



GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES
DEPARTMENT OF HEALTH
3500 ESTATE RICHMOND- CHRISTIANSTED, VI 00820-4370

VIRGIN ISLANDS Ph. 340-718-1311 XT 3647 (STX) BOARD OF DENTAL EXAMINERS Fax: 340-718-1376

Dear Applicant:

We received your request for dental/dental hygiene licensure requirements in the U.S. Virgin Islands. The following documents are required for licensure and must be submitted for consideration:

- VI Board of Dental Examiners license application;
- An original recent color photograph of passport size autographed and across the front;
- A non-refundable application fee by certified check, bank money order or U.S. Postal money order in the amount of \$100.00, payable to Government of the Virgin Islands;
- Chronology of professional activities from graduation to time of application;
- Proof of graduation from an ADA accredited school of Dentistry (copy of diploma);
- Copy of birth certificate or similar proof of age (must be twenty-one years of age or older) required;
- Two original and current (dated) character reference letters;
- Notarized statement, signed by applicant, attesting to non-addiction to intemperate use of alcoholic stimulants or narcotic drugs;
- Official proof of National Board scores.
- Authorization for Release of Information;
- Licensure History: Have you ever applied for a license to practice dentistry/dental hygiene in any US State, Territory, or the District of Columbia? If yes, list all. Submit copy (copies) of all current state license(s);
- Primary source verification for all state licenses previously and currently held form enclosed;
- National Practitioner Data Bank self query;
- Pass the VI Dental license jurisprudence exam;

- Mandatory background check by Professional Background Information Services (PBIS). Applicant is responsible for contacting PBIS to initiate processing and paying processing fees. PBIS contact information is as follows:

Professional Background Information Services
23460,N 19th Ave., #225
Phoenix, Arizona 85027
Telephone: 602-861-5867 -Fax: 602-861-9656

- **License by credential candidates must also meet the following criteria:**
 - Must be licensed for the last Five (5) consecutive years prior to date of application
- **Foreign trained applicants must also submit the following:**
 1. Evidence of having completed either a clinical specialty recognized by the American Dental Association, or a program in clinical dentistry resulting in a doctorate of dental surgery or a doctorate of dental medicine at an accredited school;
 2. Pass the examination administered by the U.S. Joint Commission on National Dental Examinations of the American Dental Association;
 3. Pass an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency as approved by the board; and
 4. Pass a jurisprudence examination, approved by the Board, designed to test the applicant's knowledge of the provisions of this subchapter.
- Any foreign documents must be translated to English by an official authority.
- All applicants are required to complete a fingerprinted background check.
- An application is considered complete when all required documents, background information and fees are on file with the Board's office.
- **Residency program candidates must also meet the following:**
 - Must furnish copy of residency program acceptance letter

Additional information may be obtained from the Office of Professional Licensure & Health Planning by calling (340) 718-1311 x 3647 (St Croix) office.

Sincerely,

VI Board of Dental Examiners



VIRGIN ISLANDS BOARD OF DENTAL EXAMINERS
APPLICATION FOR LICENSURE

Print Full Name

 Last Name, First Name & Middle Name

(Please circle one) DENTIST or DENTAL HYGIENIST

(Please circle one) LICENSE BY: CREDENTIAL or INITIAL LICENSE or RESIDENCY

Mailing Address

 City

_____ State

_____ Zip Code

_____ Birth date ____/____/____ Birthplace _____

_____ Home Phone

_____ Cell Phone

_____ Other

_____ Social Security No.

_____ Email

_____ Citizen of (If you were not born in the United States, A notarized copy your own original certificate of Citizenship or of Declaration of Intention or Derivative Citizenship must be submitted. Document will be returned by certified mail).

_____ Dental School

_____ Location

_____ Date graduated _____ Degree(s) received _____

If employed, give name and address of employer _____

 Has any State rejected your application or revoked your professional license? (Yes or _____ No) (If "Yes" attach explanation)

Have you ever been convicted of any crime or unprofessional conduct? (Yes or No)

(If "Yes" attach explanation)

Are you aware of any current or potential actions against any license you hold? (Yes or No) (If "yes" attach explanation)

AFFIDAVIT

**PASTE PHOTOGRAPH
SECURELY IN THIS SPACE**

Write signature on light portion
of photograph, not across
features

Note: Any false or misleading information in or in connection with this application may be cause. debarment on the ground of lack of good moral character.

_____)
_____) **ss**
County or City of _____ State of _____

The undersigned, being duly sworn deposes and says that he/she is the person who executed this application; that the statements herein contained are true in every respect; that he/she has never been convicted of a crime; that he/she has never been expelled from any professional society; that he/she has not suppressed any information that might affect this application; that he/she will conform to the ethical standards of conduct in his/her profession; and that he/she has read and understands this affidavit.

*A crime would include either a felony or a misdemeanor.

(Signature of Applicant)

Date of photograph

Sworn to before me this _____ day of _____ 20____

Notary Public

Commissioner of Deeds

My Commission expires on ____ / ____ / ____

PERSONAL SIGNATURE OF PERSONS RECOMMENDING APPLICANT

This certifies that I have been personally acquainted with the applicant since the year(s) indicated opposite my name; that I believe him/her to be of a good moral character and worthy of licensure in the U.S. Virgin Islands; and that any reservations I may have about the applicant I agree to send by certified mail in a confidential letter to the Virgin Islands Board of Dental Examiners.

| <u>Please Print Name</u> | <u>Personal Signature</u> | <u>P.O. Address (Including street & city)</u> | <u>Known Since</u> |
|--------------------------|---------------------------|-------------------------------------------------------|--------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(Signatures are required) Not fewer than three citizens unrelated to applicant who must be licensed in the profession for which an applicant wishes to be examined or who are members of the staff of the professional school.)

