A licensed dental assistant shall renew a dental assistant license biennially no later than October 31<sup>st</sup> of odd-numbered years. The first renewal date for individuals licensed as a dental assistant shall be October 31, 2015.

(4) Continuing Education Required for Renewal, Reactivation or Reinstatement. A licensee shall not renew, or petition for reinstatement or reactivation of a license unless and until all continuing education required for renewal, reactivation or reinstatement set forth in 234 CMR 8.00: *Continuing Education* is completed.

(5) Pursuant to M.G.L. c. 112, § 1B(c), the license of a dentist, dental hygienist or dental assistant who is engaged in active service in the armed forces remains valid until 90 days following the release from active duty. The continuing education requirement in 234 CMR 4.14(4) shall not apply to any biennial cycle in which the licensee was in active duty service within 90 days immediately preceding the applicable renewal deadline.

(6) A licensee shall not practice dentistry, dental hygiene or dental assisting with an expired, suspended, surrendered or revoked license. A licensee who engages in such unlicensed practice may be subject to a civil administrative penalty pursuant to M.G.L. c. 112, § 65(b) and may be subject to Board discipline.

(7) Renewal on or Prior to License Expiration Date. A licensee shall renew a license by filing a properly completed license renewal application and providing all related information to the Board, on forms and in accordance with instructions specified by the Board, and paying the license renewal fee(s) established by the Executive Office of Administration and Finance.

(8) Renewal after License Expiration Date Within Two Renewal Cycles.

(a) An individual whose license is expired for less than two renewal cycles may apply for renewal of a license only by:

1. Filing an accurate, complete and signed license renewal application and providing all related information as required by the Board on forms and in accordance with instructions specified by the Board;
2. Paying license renewal fee for each intervening renewal cycle and paying the late renewal fee established by the Executive Office of Administration and Finance;
3. Submitting to the Board required documentation to prove completion of continuing education credits required for each renewal cycle pursuant to 234 CMR 8.00: *Continuing Education*; and
4. Submitting to the Board a satisfactory written explanation of the reasons for the licensee's failure to renew the license in a timely manner.

(b) The Board may require the licensee to submit additional information or documentation before approving or denying the licensee's renewal application. The Board may require a licensee to provide such additional information either in person or in writing. Failure to respond to or cooperate with such requests shall constitute grounds to deny the application.

(9) Renewal of Expired License Greater than Two Renewal Cycles.

(a) A licensee whose license is expired for longer than two renewal cycles, may apply for renewal of a license by:

1. Filing an accurate, complete and signed license renewal application and providing all related information as required by the Board on forms and in accordance with instructions specified by the Board;

4.14: continued

2. Paying license renewal fee(s) for each intervening renewal cycle and paying the late renewal fee as established by the Executive Office of Administration and Finance;
  3. Submitting to the Board certificates for continuing education credits required for each renewal cycle, pursuant to 234 CMR 8.00: *Continuing Education*; and
  4. Submitting to the Board a satisfactory written explanation of the reasons for the licensee's failure to renew the license in a timely manner.
- (b) The Board may require the licensee to submit additional information or documentation before approving or denying the licensee's renewal application. Failure to respond to or cooperate with such requests shall constitute grounds to deny the application.
- (c) The Board may, in its discretion, require a licensee to be re-examined for competency when a dentist has not practiced dentistry in the Commonwealth within five years from the date of initial licensure, or if a dentist does not maintain a current license for a period of five consecutive years.
- (d) A licensee shall fulfill such other conditions as the Board may require.
- (10) The Board may, in its discretion, decline to renew, reactivate or reinstate an expired license and may refer cases of unlicensed practice of dentistry, dental hygiene or dental assisting to appropriate law enforcement authorities for prosecution.