Return Application to: V.I. Board of Dental Examiners :
VI Department of Health
3500 Estate Richmond
Christiansted, V.I. 00820-4370



AUTHORIZATION FOR RELEASE OF INFORMATION

In order for the Virgin Islands Board of Dental Examiners to assess and verify my educational background and professional qualifications, I hereby authorize the Board to:

- make inquiries concerning such information about me to my employers (past and present), hospital(s), institution(s) or organization(s), my references, all governmental agencies and instrumentalities (local, state, federal or foreign);
- authorize the release of such information and copies of related records and documents to the Virgin Islands Board of Dental Examiners;
- authorize the Board to disclose to such persons, employers, hospitals, institutions, organizations, references, governmental agencies and instrumentalities identifying and other information about me sufficient to enable the Board to make such inquiries;
- release from liability all persons who provide information to the Virgin Islands Board of Dental Examiners in good faith and without malice in response to such inquiries.

Signature

Date

Print Name

Subscribed and sworn to before me this day of _____ 20

Notary Public

My Commission Expires



VERIFICATION OF LICENSURE

APPLICANT IS REQUIRED TO COMPLETE THIS SECTION OF THE FORM AND MAIL TO EACH STATE BOARD IN WHICH HE/SHE ARE NOW OR HAVE EVER BEEN LICENSED TO PRACTICE DENTISTRY. IF NEEDED, YOU MAY MAKE ADDITIONAL COPIES OF THIS FORM.

To Whom It May Concern:

I am being considered for Dental/Dental Hygiene licensure in the Territory of the U.S. Virgin Islands. The V.I. Board of Dental Examiners requires that this form be completed by each state in which, I am now or have ever been licensed to practice my profession. Enclosed is my authorization for release of information. Please forward this form directly to: VI Board of Dental Examiners. Department of Health. 3500 Estate Richmond- Christiansted, VI 00820-4370.

Applicant's Signature

Name: _____

Address: _____

My License No. in your State: _____

THIS SECTION IS TO BE COMPLETED AND SIGNED BY AN OFFICIAL OF THE STATE BOARD AND RETURNED DIRECTLY TO THE VI BOARD OF DENTAL EXAMINERS.

State of: _____

Full Name of Licensee: _____

License No.: _____

Issuance Date: _____

Has licensee held your state license for the last five (5) consecutive years? (If NO, furnish details).

YES _____

Is license current and in good standing?

Has any disciplinary action ever been taken against the above named Dentist/Dental Hygienist? _____ If
YES, furnish details.

Comments, if any:

Signed:

BOARD SEAL

Title:

State Board:

Date:

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LICENSURE HISTORY

| STATE | LICENSE # | DATES | CURRENT STATUS |
|-------|-----------|-------|----------------|
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DIVIDER PAGE



VIRGIN ISLANDS BOARD OF DENTAL EXAMINERS

JURISPRUDENCE EXAM

NAME: _____

Last

First

Middle

Suffix

Last 4 Digits SS#: _ - _ - _

Signature

Date

TRUE (T) OR FALSE (F):

| | |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| T or F | 1. "Dental assistant" means a person who may perform basic supportive procedures as authorized by this subchapter under direct supervision of a licensed dentist. |
| T or F | 2. "Dental hygiene" or "practice of supervised dental hygiene" means that portion of dentistry that includes the rendering of educational, preventive and therapeutic dental services in general, but specifically, diagnosis, scaling, root planing, curettage and any related intraoral or extra-oral procedure required in the performance of such services; |
| T or F | 3. "Direct supervision" means the supervision of those tasks or procedures that do not require the presence of the dentist in the room where performed but require the dentist's presence on the premises and availability for prompt consultation, treatment and evaluation. |
| T or F | 4. The Board has the duty of determining a person's initial and continuing qualification and fitness for the practice of dentistry or dental hygiene, of proceeding against the unprofessional, improper, incompetent, unlawful, fraudulent, deceptive or unlicensed practice of dentistry or dental hygiene, and of enforcing this subchapter. The Board shall discharge this duty in accordance with this subchapter. |

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| T or F | <p>5. An applicant for a license to practice dentistry who is a graduate of a foreign dental school not accredited by the joint commission on dental accreditation shall:</p> <ul style="list-style-type: none"> • Present evidence of having completed either a clinical specialty recognized by the American Dental Association, or a program in clinical dentistry resulting in a doctorate of dental surgery or a doctorate of dental medicine at an accredited dental school; • Pass the examination administered by the U.S. Joint Commission on National Dental Examinations of The American Dental Association; • Pass an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency as approved by the Board; and • Pass a jurisprudence examination, approved by the Board, designed to test the applicant's knowledge of the provisions of this subchapter. |
| T or F | <p>6. License Requirements. Every person who desires to practice dental hygiene in this Territory shall file with the Board an application for a license on a form provided by the Board, verified by the oath of the applicant, and accompanied by a reasonable fee as established by the regulations of the Board.</p> |
| T or F | <p>7. Three members of the Board constitute a quorum.</p> |
| T or F | <p>8. The Board may issue a license to practice dental hygiene, by credentials, without a practical or clinical examination to an applicant who is duly licensed by a clinical examination as a dental hygienist under the laws of a state or territory of the United States.</p> |
| T or F | <p>9. Licenses must be renewed or reinstated pursuant to a schedule established by the Board by regulations. The Board may by regulations establish renewal fees, delinquency fees and continuing education requirements for renewal and reinstatement. If a person fails to renew the license pursuant to the schedule established by the Board, the license expires. Any person whose license has expired and continues to practice is subject to the penalties provided in this subchapter.</p> |
| T or F | <p>10. Any dentist or dental hygienist who wishes to retire from the practice of dentistry or dental hygiene shall meet all requirements for retirement as set forth in regulations by Board _____ and the committee. The licensee shall notify the Board in writing before the expiration of the licensee's current license, and the Board shall acknowledge and record the receipt of notice. If, within a period of three years from the date of retirement, the dentist or dental hygienist wishes to resume practice, the applicant shall so notify the Board in writing and give proof of completing all requirements as prescribed by regulations of the Board to reactivate the license. The Board may reactivate the license and the licensee may resume the practice of dentistry or dental hygiene in accordance with the regulations of the Board.</p> |
| T or F | <p>11. Ownership of dental practice - limitations. Only a dentist licensed to practice dentistry in the Territory pursuant to this subchapter may be the proprietor of a dental practice in the Territory. A corporate entity that has a dental practice or dental office in the Territory must be owned by a dentist licensed pursuant to this subchapter who owns at least a majority interest in that corporate entity.</p> |

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| <p>T or F</p> | <p>12. Practicing without a license; penalty.</p> <ul style="list-style-type: none"> • Any person who practices dentistry or who attempts to practice dentistry without first complying with the provisions of this subchapter or without being the holder of a license entitling the practitioner to practice dentistry in the Territory is guilty of a misdemeanor for the first offense. Subsequent offenses constitute a misdemeanor. Each occurrence of practicing dentistry or attempting to practice dentistry without complying with this subchapter constitutes a separate violation. • Any person who practices as a dental hygienist or who attempts to practice as a dental hygienist without first complying with the provisions of this subchapter and without being the holder of a license entitling the practitioner to practice as a dental hygienist in the Territory is guilty of a misdemeanor for the first offense. Subsequent offenses constitute a felony. Each occurrence of practicing as a dental hygienist or attempting to practice as a dental hygienist without complying with this subchapter constitutes a separate violation. • A person or entity that functions or attempts to function as a dental practice without first complying with the provisions of this chapter is guilty of a misdemeanor. A subsequent offense constitutes a felony. Each occurrence of noncompliance with this chapter constitutes a separate violation. |
| <p>T or F</p> | <p>13. Practicing without a license; penalty.</p> <ul style="list-style-type: none"> • Any person who practices dentistry or who attempts to practice dentistry without first complying with the provisions of this subchapter or without being the holder of a license entitling the practitioner to practice dentistry in the Territory is guilty of a misdemeanor for the first offense. Subsequent offenses constitute a felony. Each occurrence of practicing dentistry or attempting to practice dentistry without complying with this subchapter constitutes a separate violation. • Any person who practices as a dental hygienist or who attempts to practice as a dental hygienist without first complying with the provisions of this subchapter and without being the holder of a license entitling the practitioner to practice as a dental hygienist in the Territory is guilty of a misdemeanor for the first offense. Subsequent offenses constitute a felony. Each occurrence of practicing as a dental hygienist or attempting to practice as a dental hygienist without complying with this subchapter constitutes a separate violation. • A person or entity that functions or attempts to function as a dental practice without first complying with the provisions of this chapter is guilty of a misdemeanor. A subsequent offense constitutes a felony. Each occurrence of noncompliance with this chapter constitutes a separate violation. |

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| T or F | 14. The Board may summarily suspend a license prior to a formal hearing when it determines such action is required due to imminent threat to public health and safety. The Board may summarily suspend a license by means of a vote conducted by telephone conference call or other electronic means if a simple majority of the membership determines such prompt action is required. Proceedings for a formal hearing must be instituted simultaneously with the summary suspension. |
| T or F | 15. Procedures for enforcement of disciplinary action. The Board may commence legal action to enforce the provisions of this subchapter and may exercise full discretion and authority with respect to disciplinary actions. |
| T or F | 16. Professional Misconduct. The Board may refuse to license, otherwise restrict a license, or suspend or revoke a license that has been issued by the Board and may fine, censure or reprimand a licensee upon satisfactory proof that the applicant for or holder of the license is guilty of unprofessional or dishonorable conduct. |
| T or F | 17. Professional Misconduct. The Board may in its discretion and for good cause shown, for protection of the public, for the purpose of rehabilitation of the licensee or both, place the licensee on probation on such terms and conditions as it determines. Upon expiration of the term of probation, further proceedings may be abated by the Board if the holder of the license furnishes the Board with evidence that the licensee is competent to practice, is of good moral character and has complied with the terms of probation. |

MULTIPLE CHOICE:

18. Direct supervision means

- the supervision of those tasks or procedures that require the presence of the dentist in the room where performed.
- the supervision of those tasks or procedures that do not require the presence of the dentist in the room where performed but require the dentist's presence on the premises and availability for prompt consultation, treatment and evaluation.
- The supervision of those tasks or procedures that do not require the presence of the dentist in the room where performed but require the dentist's knowledge of what is to be done.

19. Indirect supervision means

- a. The supervision of those tasks or procedures that do not require the presence of the dentist in the office or on the premises at the time such tasks or procedures are being performed, but do require that the tasks be performed with the prior knowledge and consent of the dentist
- b. The supervision of those tasks or procedures that do not require the dentist in the room where performed but require the dentist's knowledge of what is to be done
- c. The supervision of those tasks or procedures that do not require the presence of the dentist in the room where performed but require the dentist's presence on the premises and availability for prompt consultation, treatment and evaluation.

20. Inactive licenses must be:

- reactivated or permanently retired within two years of having been placed in inactive status.
- reactivated or permanently retired within six years of having been placed in inactive status.
- reactivated or permanently retired within five years of having been placed in inactive status.

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ACT NO. 7642

BILL NO. 30-0345

THIRTIETH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2014

An Act amending the Virgin Islands Code, titles 3 and 27, relating to the professional practice of dentistry in the Territory and enacting The Dental Healthcare Act, and for other related purposes

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code, subchapter III is repealed and reenacted with amendments to read as follows:

‘Subchapter III. Board of Dental Examiners – Dental Healthcare Act

§61. Purpose.

(a) In the interest of the public health, safety and welfare and to protect the public from the improper, unprofessional, incompetent and unlawful practice of dentistry and dental hygiene, it is necessary to provide laws and regulations controlling the granting and use of the privilege to practice dentistry and dental hygiene and to ensure, as much as possible, that only qualified and fit persons hold that privilege. The fundamental purpose of this subchapter is to protect the public, and any license, certificate or other practice authorization issued pursuant to this subchapter is a revocable privilege, and no holder of such privilege may acquire thereby an irrevocable right. The provisions of this subchapter relating to licensure are not intended to reduce competition or restrain trade with respect to the oral health needs of the public.