4.15: Applicant and Licensee Responsibilities

- (1) Each licensee shall inform the Board in writing, as directed by the Board, of any change in the address where the licensee receives mail within 30 calendar days of such change. Failure to comply with 234 CMR 4.15(1) shall not excuse the licensee from timely renewing a license or responding to Board communications.
- (2) Applicants or licensees shall inform the Board, in writing within 30 calendar days of any change in information provided to the Board in connection with a license or application including, but not limited to, information related to 234 CMR 9.03(1)(t), (hh), (ii) or (jj).
- (3) All applications for licensure or permits shall be made on forms and in compliance with instructions provided by the Board.
- (4) Applicants and licensees shall ensure all information provided to the Board or its designee in connection with any application for licensure or permit is accurate and complete.
- (5) The Board may require an applicant or licensee to submit additional information to determine whether the applicant is qualified or is of good moral character. The Board may require an applicant or licensee to provide information either in person or in writing, or both. Failure to cooperate with or submit requested information to the Board shall constitute grounds for denial of an initial or renewal application.
- (6) Applicants and licensees shall pay all fees and charges required for licensing examinations, processing of license applications and issuance of licenses. All such fees and charges are non-refundable.

4.16: Reinstatement of a License Which Has Been Revoked, Surrendered or Suspended

- (1) A licensee whose license has been revoked, surrendered or suspended shall petition the Board for reinstatement of the license as provided in a consent agreement or Board final decision and order. If not otherwise specified by consent agreement or Board order, the licensee shall petition the Board for license reinstatement by the following procedure:
- (a) Licensee shall submit a petition for reinstatement which sets forth in detail the background of the complaint and disciplinary action taken and the reasons why the license should be reinstated and shall also include:
1. Documentation acceptable to the Board of completion of the conditions of any consent agreement or final decision and order issued by the Board;
  2. A detailed summary of the licensee's activities during the revocation, suspension or surrender including, but not limited to, the licensee's professional conduct, remedial actions and academic and other continuing education pursuits;

4.16: continued

3. Documentation acceptable to the Board of completion of CEU requirements at 234 CMR 8.00: *Continuing Education* and any CEUs required by a consent agreement or Board order;
  4. An outline of projected professional plans for the 24 month period following reinstatement;
  5. If requested by the Board, statements from at least three persons attesting to the character or health of the applicant as well as the applicant's work and professional history since the date of revocation, suspension or surrender and the basis of the affiant's knowledge;
  6. Upon the Board's request, a licensee shall undergo assessment by a qualified medical, psychiatric or psychological professional, acceptable to the Board, and authorize the evaluating provider to release the assessment to the Board to determine the licensee's ability to practice dentistry, dental hygiene or dental assisting in a safe and competent manner; and
  7. An affidavit, signed under pains and penalties of perjury, attesting to the licensee's compliance with all laws of the Commonwealth relating to the payment of state taxes pursuant to M.G.L. c. 62C, § 49A, child support pursuant to M.G.L. c. 119A, § 16(a), to the completion of all continuing education requirements pursuant to 234 CMR 8.00: *Continuing Education*, and to the truthfulness of all statements contained in the licensee's petition for reinstatement.
- (2) If requested by the Board, the applicant, any supervisor, and treating health practitioner may be required to personally appear before the Board or a subcommittee of its members.
- (3) Unless the Board orders otherwise, a licensee shall not petition the Board for reinstatement sooner than two months preceding the expiration of the period of revocation, suspension or surrender.
- (4) No license which has been revoked, surrendered or suspended shall be reinstated prior to the licensee's compliance with the application requirements of 234 CMR 4.00 and 8.00: *Continuing Education*.

4.17: License Retirement

- (1) A licensee who meets the eligibility requirements in 234 CMR 4.17(2) may submit a petition to the Board to request that his or her license be placed on retired status. A retired status is a non-disciplinary license status. The Board will not review any petition for reinstatement or return to current status from any licensee whose status has been changed to retired status.
- (2) A licensee will be eligible to submit a petition for retired status, if he or she:
  - (a) Has a license that is not surrendered, suspended or revoked at the time of the petition; and
  - (b) Demonstrates, to the Board's satisfaction, that he or she intends to permanently retire from active practice in the Commonwealth and in all other jurisdictions.
- (3) A licensee with a retired status may not practice.
- (4) Nothing in 234 CMR 4.17 shall prevent the Board from initiating, pursuing or taking a disciplinary action against a licensee whose license is in retired status, including an action that imposes discipline or changes the license status from retired to revoked or suspended, if the Board determines such action is in the best interests of public health, safety or welfare.

REGULATORY AUTHORITY

234 CMR 4.00: M.G.L. c. 13, § 19; c. 112, §§ 43 through 53 and 61.