§62. Definitions.

For the purposes of this subchapter:

(a) “Assessment” means the review and documentation of the oral condition and the recognition and documentation of deviations from the healthy condition, without a diagnosis to determine the cause or nature of disease or its treatment;

(b) "Auxiliary personnel" means all dental assistants, dental technicians, dental x-ray technicians and other persons employed by dentists or firms and businesses providing dental services to dentists;

(c) "Board" means the Board of Dental Examiners;

(d) "Commissioner" means the Commissioner of the Department of Health;

(e) "Dental assistant" means a person who may perform basic supportive procedures as authorized by this subchapter under direct supervision of a licensed dentist;

(f) "Dental hygienist" means any person licensed and engaged in the general practice of dental hygiene and all related or associated duties including educational, clinical and therapeutic dental hygiene procedures;

(g) "Dentist" means an individual who holds a license to practice dentistry in the United States Virgin Islands;

(h) "Dentistry" or "practice of dentistry" means the evaluation, diagnosis, prevention, treatment, correction, change, relief, prescription of remedy, nonsurgical or surgical operation and adjunctive treatment or related procedures for any disease, disorder, pain, deformity, deficiency, injury, defect, lesion or physical condition involving either or both of the functional and aesthetic aspects of the teeth, gingiva, jaws and adjacent hard and soft tissue of the oral cavity and maxillofacial area or the adjacent and associated structures and the impact of the disease, disorder, or condition of the human body, including prescription or administration of any drug, medicine, biologic, apparatus, brace, anesthetic or other therapeutic or diagnostic substance or technique by an individual or the individual's agent or employee, so long as a dentist is performing any such act, operation, or service within the scope of his or her education, training and experience gratuitously or for any fee, reward, emolument or any other form of compensation whether direct or indirect in accordance with applicable law;

(i) "Dental hygiene" or "practice of supervised dental hygiene" means that portion of dentistry that includes the rendering of educational, preventive and therapeutic dental services in general, but specifically, scaling, root planing, curettage and any related intraoral or extraoral procedure required in the performance of such services;

(j) "Direct supervision" means the supervision of those tasks or procedures that do not require the presence of the dentist in the room where performed but require the dentist's presence on the premises and availability for prompt consultation, treatment and evaluation.

(k) "Indirect supervision" means the supervision of those tasks or procedures that do not require the presence of the dentist in the office or on the premises at the time such tasks or procedures are being performed, but do require that the tasks be performed with the prior knowledge and consent of the dentist;

(l) "License" means the grant of authority by the Board to any person to engage in the practice of dentistry or dental hygiene, which is a privilege personal to the licensee and may be revoked, suspended, or subjected to disciplinary conditions by the Board for violation of any of the provisions of this subchapter is null and void upon the failure of the licensee to file an application for renewal and to pay the fee as required;

(m) "Practitioner" means a person engaged in the practice of dentistry or any field related to dentistry;

(n) "Premises" for purposes of subsections (j) and (k) only, means within the same building, dental office, or treatment facility and within close enough proximity to respond in a timely manner to an emergency or the need for assistance; and

§63. Board of Dental Examiners.

(a) The Virgin Islands Board of Dental Examiners as established in 3 V.I.C. §415 (b)(2) to regulate the practice of dentistry in the Virgin Islands in accordance with this subchapter and to otherwise enforce this subchapter, has the power and authority as set forth in this chapter.

(b) The Board has the duty of determining a person's initial and continuing qualification and fitness for the practice of dentistry or dental hygiene, of proceeding against the unprofessional, improper, incompetent, unlawful, fraudulent, deceptive or unlicensed practice of dentistry or dental hygiene, and of enforcing this subchapter. The Board shall discharge this duty in accordance with this subchapter.

(c) Members of the Board shall serve a term of four years pursuant to 3 V.I.C. §415 (b) (2). Upon the expiration of the term of office, a Board member shall continue to serve until a successor has been appointed and qualified.

(d) Members of the Board are entitled to per diem and travel expenses for their attendance at each meeting of the Board at the rate prescribed in 3 V.I.C. §65.

(e) All professional members of the Board shall hold full and unrestricted dental or dental hygienist licenses in the Virgin Islands, or must be a retired dentist or dental hygienist who has practiced previously at least five years in the Territory. All professional members must be persons of recognized professional ability and integrity, and must be residents of the Virgin Islands pursuant to 3 V.I.C. §415 (b) (2).

(f) The Board may appoint committees from its membership. To perform its duties under this subchapter, the Board may also hire, discipline and terminate staff.

(g) When Board member or staff training is approved by the Board, travel expenses and a per diem at the rate prescribed in 3 V.I.C. §65 must be paid for such Board attendance.

(h) Telephone or other electronic telecommunication or videoconferences are an acceptable form for the conduct of Board meetings. The Board may establish procedures by which its committees may meet by telephone or other telecommunication conference system.

(i) Four members of the Board constitute a quorum.

§64. Powers and Duties of the Board.

The powers conferred on the Board by this subchapter must be liberally construed to protect the health, safety and welfare of the public. The Board, within the context of this subchapter and the requirements of due process, has the following powers and duties to:

- (1) Enforce and administer the provisions of this subchapter;
- (2) Adopt, amend and repeal regulations to carry out the provisions of this subchapter and otherwise fulfill its duties;
- (3) Approve or deny applications for initial licensure or renewal based on evaluation of adverse information relating to an applicant's qualifications to practice;
- (4) Issue, deny, review, restrict, suspend, revoke or reinstate licenses;
- (5) Regulate auxiliary personnel;
- (6) Receive, review and investigate complaints against practitioners for whose licensure it is responsible, and take appropriate disciplinary action;
- (7) Review and investigate reports received from law enforcement agencies, health care organizations, governmental agencies, insurers and other entities having information pertinent to the professional performance of licensees;
- (8) Issue subpoenas and subpoenas *duces tecum*, administer oaths, receive testimony and conduct hearings with due process;
- (9) Discipline licensees found in violation of this subchapter;
- (10) Institute actions in its own name and enjoin violators of the this subchapter;
- (11) Establish appropriate fees and charges to support active and effective pursuit of its legal responsibilities;
- (12) Develop, adopt and submit its budget to the Commissioner of Health;
- (13) Report all final disciplinary actions, license denials and voluntary license limitations or surrenders related to dentists, dental hygienists and other auxiliaries, with

any accompanying license limitations or surrenders related to dentists, dental hygienists and other auxiliaries, with any accompanying Board orders, findings of fact and conclusions of law, to the National Practitioners Data Bank and to any other data repository as is appropriate, or as required by law, and report all such actions, denials and limitations or surrenders related to other licensees, with the same supporting documentation, to the appropriate national, practitioner, data repositories recognized by the Board or required by law;

(14) Take administrative action to halt the unlicensed or illegal practice of dentistry and to seek penalties against those engaged in such practice; and

(15) Institute proceedings in courts of competent jurisdiction to enforce its orders and the provisions of this subchapter.

§65. Funding and Fees.

(a) The Board must be fully supported by the revenues generated from its activities, including fees, fines and reimbursed costs.

(b) There is established within the Treasury of the Virgin Islands, the Virgin Islands Board of Dental Examiner's Fund into which all revenues collected by the Board must be deposited and from which expenses of the Board may be funded.

(c) The Board may establish by regulations reasonable administrative fees and charges. The Board shall provide reasonable notice for all increases or decreases in fees and charges.

(d) The Board shall operate on the same fiscal year as the Government of the Virgin Islands under 2 V.I.C. §30.

§66. Regulations.

The Board may adopt regulations consistent with this subchapter and may amend, repeal and enforce those regulations in furtherance of its legal responsibilities.

§67. Persons exempt from operation of this subchapter.

Nothing in this subchapter applies to the following practices, acts, or operations:

(1) Practice by a physician or a surgeon of the physician's or surgeon's profession licensed as such under the laws of this Territory, unless the physician or surgeon practices dentistry as a specialty;

(2) The giving of an anesthetic by a qualified anesthetist or registered nurse for a dental operation under the direct supervision of a licensed dentist;

(3) The practice of dentistry or dental hygiene in the discharge of their official duties by graduate dentists or dental surgeons or dental hygienists in the United States armed forces, public health service, Coast Guard, or Veterans Administration;

(4) Students or residents regularly employed by a Territorial or private hospital or federally qualified health center under an advanced dental education program accredited by the Commission on Dental Accreditation of the American Dental Association and approved and registered as such by the Board;

(5) The practice of dental hygiene by instructors and students or the practice of dentistry by students or residents in schools or colleges of dentistry, schools of dental hygiene, or schools of dental assistant education while such instructors, students, or residents are participating in accredited programs of such schools or colleges;

(6) The practice of dentistry or dental hygiene by dentists or dental hygienists licensed in good standing by other states or countries while appearing in programs of dental education or research at the invitation of any group of licensed dentists or dental hygienists in this Territory who are in good standing, so long as such practice is limited to five consecutive days in a twelve-month period and the name of each person engaging in such practice is submitted to the Board, in writing, and on a form approved by the Board, at least ten days before the planned performance of such practice;

(7) The filling of laboratory work orders of a licensed dentist by any person, association, corporation or other entity for the construction, reproduction, or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth or for the restoration of natural teeth or replacement of structures relating to the jaws, maxillofacial area or adjacent and associated structures;

(8) The performance of acts by a person under the direct or indirect supervision of a dentist licensed in the Territory when authorized pursuant to the regulations of the Board or when authorized under other provisions of this subchapter; or

(9) The practice of dentistry or dental hygiene during the administration of an examination by an examiner representing a testing agency approved by the Board.

§68. Dentists – Licensing, Scope of Practice.

(a) Every person who desires to practice dentistry in this Territory shall file with the Board an application for a license on a form to be provided by the Board, verified by the oath of the applicant, and accompanied by a fee, as established by regulations of the Board. Every applicant for a license to practice dentistry:

(1) Must be of good professional character and twenty-one years of age or older;

(2) Shall have graduated from and received a degree from a dental school accredited by the American Dental Association Joint Commission on Dental Accreditation; and

(3) Shall submit satisfactory proof to the Board of having successfully passed the following:

(A) The dental examination administered by the U.S. Joint Commission on National Dental Examinations of the American Dental Association, or, if the test is not available, another written examination as determined by the Board;

(B) An examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency composed of at least four states as determined by the Board; and

(C) A jurisprudence examination, approved by the Board, designed to test the applicant's knowledge of the provisions of this subchapter and the regulations of the Board.

(b) An applicant for a license to practice dentistry who is a graduate of a foreign dental school not accredited by the joint commission on dental accreditation shall:

(1) Present evidence of having completed either a clinical specialty recognized by the American Dental Association, or a program in clinical dentistry resulting in a doctorate of dental surgery or a doctorate of dental medicine at an accredited dental school;

(2) Pass the examination administered by the U.S. Joint Commission on National Dental Examinations of The American Dental Association;

(3) Pass an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency as approved by the Board; and

(4) Pass a jurisprudence examination, approved by the Board, designed to test the applicant's knowledge of the provisions of this subchapter.

(c) The Board may issue a license to an applicant to practice dentistry by credentials without a practical or clinical examination when the applicant is duly licensed by clinical examination as a dentist under the laws of a state or territory of the United States. A license for dentistry by credentials may be issued under the following circumstances:

(1) The applicant's license is active and in good standing for the five consecutive years prior to application;

(2) The applicant's credentials show that no dental board actions have been taken during the five years prior to filing his application; that no proceedings are pending in any state or territory in which the applicant has had a license during the five years prior to application;

(3) A review of public records, the National Practitioners Data Bank or other nationally recognized data resources that record actions against a dentist in the United States, does not reveal the existence of any activities or pending civil or criminal charges that could reasonably be construed to constitute evidence of danger to patients;

(4) The applicant that has failed the Virgin Islands, or other regional dental testing service exam of which the Board is a member, within the last five years from the date of application has retaken and passed the regional dental testing service exam of which the Board is a member; and

(5) The applicant successfully passes a jurisprudence examination, approved by the Board, designed to test the applicant's knowledge of the provisions of this subchapter and regulations of the Board.

(d) License Renewal. Licenses must be renewed or reinstated pursuant to a schedule established by the Board. The Board may establish renewal fees, delinquency fees and continuing education requirements for renewal and reinstatement. If a person fails to renew the license pursuant to the schedule established by the Board, the license expires. Any person whose license has expired and continues to practice is subject to the penalties provided in this subchapter.

§69. Dental Hygienist – Licensing.

(a) "Under the practice of supervised dental hygiene" a person

(1) under direct supervision:

(A) Removes granulation and degenerated tissue from the gingival wall of the periodontal pocket through the process of gingival curettage. Such curettage may include the incidental removal of live epithelial tissue and is to be performed under the direct supervision of a licensed dentist; or

(B) Administers local anesthetic under the direct supervision of a licensed dentist pursuant to regulations of the Board which include minimum education requirements and procedures for such administration.

(2) under indirect supervision:

(A) Removes deposits, accretions, and stains by scaling with hand, ultrasonic, or other devices from all surfaces of the tooth and smooths and polishes natural and restored tooth surfaces, including root planning;

(B) Provides preventive measures including, the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease;

(C) Gathers and assembles information, including:

(i) Fact-finding and patient history;

(ii) Radiographic and X-ray survey for the purpose of assessing and diagnosing dental hygiene-related conditions for treatment planning for dental hygiene services as described in this section and identifying dental abnormalities for immediate referral to a dentist;

(iii) Preparation of study casts;

(iv) Oral inspection; and

(v) Dental and periodontal charting;

(D) Administers a topical anesthetic to a patient in the course of providing dental care;

(E) Performs dental hygiene assessment, dental hygiene diagnosis, and dental hygiene treatment planning for dental hygiene services as described in this section and identifies dental abnormalities for immediate referral to a dentist; or

(F) Administers fluoride, fluoride varnish, and antimicrobial solutions for mouth rinsing.

(b) License Requirements. Every person who desires to practice dental hygiene in this Territory shall file with the Board an application for a license on a form provided by the Board, verified by the oath of the applicant, and accompanied by a reasonable fee as established by the regulations of the Board. Every applicant for a license to practice dental hygiene:

(1) Must be of good professional character and eighteen years of age or older;
and

(2) Shall have graduated from a school of dental hygiene that, at the time of the applicant's graduation, was accredited by the American Dental Association;

(3) Shall submit to the Board proof of having successfully passed the following:

(A) An examination administered by the Joint Commission on National Dental Examinations;

(B) An examination designed to test the applicant's clinical skills and knowledge, which shall be administered by a regional testing agency composed of at least four states as determined by the Board; and

(C) A jurisprudence examination, approved by the Board, designed to test the applicant's knowledge of the provisions of this subchapter and the regulations of the Board.

(c) The Board may issue a license to practice dental hygiene, by credentials, without a practical or clinical examination to an applicant who is duly licensed by a clinical examination as a dental hygienist under the laws of a state or territory of the United States when:

(1) The applicant's license is active and all dental hygienist licenses that individual possesses have been in good standing for two consecutive years prior to application;

(2) The applicant's credentials show that no dental board actions have been taken during the two years prior to application; that no proceedings are pending in any states in which the applicant has had a license in the two years prior to application;

(3) A review of public records, the National Practitioners Data Bank or other nationally recognized data resources that record actions against a dentist in the United States, does not reveal any activities or un-acquitted criminal charges or un-dismissed civil claims that could reasonably be construed to constitute evidence of danger to patients, including acts of moral turpitude; and

(4) The applicant successfully passes a jurisprudence examination, approved by the Board, designed to test the applicant's knowledge of the provisions of this subchapter.

(d) Licenses must be renewed or reinstated pursuant to a schedule established by the Board by regulations. The Board may by regulations establish renewal fees, delinquency fees and continuing education requirements for renewal and reinstatement. If a person fails to renew the license pursuant to the schedule established by the Board, the license expires. Any person whose license has expired and continues to practice is subject to the penalties provided in this subchapter.

§70. Retirement and inactive status; reactivation.

(a) Any dentist or dental hygienist who wishes to retire from the practice of dentistry or dental hygiene shall meet all requirements for retirement as set forth in regulations by Board and the committee. The licensee shall notify the Board in writing before the expiration of the licensee's current license, and the Board shall acknowledge and record the receipt of notice. If, within a period of three years from the date of retirement, the dentist or dental hygienist wishes to resume practice, the applicant shall so notify the Board in writing and give proof of completing all requirements as prescribed by regulations of the Board to reactivate the license.

The Board may reactivate the license and the licensee may resume the practice of dentistry or dental hygiene in accordance with the regulations of the Board.

(b) Any dentist or dental hygienist who wishes to place his license on inactive status shall meet all requirements for retirement as set by regulations of the Board and the committee. The licensee shall notify the Board in writing before the expiration of the licensee's current license, and the Board shall acknowledge and record the receipt of notice. If the dentist or dental hygienist wishes to resume practice, the applicant shall so notify the Board in writing and give proof of completing all requirements as prescribed by regulations of the Board to reactivate the license. The Board may reactivate the license, and the licensee may resume the practice of dentistry or dental hygiene subject to any stipulations of the Board.

(c) A licensee whose license has been retired or on inactive status may not engage in any of the activities contained within the scope of practice of dentistry or dental hygiene in the Territory described in this subchapter.

(d) Inactive licenses must be reactivated or permanently retired within five years of having been placed in inactive status.

§71. Ownership of dental practice – limitations. Only a dentist licensed to practice dentistry in the Territory pursuant to this subchapter may be the proprietor of a dental practice in the Territory. A corporate entity that has a dental practice or dental office in the Territory must be owned by a dentist licensed pursuant to this subchapter who owns at least a majority interest in that corporate entity.

§72. Practicing without a license; penalty.

(a) Any person who practices dentistry or who attempts to practice dentistry without first complying with the provisions of this subchapter or without being the holder of a license entitling the practitioner to practice dentistry in the Territory is guilty of a misdemeanor for the first offense. Subsequent offenses constitute a felony. Each occurrence of practicing dentistry or attempting to practice dentistry without complying with this subchapter constitutes a separate violation.

(b) Any person who practices as a dental hygienist or who attempts to practice as a dental hygienist without first complying with the provisions of this subchapter and without being the holder of a license entitling the practitioner to practice as a dental hygienist in the Territory is guilty of a misdemeanor for the first offense. Subsequent offenses constitute a felony. Each occurrence of practicing as a dental hygienist or attempting to practice as a dental hygienist without complying with this subchapter constitutes a separate violation.

(c) A person or entity that functions or attempts to function as a dental practice without first complying with the provisions of this chapter is guilty of a misdemeanor. A subsequent offense constitutes a felony. Each occurrence of noncompliance with this chapter constitutes a separate violation.

§73. Professional Misconduct.

(a) The Board may refuse to license, otherwise restrict a license, or suspend or revoke a license that has been issued by the Board and may fine, censure or reprimand a licensee upon satisfactory proof that the applicant for or holder of the license is guilty of unprofessional or dishonorable conduct.

(b) The Board may in its discretion and for good cause shown, for protection of the public, for the purpose of rehabilitation of the licensee or both, place the licensee on probation on such terms and conditions as it determines. Upon expiration of the term of probation, further proceedings may be abated by the Board if the holder of the license furnishes the Board with evidence that the licensee is competent to practice, is of good moral character and has complied with the terms of probation.

(c) If evidence fails to establish to the satisfaction of the Board that the licensee is competent and is of good moral character or if evidence shows that the licensee has failed to comply with the terms of probation, the Board may suspend or revoke the license. If a license to practice in this Territory is suspended, the holder of the license may not practice during the term of suspension. A person whose license has been suspended or revoked by the Board and who thereafter practices or attempts or offers to practice in the Territory, unless the period of suspension has expired or been modified by the Board or the license reinstated, is guilty of a felony.

(d) "Unprofessional or dishonorable conduct," as used in this section, means, conducts of a licensee which includes the following:

(1) Fraud or misrepresentation in applying for or procuring a dental or dental hygiene license or in connection with applying for or procuring periodic renewal of a dental license;

(2) Cheating on or attempting to subvert any licensing examination;

(3) The conviction of a felony by any court of competent jurisdiction, whether or not related to the practice of dentistry, or dental hygiene, or the entry of a guilty or nolo contendere plea to a felony charge before a court of competent jurisdiction;

(4) Conduct likely to deceive, defraud or harm the public;

(5) Disruptive behavior, or interaction with patients, family members or others which interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient;

(6) Willfully or negligently violating the confidentiality of patients except as required by law;

- (7) Negligence in the practice of dentistry or dental hygiene as determined by the Board;
- (8) Being found mentally incompetent by any court of competent jurisdiction;
- (9) Being found by the Board to be physically or mentally unable to engage safely in the practice of dentistry or dental hygiene;
- (10) Being found by the Board to have practiced or to have engaged in other behavior that demonstrates an incapacity or incompetence to practice dentistry or dental hygiene;
- (11) Being found to have used any false, fraudulent or deceptive statement in any document connected with the practice of dentistry or dental hygiene;
- (12) Being found by the Board to have practiced dentistry or dental hygiene under a false or assumed name;
- (13) Being found by the Board to have aided or abetted the practice of dentistry or dental hygiene by an unlicensed, incompetent or impaired person;
- (14) Being found by the Board to have allowed another person or organization to use the licensee's license to practice dentistry or dental hygiene;
- (15) Being found by the Board to have committed any act of sexual misconduct, including sexual contact with a patient or third party that exploits the patient relationship in a sexual way;
- (16) Conviction of violating any Territorial or federal law or regulations relating to controlled substances;
- (17) Obtaining any fee by fraud, deceit or misrepresentation;
- (18) Employing abusive billing practices;
- (19) Violating the American Dental Association's Principles of Ethics and Code of Professional Conduct;
- (20) Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, though this prohibition does not preclude the legal functioning of lawful professional partnerships, corporations or associations;
- (21) Disciplinary action of another territory, state or other jurisdiction against a license or other authorization to practice dentistry or dental hygiene based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action

as defined in this section, a certified copy of the record of the action taken by the other territory, state or other jurisdiction being conclusive evidence thereof;

(22) Failure to report to the Board any adverse action taken against the licensee by another licensing jurisdiction, United States or foreign, by any peer review body, by any health care institution, by any professional or dental society or association, by any governmental agency, by any law enforcement agency or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(23) Failure to report to the Board the surrender of a license or other authorization to practice dentistry or dental hygiene in another state or jurisdiction, or while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(24) Failure to report to the Board any adverse judgment, award or settlement against the licensee resulting from a dental liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(26) Failure to provide pertinent and necessary dental records to another dentist or patient in a timely fashion when requested to do so by the subject patient or by a legally designated representative of the subject patient;

(27) Improper management of dental records, including failure to maintain timely, legible, accurate, and complete dental records;

(28) Failure to furnish the Board, its investigators or representatives, information legally requested by the Board;

(29) Failure to cooperate with a lawful investigation conducted by the Board;

(30) Violation of any provision of this subchapter or regulations of the Board or of an action, stipulation or agreement of the Board;

(31) Engaging in conduct calculated to or having the effect of bringing the dental profession into disrepute, including violation of any provision of a national code of ethics acknowledged by the Board;

(32) Failure to follow generally accepted infection control procedures;

(33) Failure to comply with any state or Territorial statute or Board regulation regarding a licensee's reporting responsibility for HIV, HVB hepatitis B virus, or HVC hepatitis C virus sero-positive status;

(34) Practicing dentistry or dental hygiene in another state, territory or jurisdiction without appropriate licensure; or

(35) Conduct that violates patient trust and exploits the dental-patient relationship for personal gain.

§74. Procedures for enforcement of disciplinary action.

(a) The Board may commence legal action to enforce the provisions of this subchapter and may exercise full discretion and authority with respect to disciplinary actions.

(b) Administrative procedures as established by the Board must provide for investigation of charges by the Board; notice of charges to the accused; an opportunity for a fair and impartial hearing for the accused before the Board; an opportunity for representation of the accused by counsel; the presentation of testimony, evidence and argument; subpoena power and attendance of witnesses; a record of proceedings; and judicial review by the courts in accordance with the standards established by the jurisdiction for such review. The Board has subpoena authority to conduct comprehensive reviews of a dentist's or a dental hygienist's patient and office records and administrative authority to access otherwise protected peer review records.

(c) In its role as trier of fact, the Board shall use the preponderance of the evidence as its standard.

(d) The Board may summarily suspend a license prior to a formal hearing when it determines such action is required due to imminent threat to public health and safety. The Board may summarily suspend a license by means of a vote conducted by telephone conference call or other electronic means if a simple majority of the membership determines such prompt action is required. Proceedings for a formal hearing must be instituted simultaneously with the summary suspension.

(e) The Board may issue a cease and desist order and may obtain an injunction by a court of competent jurisdiction to restrain any person or any corporation or association and its officers and directors from violating this subchapter. Violation of an injunction is punishable in accordance with the determination of such court. No proof of actual damage to any person is required for issuance of a cease and desist order or an injunction, nor does issuance of an injunction relieve those enjoined from criminal prosecution for violation of this subchapter.

(f) Except as provided in section 77 (b), all of the Board's final disciplinary actions and license denials, including related findings of fact and conclusions of law, are matters of public record. The Board shall report all actions and denials promptly to any data repository required by law. Voluntary surrender of and voluntary limitations on the dental or dental hygienist license of any person are also be matters of public record and must also be reported to any data repository as required by law.

§75. Anesthesia Administration.

(a) The Board shall establish regulations pertaining to the administration by dentists of nitrous oxide analgesia, conscious sedation, deep sedation and general anesthesia.

(b) The Board or its agent may evaluate credentials, facilities, equipment, personnel, and procedures prior to issuing permits to allow the administration of agents that are utilized in providing analgesia, sedation or general anesthesia and may re-evaluate the credentials, facilities, equipment, personnel, and procedures at its discretion.

(c) The Board may suspend or revoke the license of any dentist who fails to comply with anesthesia- related regulations of the Board.

§76. Advertising Requirements.

All advertising must comply with the American Dental Association's Principles of Ethics and Code of Professional Conduct.

§77. Protected actions and communications.

(a) No monetary liability on the part of, and no cause of action for damages may arise against any serving or former member, officer, administrator, staff member, committee member, examiner, representative, agent, employee, consultant, witness or any other person serving or having served the Board either as a part of the Board's operation or as an individual as a result of any act, omission, proceeding, conduct or decision related to duties undertaken or performed in good faith and within the scope of the function of the Board.

(b) Every communication made by or on behalf of any person, institution, agency or organization to the Board or to any person designated by the Board relating to an investigation or the initiation of an investigation, whether by way of report, complaint or statement is privileged and confidential. No action or proceeding, civil or criminal, is permitted against any such person, institution, agency or organization by whom or on whose behalf such a communication was made in good faith.

SECTION 2. Licensure or Certification under prior law.

Any person licensed or certified as a dentist or dental hygienist under title 27 Virgin Islands Code, chapter 1, subchapter III, or any prior law of Virgin Islands, whose license is valid on the effective date of this Act remains licensed under this title 27 Virgin islands Code, subchapter III, as reenacted in Section 1 of this Act and is entitled to license renewal as provided in this Act.

SECTION 3. Title 3 Virgin Islands Code, chapter 23, Section 415(b) (2) is amended in the following instances:

(a) The First sentence is amended by:

(1) inserting a subparagraph designator "(A)" after "Examiners—" and before "Five"; and

(2) inserting after the words, "Virgin Islands", the phrase, "for at least five years before the date of appointment";

(b) The third sentence is amended by striking "Not more than", by striking "any one" and inserting after "district" the following: "of St. Thomas and St. John, and two of shall reside in the district of St. Croix"; and

(c) Subparagraph (B) is added to read as follows: "(B) One dental hygienist who must be a resident of the Virgin Islands; and one member of the public of recognized ability and integrity in a non-healthcare profession, who has been a resident of the Virgin Islands for at least five years. Appointments made in accordance with this subparagraph must be for a term of four years, and no member appointed under this subparagraph may serve more than two terms on the Board."

Thus passed by the Legislature of the Virgin Islands on July 28, 2014.

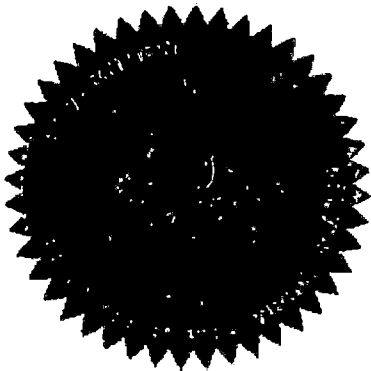
Witness our Hands and Seal of the Legislature of the Virgin Islands this 31st Day of July, A.D., 2014.



Shawn Michael Malone
Shawn Michael Malone
President

Janette Millin Young
Janette Millin Young
Legislative Secretary

Bill No. 30-0345 is hereby approved.



Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 31st th day of August A.D., 2014.

John P. de Jongh, Jr.
John P. de Jongh, Jr.
Governor